SUMMARY OF ENACTMENTS

67TH LEGISLATURE

REGULAR AND

FIRST CALLED SESSIONS

TEXAS LEGISLATIVE COUNCIL

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SUMMARY OF ENACTMENTS

67TH LEGISLATURE

Regular and 1st Called Sessions

1981

Prepared by the Staff

of the

Texas Legislative Council

TEXAS LEGISLATIVE COUNCIL

of the

67th LEGISLATURE OF TEXAS

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FOREWORD

The Summary of Enactments of the 67th Legislature provides synopses of all bills enacted during the 1981 regular and 1st called sessions. Summaries of joint resolutions passed by the legislature, proposing amendments to the Texas Constitution, are also included.

This publication is intended to be a convenient reference for the main features of enacted measures within particular subject areas. A summary of an act should not be considered a comprehensive or legal analysis or used as a source of authority for legal interpretation. A person should examine the enrolled copy of any piece of legislation to obtain a fuller understanding of its application and implications.

Copies of enrolled bills and resolutions from the 67th Legislature may be obtained from house and senate document distribution offices until November, 1982, when bill prefiling will begin for the 68th Legislature. House measures are available from the House Document Distribution Office, located in room 315 in the John H. Reagan State Office Building [P.O. Box 12128, Austin, Texas 78711; phone (512) 475-8452]. Senate measures are available from the Senate Document Distribution Office, located in room G27H in the Capitol [P.O. Box 12086, Austin, Texas 78711; phone (512) 475-2520]. The charge for copies is 15 cents per page.

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INTRODUCTION

REGULAR SESSION

The Regular Session of the 67th Legislature of the State of Texas was convened on January 13, 1981, and was adjourned sine die on June 1, 1981. During this 140-day period, a total of 3,696 bills were introduced, 2,403 in the house of representatives and 1,293 in the senate; 511 house bills and 391 senate bills passed both houses and were sent to the governor for his approval. The governor vetoed 21 house bills, 6 senate bills, and a number of line items in the General Appropriations Act (House Bill 656).

Seven joint resolutions proposing amendments to the Texas Constitution were passed during the session. Of these, four will appear (along with three others passed during the 1st called session) on the November 3, 1981, general election ballot. The other three are scheduled for vote on November 2, 1982.

The number of bills introduced and passed has remained relatively consistent during the past three sessions. During the Regular Session of the 65th Legislature, 3,603 bills were introduced and 897 were passed; during the 66th Legislature, 3,598 bills were introduced and 890 were passed.

Numbers, however, give only a partial indication of the work of a legislative session, and they tell little about the character and accomplishments of a session. The 67th Legislature was greatly influenced by the scheduled April 1st date for arrival of U.S. Census Bureau data for use in redistricting and by the failure of the house of representatives to suspend the constitutional rule prohibiting floor consideration of anything except emergency matters during the first 60 days of the session. Working within these confines, members were presented numerous controversial and complex legislative proposals, and a number of major revisions of state law were enacted.

Reapportionment was one of the most difficult and time-consuming issues facing the 67th Legislature. Redistricting

plans for both the house (House Bill 960) and the senate (Senate Bill 800) were passed during the regular session. The senate plan, however, was vetoed by the governor and the house plan was overturned by the Texas Supreme Court. Responsibility for devising new plans then rested with the Legislative Redistricting Board of Texas. The legislature also undertook congressional redistricting during the regular session, but the two houses were unable to agree on a final plan. A congressional redistricting bill (Senate Bill 1, 1st called session) was passed during the July special session.

Closely rivaling the redistricting legislation in terms of hours devoted to the work and extent of public scrutiny, the General Appropriations Act (House Bill 656) that was passed appropriated $26.6 billion. The major portion of this total, about 53 percent, is allocated for the state's public and higher education systems.

A move to raise interest rates was also a matter of intense controversy and public attention. House Bill 1228 raised the maximum rate of interest that may be charged on loans and extensions of credit from 10 percent to a range of between 18 and 24 percent in most cases.

The legislature considered and enacted several important pieces of anticrime legislation. Among these are bills relating to wiretapping (House Bill 360), drug trafficking (House Bill 730), drug sales to minors (House Bill 729), drug paraphernalia (House Bill 733), and aggravated rape (House Bill 364).

In the area of education, a bill prescribing curriculum in public schools was passed (House Bill 246), as were bills expanding the state's bilingual education program (Senate Bill 477) and requiring competency testing for teachers (Senate Bill 50).

Responding to the pressing problem of nuclear waste disposal, the legislature passed a three-bill package to more effectively regulate low-level radioactive wastes (Senate Bill 480), to ensure development of an in-state waste-disposal site (Senate Bill 1177), and to more effectively deal with uranium mill tailings (Senate Bill 735).

In other areas of interest and widespread importance, the legislature enacted measures providing for mandatory automobile liability insurance (House Bill 197), authorizing substitutions of generic drugs for drugs specifically prescribed (House Bill 1628), raising the drinking age from 18 to 19 (Senate Bill 306), and providing assistance for veterans exposed to chemical defolients and herbicides, such as Agent Orange (House Bill 2129).

These and all other bills passed by the legislature during the regular session and not vetoed by the governor are summarized in the following pages. The summaries, grouped by subject, are intended to provide a general review of the enactments and of the changes that are resulting. Summaries of legislation passed during the 1st Called Session of the 67th Legislature are included in this publication but are compiled in a separate section that follows the summaries from the regular session.

AGRICULTURE

HOUSE BILL 1436 HOUSE AUTHOR: Laney
EFFECTIVE: 9-1-81 SENATE SPONSOR: Sarpalius

With this act the Texas Legislature adopted the Agriculture Code, a nonsubstantive revision of the laws relating to agriculture. Adopted for the purpose of making the law more accessible and easier to understand, the code reorganizes and restates an entire body of Texas law relating to agriculture without changing the meaning or effect of the existing law. The Agriculture Code includes provisions relating to the Department of Agriculture; the Texas Animal Health Commission; agricultural organizations such as cooperatives; the production, processing, and sale of horticultural products; the production, processing, and sale of animal products; and soil and water conservation. Adoption of the Agriculture Code was the culmination of two years of work by legislative staff, and affected organizations and agencies were given the opportunity to review and comment on preliminary drafts. Many of the other acts relating to agriculture adopted by the 67th Legislature will be incorporated into the Agriculture Code next session.

HOUSE BILL 275 HOUSE AUTHOR: Whaley
EFFECTIVE: 9-1-81 SENATE SPONSOR: Sarpalius

The act transfers the duty of regulating public weighers and their activities from the secretary of state to the commissioner of agriculture.

HOUSE BILL 487 HOUSE AUTHOR: Tony Garcia
EFFECTIVE: 8-31-81 SENATE SPONSOR: Truan

Under this act, agricultural labor employers are prohibited from requiring an employee to use a hoe with a handle less than four feet long.

HOUSE BILL 911 HOUSE AUTHOR: McBee
EFFECTIVE: 1-1-82 SENATE SPONSOR: Farabee

The Property Tax Code is amended by this act to include livestock and poultry as farm products held by the producer that are exempt from property taxation.

HOUSE BILL 1234 HOUSE AUTHOR: Rains
EFFECTIVE: 6-17-81 SENATE SPONSOR: Short

The act amends the farm and ranch security loan program by

(1) broadening the definition of "lender" under the act; (2) expanding the number of instances in which an individual may qualify for the program; (3) giving the program's advisory council rulemaking authority; and (4) allowing the commissioner of agriculture more discretion in investing the program's sustaining fund.

HOUSE BILL 1453 HOUSE AUTHOR: Rains
EFFECTIVE: 9-1-81 SENATE SPONSOR: Sarpalius

The act designates the produce recovery fund as a special trust fund and provides that income earned from the investment of the fund shall be returned to the fund. It also increases the number of members of the Produce Recovery Fund Board from three to six, provides that claims hearings may be held at any district office of the commissioner of agriculture, and creates a penalty for fraudulent claims on the fund.

SENATE BILL 488 SENATE AUTHOR: Wilson
EFFECTIVE: 5-13-81 HOUSE SPONSOR: Rudd

The act provides limitations on nuisance actions and on rules, regulations, and zoning requirements enacted by counties and municipalities that affect certain agricultural operations.

SENATE BILL 602 SENATE AUTHOR: Sarpalius
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Gibson

Under this act, the responsibility for certification of most pesticide applicators is centralized within the Texas Department of Agriculture. The act also provides a civil penalty for violations of the Texas Pesticide Control Act.

SENATE BILL 716 SENATE AUTHOR: Sarpalius
EFFECTIVE: 5-14-81 HOUSE SPONSOR: Rains

This act changes the license fee structure for persons selling citrus fruits by increasing the fee for a person selling fruit door-to-door from $1 to $25.

SENATE BILL 932 SENATE AUTHOR: Sarpalius
EFFECTIVE: 5-14-81 HOUSE SPONSOR: Laney

The commissioner of agriculture is authorized by this act to license persons who sample grain for grading purposes and provides a penalty for persons who are not licensed in this capacity and represent themselves as being licensed. It also authorizes the commissioner to set standards for grade sampling.

SENATE BILL 934 SENATE AUTHOR: Sarpalius
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Whaley

The Texas A&M University System is authorized by this act to work with appropriate United States officers and agencies to control rodents and predatory animals.

SENATE BILL 1276 SENATE AUTHOR: Sarpalius
EFFECTIVE: 1-1-82 HOUSE SPONSOR: Laney

This act conforms the Agriculture Code enacted by the 67th Legislature to the following bills that were also enacted during the regular session: House Bill 275, House Bill 1234, Senate Bill 488, and Senate Bill 932.

APPROPRIATIONS

The 67th Legislature appropriated $26.8 billion in total funds for the 1982-83 biennium in support of state government and aid to local governments. The General Appropriations Act provides an increase of 20.2 percent over the estimated spending level of the current 1980-81 biennium. The legislature appropriated an additional $349,666,659 to various agencies for emergency or supplemental purposes for the remainder of the 1981 fiscal year.

HOUSE BILL 656 HOUSE AUTHOR: Presnal
EFFECTIVE: 9-1-81 SENATE SPONSOR: Jones

House Bill 656, the General Appropriations Act, provides the major portion of the total appropriations. Approximately $19.7 billion of the total appropriation of $26,595,329,990 comes from major state funds. The governor reduced this total by $32 million through line-item vetoes. All vetoes were from the general revenue fund or the appropriate special funds. There were no vetoes from federal funds.

Education was allocated the largest share of the state's appropriations for a 28 percent increase over the previous biennium. The $14.1 billion appropriation for education accounts for 53 percent of the state's total spending for the next biennium. The largest increases were for the Central Education Agency and the state's share of the Foundation School Program. Teacher pay raises provided in the act range from 26.6 percent for teachers in pay grades 7-9 to 22.1 percent for superintendents in pay grades 15-18. The operating cost allotment was increased from $139 per pupil in fiscal 1981 to $220 per pupil in fiscal 1982 and $237 per pupil in fiscal 1983. This increase has the effect of continuing to protect local school districts from revenue losses associated with homestead exemptions and the valuation of farm, ranch, and timberland on the basis of productivity.

The Teacher Retirement System received an increase of 26.1 percent over the 1980-81 biennium. Public junior colleges received the largest increase to higher education. Junior colleges received a 42 percent increase compared to the 24.5 percent increase provided senior colleges and universities.

Executive and administrative departments and agencies were appropriated $6.9 billion or 26 percent of the state's total appropriation. This represents a 23 percent increase over the 1980-81 biennium. One of the main provisions of the appropriations

act under Article I was funding in the amount of $134.8 million to the Department of Corrections for the construction of additional cell or bed space for inmates. The State Purchasing and General Services Commission was appropriated $25 million to construct the William B. Travis State Office Building and an additional $2.3 million for repair and renovation projects.

The Department of Public Safety received authorization and funding for 20 additional highway patrolmen, 20 additional narcotics agents, 10 additional license and weight officers and an additional one-step salary increase for law enforcement personnel in 1983.

Public health, welfare, and rehabilitation agencies received $5.4 billion or 20 percent of the state's total appropriation for the next biennium. This represents a 17 percent increase in funding over the 1980-81 biennium. One of the new programs funded under the Department of Health is a genetic screening service for Vietnam veterans suspected of having been exposed to certain chemicals. An amount of $300,000 was also appropriated to establish a diagnosis, research, and treatment program for persons with epilepsy. The Department of Mental Health and Mental Retardation received $47.7 million for construction programs and $717,000 to establish up to 10 pilot programs for autistic citizens.

Authorization and funding for an increase in state employees' salaries was one of the main provisions of the appropriations act. State employees will receive a 14.3 percent increase in 1982 and an 8.7 percent increase in 1983 based on the rates being paid in January, 1981. Sufficient funds were provided to grant salary increases of 17.6 percent in 1982 and 8.7 percent in 1983 for faculty and professional personnel in the universities, Texas A&M services, health science centers, and other medical education programs.

The appropriations act authorizes an increase in the rate of reimbursement for the use of an employee's personally owned vehicle from 20 cents per mile to 23 cents per mile. The per diem allowance was increased from $40 currently to a maximum of $60 under certain conditions.

Additional funds were also included to increase the state's contribution to employee group insurance from $40 per month in fiscal year 1981 to $48 per month in fiscal year 1982 and $58 per month in fiscal year 1983.

In addition to the General Appropriations Act, other legislation was enacted appropriating money for the fiscal year ending August 31, 1981.

Emergency or Supplemental Appropriations for FY 1981

HOUSE BILL 277 HOUSE AUTHOR: Washington
EFFECTIVE: 3-20-81 SENATE SPONSOR: Brooks

The act appropriates $360,000 from the general revenue fund to the Governor's Committee on Aging for the period ending August 31, 1981, to help fund programs administered by the Area Agencies on Aging.

HOUSE BILL 511 HOUSE AUTHOR: McBee
EFFECTIVE: 4-8-81 SENATE SPONSOR: Snelson

The act appropriates $77,254 to repair structural damage and $789,620 for swimming pool repairs from the general revenue fund to Sul Ross State University for the period ending August 31, 1981.

HOUSE BILL 559 HOUSE AUTHOR: Willis
EFFECTIVE: 3-20-81 SENATE SPONSOR: Mauzy

The act provides a supplemental appropriation of $4 million from the general revenue fund to the attorney general for the purpose of paying state employees' workers' compensation claims for the period ending August 31, 1981.

HOUSE BILL 623 HOUSE AUTHOR: Presnal
EFFECTIVE: 6-10-81 SENATE SPONSOR: Caperton

The act appropriates a total of $2,541,000 from the general revenue fund to specified institutions of higher education to pay the additional cost of purchased utilities for the period ending August 31, 1981.

HOUSE BILL 1341 HOUSE AUTHOR: Tow
EFFECTIVE: 4-15-81 SENATE SPONSOR: Caperton

The act appropriates $35 million from the general revenue fund to the Texas Department of Corrections for the construction of facilities to house prisoners.

HOUSE BILL 1791 HOUSE AUTHOR: Horn
EFFECTIVE: 6-15-81 SENATE SPONSOR: Glasgow

The act appropriates $65,773.35 from the general revenue fund to Texas Woman's University for repair or replacement of laboratory facilities and equipment destroyed or damaged by fire on October 23, 1980.

HOUSE BILL 1884 HOUSE AUTHOR: Edwards, et al.
EFFECTIVE: 6-10-81 SENATE SPONSOR: Brooks

The act appropriates $92,000 from the general revenue fund to Texas Southern University for personnel and operating expenses for the period ending August 31, 1981.

HOUSE BILL 1947 HOUSE AUTHOR: Hinojosa
EFFECTIVE: 6-15-81 SENATE SPONSOR: Uribe

The act appropriates $260,000 from the general revenue fund to Pan American University for the purpose of repairing damage to the Learning Resources Center Building caused by Hurricane Allen.

HOUSE BILL 2318 HOUSE AUTHOR: Rudd
EFFECTIVE: 6-1-81 SENATE SPONSOR: Glasgow

The act appropriates $50,000 from the general revenue fund to the Judiciary Section of the Comptroller's Department for the period ending August 31, 1981, to pay salaries and expenses of district attorneys whose offices were created by Senate Bill 596, Acts of the 67th Legislature, Regular Session.

SENATE BILL 3 SENATE AUTHOR: Doggett, et al.
EFFECTIVE: 1-30-81 HOUSE SPONSOR: Delco

The act appropriates $64,039,000 from the general revenue fund and $22,712,000 from special funds for the purpose of funding an increase in state employees' compensation for the period ending August 31, 1981. The act is the appropriation authorized by Senate Bill 1.

SENATE BILL 51 SENATE AUTHOR: Harris
EFFECTIVE: 4-15-81 HOUSE SPONSOR: Craddick

The act authorized an appropriation to the Texas Real Estate Commission of $58,000 from the real estate license fund to pay for the staffing of the Residential Service Company Division which is to administer the Residential Service Company Act.

SENATE BILL 58 SENATE AUTHOR: Doggett, et al.
EFFECTIVE: 2-13-81 HOUSE SPONSOR: Gerald Hill

The act appropriates $17,580,000 from the general revenue fund to the Employees Retirement System of Texas to fund the benefit increases provided by the act.

SENATE BILL 103 SENATE AUTHOR: Jones
EFFECTIVE: 3-4-81 HOUSE SPONSOR: Presnal

The act appropriates $49,838 from the landscape architects fund to the Texas Board of Architectural Examiners to pay the increased costs of giving examinations for the period ending August

31, 1981.

SENATE BILL 209 SENATE AUTHOR: Snelson, et al.
EFFECTIVE: 2-13-81 HOUSE SPONSOR: Terral Smith

The act appropriates $93,750,000 from the general revenue fund to the Teacher Retirement Fund to provide benefit increases. The act provides a 5.1 percent increase in benefits for certain annuitants of the Teacher Retirement System of Texas.

SENATE BILL 322 SENATE AUTHOR: Farabee, et al.
EFFECTIVE: 5-7-81 HOUSE SPONSOR: Atkinson

The act appropriates $95 million from the general revenue fund to the Teacher Retirement System of Texas for the period ending August 31, 1981, to fund increased benefits paid to certain annuitants.

SENATE BILL 391 SENATE AUTHOR: Jones, et al.
EFFECTIVE: 6-12-81 HOUSE SPONSOR: Grubbs

The act appropriates $76,083.65 from the general revenue fund to Texas State Technical Institute to repair building damage caused by Hurricane Allen in Harlingen and a tornado in Amarillo.

SENATE BILL 392 SENATE AUTHOR: Blake
EFFECTIVE: 4-30-81 HOUSE SPONSOR: Brookshire

The act appropriates $36,490 from the general revenue fund to the Texas Forest Service to repair damages to a base station antenna mast, a storage building, and related facilities caused by a wind storm.

SENATE BILL 452 SENATE AUTHOR: Jones
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Presnal

The act appropriates $5,341,494 from the general revenue fund and special funds to pay miscellaneous claims and judgments plus interest against the State of Texas.

SENATE BILL 480 SENATE AUTHOR: Traeger, et al.
EFFECTIVE: 4-1-81 HOUSE SPONSOR: Bock

The act appropriates $962,616 from the general revenue fund to the Texas Department of Health for the period ending August 31, 1981, for the administration of an expanded radiation control program.

SENATE BILL 596 SENATE AUTHOR: Parker, et al.
EFFECTIVE: 4-8-81 HOUSE SPONSOR: Florence

The act appropriates $482,000 from the general revenue fund to certain judicial districts for the period ending August 31, 1981, to fund additional courts and district attorney offices provided in the act. Various counties in the state have experienced a great increase in the number of cases on the court dockets. The purpose of this act was to provide additional courts and restructure certain judicial districts.

SENATE BILL 735 SENATE AUTHOR: Traeger, et al.
EFFECTIVE: 5-20-81 HOUSE SPONSOR: Bock

The act appropriates $105,098 from the general revenue fund to the Texas Department of Health for the period ending August 31, 1981, for the administration of an expanded radiation control program.

SENATE BILL 1020 SENATE AUTHOR: Farabee
EFFECTIVE: 6-1-81 HOUSE SPONSOR: Crawford

The act appropriates $70,000 from the general revenue fund to the Coordinating Board, Texas College and University System, for personnel services, computer services, contract services, travel, and other necessary expenses in connection with the development of a statewide plan for the desegregation of public higher education for the period ending August 31, 1981.

SENATE BILL 1150 SENATE AUTHOR: Jones
EFFECTIVE: 6-12-81 HOUSE SPONSOR: Presnal

The act transfers $6 million from the general revenue fund to the disaster contingency fund and appropriates the money to the office of the governor for the purpose of implementing the Texas Disaster Act of 1975, for the period ending August 31, 1981.

SENATE BILL 1215 SENATE AUTHOR: Glasgow
EFFECTIVE: 6-15-81 HOUSE SPONSOR: Horn

The act appropriates $146,000 from the general revenue fund to North Texas State University for the period ending August 31, 1981, to repair severe wind damage to the roof of the coliseum building.

Special Appropriations for 1982-83 Biennium

HOUSE BILL 118 HOUSE AUTHOR: Willis
EFFECTIVE: 9-1-81 SENATE SPONSOR: McKnight

The act appropriates $301,457 from special funds and $1,602,026 from the general revenue fund to pay the increase in hazardous duty pay received by certain law enforcement personnel. The act allows the hazardous duty pay to be increased from $5 a month for each year of service to $6 a month for each year of service in fiscal years 1982-83.

HOUSE BILL 521 HOUSE AUTHOR: Benedict
EFFECTIVE: 9-1-81 SENATE SPONSOR: Parker

The act appropriates $232,214 from special funds to the Employees Retirement System of Texas for the 1982 fiscal year to pay retirement credit for service performed by certain employees of the Texas Department of Human Resources. In the past some employees of the TDHR, assigned to county child welfare boards, were paid out of county funds. Since their salaries came from county funds they did not receive credit for service in the State Employees Retirement System. This act will allow these employees to receive retirement credit for service performed subject to county-paid salaries.

HOUSE BILL 603 HOUSE AUTHOR: Blanton
EFFECTIVE: 6-15-81 SENATE SPONSOR: Ogg

The act appropriates $2 million from the general revenue fund to the Central Education Agency for the 1982-83 biennium for the establishment of summer school pilot programs to provide instruction beyond the presently required number of days for students who fail to meet certain achievement levels. State funds shall be distributed by the commissioner of education to selected school districts that have approved summer school pilot programs.

SENATE BILL 151 SENATE AUTHOR: Farabee, et al.
EFFECTIVE: 3-11-81 HOUSE SPONSOR: Heatly

The act is related to the financing of farm-to-market and lateral roads. The act authorizes the state treasurer annually to distribute an amount appropriated by the General Appropriations Act from the county and road district highway fund. The act provides a formula for the distribution of funds among counties, limits the use of funds by counties, and provides for technical assistance. The estimated amount available for appropriation includes the beginning balance of $17,641,241, a $7,300,000 credit to the fund each fiscal year, and depository interest.

SENATE BILL 730 SENATE AUTHOR: Wilson
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Kubiak

The act appropriates $4 million from the general revenue fund per fiscal year to the Texas Commission on Alcoholism to provide adequate financing for community-based programs for treatment of alcohol abuse. The purpose of the act is to replace federal funds that are being phased out with state funds to continue community-based alcohol treatment programs.

SENATE BILL 1177 SENATE AUTHOR: Brooks, et al.
EFFECTIVE: 6-1-81 HOUSE SPONSOR: Bock

The act appropriates $3,500,000 from the general revenue fund to the Texas Low-Level Radioactive Waste Disposal Authority for the biennium beginning September 1, 1981, for administration of the authority and for implementation of its procedures to select a site for permanent disposal of low-level radioactive wastes.

Miscellaneous Legislation

HOUSE BILL 1677 HOUSE AUTHOR: Davis
EFFECTIVE: 8-31-81 SENATE SPONSOR: Jones

The act provides corrections to the statutory references to articles of the General Appropriations Act. Several agencies, departments, and commissions were listed under different articles in the appropriation acts of previous legislatures. The Legislative Budget Board changed the references to other articles in the recommended budget estimates submitted to the 67th Legislature. The act amends the statutory references to conform to the revised format.

SENATE BILL 180 SENATE AUTHOR: Snelson
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Atkinson

The act allows the legislature to set the funding levels of the Foundation School Program components and of support for regional education service centers in the General Appropriations Act.

ALCOHOLIC BEVERAGES

HOUSE BILL 117 HOUSE AUTHOR: Salinas
EFFECTIVE: 8-31-81 SENATE SPONSOR: Ogg

The act allows Texas winery permit holders to dispense free wine at wineries for consumption only on the premises. It also allows a person without a permit to import up to three gallons of wine in a 30-day period for personal use.

Previous law allows Texas residents to bring up to one quart of liquor into the state without being required to hold a permit. House Bill 117 provides that a person may avail himself of this exemption only once every 30 days.

HOUSE BILL 919 HOUSE AUTHOR: Bock
EFFECTIVE: 6-16-81 SENATE SPONSOR: Traeger

House Bill 919 allows a manufacturer or distributor of beer to sell devices to extract brewery products from legal containers. The act sets out specific limitations relating to capacity and use of the containers, to selling price, and to permissible purchasers.

HOUSE BILL 1030 HOUSE AUTHOR: Laney, et al.
EFFECTIVE: 6-11-81 SENATE SPONSOR: Farabee

The act relates to private club registration permits that are granted by the Alcoholic Beverage Commission and that allow alcoholic beverages to be possessed by and served to members of private clubs. It requires applicants for such permits to publish notice of application in a local or nearby newspaper.

SENATE BILL 306 SENATE AUTHOR: Sarpalius, et al.
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Allee

Senate Bill 306 changes the age limit for purchase of alcoholic beverages from 18 to 19. It does not change the laws allowing persons 18 and older to sell, prepare, serve, and otherwise handle alcohol. The act also redefines "minor" for the purpose of the Alcoholic Beverage Code as a person under 19 years of age and conforms various sections of the code to limit the activities of persons under 19 rather than under 18 years of age.

SENATE BILL 720 SENATE AUTHOR: Ogg
EFFECTIVE: 4-8-81 HOUSE SPONSOR: Washington

Senate Bill 720 is the Beer Industry Fair Dealing Law. Its purpose is to regulate the relationship between manufacturers and distributors, emphasizing the state's three-tier marketing system of manufacturers, distributors, and retailers, and to set out procedures by which differences are to be settled. The act requires 90 days' written notice of intention to terminate an agreement between manufacturer and distributor and a statement of reasons that indicate good cause for the action. A 90-day period is also allowed for eliminating the problems creating the reasons for the termination. The act prohibits certain conduct by a manufacturer, provides for reasonable compensation from a manufacturer who terminates an agreement without good cause, and sets out criteria relating to transfer of business assets or stock of a distributor.

BUSINESS AND OCCUPATIONAL REGULATION

The 67th Legislature passed more than 100 bills relating to business and occupational regulation. Summaries of these measures are grouped under the following headings: Business and Commerce, Corporations and Associations, Financial, Miscellaneous Business Regulation, Occupational Regulation, Regulation of Health-Related Businesses and Occupations, and Utilities. One of the most significant bills of the session is House Bill 1228, which raises the ceiling on interest rates. It is summarized in the Financial section.

Business and Commerce

HOUSE BILL 939 HOUSE AUTHOR: McBee, et al.
EFFECTIVE: 8-31-81 SENATE SPONSOR: Snelson

Foreign merchandise is allowed into the United States within foreign trade zones without being subject to customs duties and regulations. Applications for foreign trade zones must come from a corporation in an area in or adjacent to ports of entry under United States jurisdiction. The Foreign Trade Zones Board will not grant approval for a public corporation's application without prior state approval. House Bill 939 authorizes the city of Del Rio, or a nonprofit corporation designated by Del Rio, to establish, operate, and maintain a foreign trade zone and subzones in Del Rio.

HOUSE BILL 1409 HOUSE AUTHOR: McBee
EFFECTIVE: 8-31-81 SENATE SPONSOR: Traeger

House Bill 1409 authorizes the city of Eagle Pass, or a nonprofit corporation designated by Eagle Pass, to apply for and accept a grant to establish, operate, and maintain a foreign trade zone and subzones at Eagle Pass.

HOUSE BILL 1673 HOUSE AUTHOR: Wolens
EFFECTIVE: 8-31-81 SENATE SPONSOR: McKnight

House Bill 1673 changes the Minority Business Enterprise Division of the Texas Industrial Commission to the Small and Minority Business Enterprise Division and makes the division responsible for the implementation of the Small Business Assistance Act of 1975.

HOUSE BILL 2385 HOUSE AUTHOR: Schoolcraft
EFFECTIVE: 6-11-81 SENATE SPONSOR: Vale

House Bill 2385 amends an existing law to authorize San Antonio to establish, operate, and maintain a foreign trade zone adjacent to any port of entry in Bexar County, rather than only adjacent to the San Antonio International Airport.

SENATE BILL 15 SENATE AUTHOR: Traeger
EFFECTIVE: 4-30-81 HOUSE SPONSOR: Glossbrenner

Senate Bill 15 authorizes the Starr County Industrial Foundation to apply for and accept a grant to establish, operate, and maintain a foreign trade zone and subzones in Rio Grande City and in Starr County. The foundation is a nonprofit corporation organized to promote the economic development of Starr County.

SENATE BILL 619 SENATE AUTHOR: Parker
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Washington

Senate Bill 619 allows any consumer with assets of at least $25,000,000, except the State of Texas or its subdivisions, to waive the provisions of the Deceptive Trade Practices-Consumer Protection Act. Such consumers are not, however, allowed to waive the provisions relating to indemnity.

SENATE BILL 897 SENATE AUTHOR: Glasgow
EFFECTIVE: 5-28-81 HOUSE SPONSOR: Henderson

Senate Bill 897 requires manufacturers of motor vehicles to reimburse dealers for all losses incurred as a result of the dealer being named a party in a product liability action. It provides that dealers may not be required to be responsible for any manufacturer refunds, rebates, or discounts and allows only licensed, franchised dealers to advertise new car sales to the public. (Unlicensed dealers are not required to provide any warranty services.)

SENATE BILL 1016 SENATE AUTHOR: Parker
EFFECTIVE: 6-12-81 HOUSE SPONSOR: Crawford

Senate Bill 1016 authorizes a public entity or corporation designated by the act to apply for and accept grants from the federal government to establish, operate, and maintain foreign trade zones and subzones in the Texas portion of the Port Arthur Customs District and authorizes certain public entities to apply for and accept grants to establish, operate, and maintain foreign trade zones and subzones in Orange County, in Jefferson County, and inside the boundaries of the Jefferson County Airport and including up to 1,000 acres of land adjacent to the airport.

SENATE BILL 1022 SENATE AUTHOR: Ogg
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Simpson

Senate Bill 1022 changes the fees charged for filing financing statements; for filing termination statements for financing statements; for filing, indexing, and furnishing data for a financing statement indicating an assignment of a security interest described in the statement; and for filing and noting statements of release of collateral. The fees are for filing these instruments among the real estate records of a county and are charged by the county clerk. The maximum fee has been $9; this act changes it to either $3 or $6 plus an amount equal to the fee prescribed by law for recording and indexing in the real property records of the county clerk.

SENATE BILL 1122 SENATE AUTHOR: Traeger
EFFECTIVE: 5-9-81 HOUSE SPONSOR: Billy Hall

Senate Bill 1122 authorizes the city of Laredo or its instrumentality, rather than the Laredo Trade Zone Corporation, to apply for and accept a grant to establish, operate, and maintain a foreign trade zone. It also authorizes the city of El Paso, along with the El Paso Trade Zone, to establish and maintain a foreign trade zone.

Corporations and Associations

HOUSE BILL 1144 HOUSE AUTHOR: Cain
EFFECTIVE: 8-31-81 SENATE SPONSOR: Ogg

Texas law has provided for close corporations since 1973. Although the laws relating to close corporation status have afforded greater flexibility of operation and freedom of contract than ordinary corporations operate under, few new corporations have elected close corporation status. House Bill 1144, the Texas Close Corporation Law, is intended to address that problem by revising and expanding existing close corporation articles. It provides for simplification of the procedures and requirements for becoming and dissolving a close corporation, for enhancement of the role of the shareholder's agreement in regulating the affairs of a close corporation, and for additional remedies for resolving disputes within close corporations. The act shifts regulation of close corporations from Part Two to new Part Twelve of the Texas Business Corporation Act.

HOUSE BILL 1346 HOUSE AUTHOR: Laney
EFFECTIVE: 6-12-81 SENATE SPONSOR: Sarpalius

House Bill 1346 provides that the period of duration specified in the articles of incorporation of marketing associations may be "perpetual." Previous law had limited the associations' existence to a term not to exceed 50 years.

HOUSE BILL 2207 HOUSE AUTHOR: Messer
EFFECTIVE: 8-31-81 SENATE SPONSOR: Traeger

The power of eminent domain may be exercised in the case of common carrier pipelines by corporations but not by individuals or partnerships. The act amends the Texas Business Corporation Act to clarify that partnerships among corporations or other combinations of corporations operating a common carrier pipeline may exercise the same power. The act also adds carbon dioxide pipelines to the list of common carriers having the power of eminent domain.

SENATE BILL 369 SENATE AUTHOR: Farabee
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Semos

Senate Bill 369 relates to state regulation of corporations and nonprofit corporations. It provides for the submission of articles of correction to correct inaccuracies on articles of incorporation, setting a $10 filing fee, and amends the method for executing articles of amendment to the articles of incorporation in certain circumstances. The act conforms statutes to current agency practices relating to franchise tax clearances by requiring such clearances only when a document affecting corporate existence is filed. The involuntary dissolution of a corporation or the revocation of a particular filing is provided for when the filing fee is paid with a check covered by insufficient funds. The act also makes some changes in existing law relating to the authority of a foreign corporation to do business in this state.

SENATE BILL 978 SENATE AUTHOR: Howard
EFFECTIVE: 6-17-81 HOUSE SPONSOR: Von Dohlen

Senate Bill 978 removes medical development corporations, medical research projects, and commercial enterprises from the organizations and projects authorized under the Development Corporation Act, expands the types of projects specified as eligible to be covered by the act, and encourages the development of these projects in blighted and economically depressed areas. It creates the Texas Small Business Industrial Development Corporation, with the Texas Industrial Commission as its governing body, to carry out the provisions of the Development Corporation Act. Corporations operating under the act are authorized to construct and maintain projects within coastal waters of the state and to sell or exchange interest-bearing bonds for property, labor, services, material, and equipment. Corporations do not have the

power to own or operate any project other than as lessor, seller, or lender or pursuant to any trust agreements, and accordingly, the lessee, purchaser, or borrower is considered the owner of any projects for tax purposes. The Texas Industrial Commission is directed to establish minimum standards for project eligibility, to require corporations to file fee schedules and bond procedures, and to adopt rules governing programs for small businesses receiving loans guaranteed by federal agencies. Corporations are directed to pay a $1,500 filing fee to the commission to accompany requests for approval to issue bonds, and bonds are defined as securities as defined by the Business & Commerce Code. Senate Bill 978 also amends tax laws to provide that nonprofit corporations organized under the Development Corporation Act are exempt from franchise taxes and that the sale, lease, or rental of any taxable items to or the storage, use, or consumption of taxable items by such corporations are exempt from certain taxes if they are for the exclusive use and benefit of the nonprofit corporations.

Financial

HOUSE BILL 1228 HOUSE AUTHOR: Messer, et al.
EFFECTIVE: 5-8-81 SENATE SPONSOR: Jones

House Bill 1228 increases the rate of interest that may be charged on loans or extensions of credit that are made, renewed, or extended after May 7, 1981, and that are evidenced by written contracts. The act provides for a basic weekly interest rate ceiling based on twice the six-month treasury bill rate and three other ceilings--a monthly ceiling, a quarterly ceiling, and an annual ceiling--based on the basic ceiling. The maximum interest rate will change as the treasury bill rate changes, and for most loans and extensions of credit the maximum rate will range from 18 to 24 percent a year. For a loan or extension of credit that is for an amount greater than $250,000 and that is to be used for business purposes, the ceiling floats from 18 to 28 percent a year.

The act permits variable interest rates to be charged on loans or extensions of credit that do not have precomputed interest or time-price differential and permits the adjustment of rates on contracts with fixed rates of interest. For a credit card account or other open-end account, a creditor, on proper notice to the debtor, may increase the rate of interest on the amount owed on current and future debts unless the debtor rejects such a change and does not use the account for extensions of credit made after notice of the intended increase. If the debtor rejects the rate change in accordance with the act, the debtor has the right to pay the existing balance in accordance with the terms of the contract in existence at the time of the notice.

Some provisions of the Consumer Credit Code set fixed dollar amount brackets to determine the rate of interest that may be charged on small loans, the term of certain loans, and the persons who are required to be licensed to make certain loans. The act provides for annual adjustments to most of those brackets based on changes in the consumer price index. The effect of those adjustments will be to increase the amount on which higher interest rates may be charged.

The act also increases the rate of interest that state credit unions may charge.

HOUSE BILL 1061 HOUSE AUTHOR: Hartung
EFFECTIVE: 6-10-81 SENATE SPONSOR: Mengden

House Bill 1061 changes language in existing law to provide that a state bank, for the purpose of fulfilling the requirements of employee or officer stock option or bonus plans, may purchase and carry its own shares as treasury stock rather than as an asset. It deletes language prohibiting certain stock option plans from extending beyond a period of 10 years and requiring the plans to qualify under the Internal Revenue Code. It also deletes language prohibiting officers or employees who own more than 5 percent of a bank's capital stock from participating in stock option plans.

HOUSE BILL 1399 HOUSE AUTHOR: Gerald Hill
EFFECTIVE: 9-1-81 SENATE SPONSOR: Uribe

House Bill 1399 adds three public members to the Credit Union Commission and changes eligibility requirements and reasons for removal for all members. The commission is expressly subject to the Open Meetings Act and to the rulemaking and other procedures of the Administrative Procedure and Texas Register Act. It may by rule provide for fees and charges, regulate and classify credit unions, and authorize share and deposit guaranty associations or other mechanisms for share and deposit protection. The Credit Union Department is directed to distribute consumer information describing its functions and complaint procedures, and to keep a file on and take measures to resolve complaints. The act amends previous law to require that the department conduct an examination of the books and records of each credit union periodically rather than annually.

HOUSE BILL 1497 HOUSE AUTHOR: McLeod
EFFECTIVE: 6-15-81 SENATE SPONSOR: Caperton

State law allows funeral homes that collect money on contracts for preneed funeral benefits to keep a certain amount of the money for overhead expenses and requires the companies to deposit the remainder in a savings and loan association, bank, or trust department of a bank. House Bill 1497 provides an alternative by also authorizing funeral homes to place such funds

in a trust company.

HOUSE BILL 1572 HOUSE AUTHOR: Semos
EFFECTIVE: 8-31-81 SENATE SPONSOR: Harris

House Bill 1572 authorizes banks to operate walk-up as well as drive-in facilities away from the central bank building and provides that such facilities may be as much as 3,500 feet, rather than 2,000 feet, from the central building. It also provides that they must be in the same county. The act deletes language relating to procedures by which authorization for drive-in facilities has been required to be obtained. A bank is limited to not more than one drive-in/walk-up facility.

HOUSE BILL 1735 HOUSE AUTHOR: Florence
EFFECTIVE: 6-18-81 SENATE SPONSOR: McKnight

House Bill 1735 removes a requirement under previous law that a person who serves as a director of a state bank must be a bona fide owner of unpledged and unencumbered stock in that bank of a par value of $1,000. If the capital stock in the bank is less than $50,000, a director was required to own a minimum amount as specified in the bank's articles of association; that requirement is also deleted.

HOUSE BILL 1914 HOUSE AUTHOR: Ceverha
EFFECTIVE: 5-25-81 SENATE SPONSOR: Harris

Under a supreme court ruling, the State Banking Board is prohibited from approving a request of a state bank to change its domicile unless there is a finding that no need exists for the bank at its present location. National banks are permitted to move their domiciles up to 30 miles from their locations. House Bill 1914 permits a state bank to change its domicile to a location up to 30 miles away or to any place within the city of its domicile after receiving the approval of the State Banking Board. The act also establishes guidelines for approval of such moves.

HOUSE BILL 1915 HOUSE AUTHOR: Ceverha
EFFECTIVE: 8-31-81 SENATE SPONSOR: Jones

The banking commissioner has the responsibility of making an annual examination of each trust company operating in the state. House Bill 1915 changes the fees for the administration of that requirement from a maximum of $50 per day per examiner to a fee to be determined by the banking commissioner. The fee should cover the equitable or proportionate cost of the maintenance and operation of the banking department and the enforcement of the examination requirement.

HOUSE BILL 1953 HOUSE AUTHOR: Schlueter
EFFECTIVE: 5-25-81 SENATE SPONSOR: Harris

House Bill 1953 repeals a section of the banking code authorizing state banks to invest in or lend on the security of shares of stock or savings accounts insured by the Federal Savings and Loan Insurance Corporation and issued by building and loan or savings and loan associations in Texas. This law was interpreted to restrict state banks to only depositing in a savings and loan to the extent of the deposit insurance, while allowing the banks to lend the associations a sum equal to the banks' legal loan limits. National banks have not been so restricted, and this act removes the restrictions from state banks.

HOUSE BILL 1954 HOUSE AUTHOR: Schlueter
EFFECTIVE: 5-20-81 SENATE SPONSOR: Meier

House Bill 1954 repeals a section of the Texas Banking Code of 1943 that set certain capital, surplus, and reserve requirements for banks chartered to do business in the state and that prohibited state banks from reducing their capital below the requirements.

HOUSE BILL 1955 HOUSE AUTHOR: Schlueter
EFFECTIVE: 8-31-81 SENATE SPONSOR: Meier

House Bill 1955 repeals an obsolete section of the Texas Banking Code of 1943 that required segregation of assets of state banks' savings departments for 90 days after the effective date of the act (May 11, 1943).

HOUSE BILL 1956 HOUSE AUTHOR: Schlueter
EFFECTIVE: 5-20-81 SENATE SPONSOR: Meier

House Bill 1956 repeals a section of the Texas Banking Code of 1943 that authorized state banks to make any loan or investment that a national bank could legally make. Similar authorization is given in a different section, and wording of the repealed section is considered to be misleading.

HOUSE BILL 1957 HOUSE AUTHOR: Schlueter
EFFECTIVE: 8-31-81 SENATE SPONSOR: Meier

House Bill 1957 repeals a section of the Texas Banking Code of 1943 that specifically authorized state banks to become members of the Federal Reserve System. Such membership is incidental to a state bank's corporate powers and the inclusion of this provision in the banking code is considered unnecessary.

HOUSE BILL 1958 HOUSE AUTHOR: Schlueter
EFFECTIVE: 5-20-81 SENATE SPONSOR: Meier

House Bill 1958 repeals a section of the Texas Banking Code of 1943 that specifically authorized state banks to sell mortgage loans to the Federal National Mortgage Association, to make

payments of any capital contributions required by law, to receive stock evidencing such contributions, and to hold or dispose of this stock. State banks have implied authority for each such action, and the repealed section of the code was considered unnecessary.

HOUSE BILL 2043 HOUSE AUTHOR: Billy Hall
EFFECTIVE: 8-31-81 SENATE SPONSOR: Andujar

House Bill 2043 adds a section to the branch banking chapter of the Texas Banking Code of 1943. It authorizes banks to include in their office facilities one structure within 775 feet of the central bank building, connected by tunnel, passageway, or hallway and connected by closed-circuit television, pneumatic tube, or other physically connected delivery device. The act prohibits the use of any such structure that was in existence on or before August 31, 1981.

HOUSE BILL 2115 HOUSE AUTHOR: Schlueter
EFFECTIVE: 5-25-81 SENATE SPONSOR: Harris

Previous law has required the banking commissioner to examine each state bank three times every 24 months. House Bill 2115 changes that requirement to annual examinations and provides that the commissioner may accept examinations of state banks made by a federal agency in lieu of the commissioner's own examination.

HOUSE BILL 2124 HOUSE AUTHOR: Brookshire
EFFECTIVE: 5-20-81 SENATE SPONSOR: Wilson

House Bill 2124 amends the Texas Banking Code of 1943 to remove a provision requiring applicants for state bank charters to file with the banking commissioner copies of the proposed articles of association, lists of shareholders, and lists of information to establish the conditions of incorporation. It also deletes the requirement that the list of incorporators and proposed officers and directors be available for public inspection.

HOUSE BILL 2125 HOUSE AUTHOR: Brookshire
EFFECTIVE: 6-15-81 SENATE SPONSOR: Wilson

House Bill 2125 provides that banks or other businesses that perform certain services for state banks, such as data processing and electronic transfer of funds, are subject to regulation and examination by the banking commissioner to the same extent as the state bank would be if it were performing the services itself.

SENATE BILL 9 SENATE AUTHOR: Brooks
EFFECTIVE: 1-1-82 HOUSE SPONSOR: Watson

Senate Bill 9 provides for uniform accounting procedures concerning real property assets of state banks. It allows the banks to invest an amount up to 60 percent of their four primary capital accounts in a domicile, including land, building,

furniture, and fixtures. For that purpose, the value of the land is calculated to be the original book value, the cost, or the fair market value of the property. The land may be depreciated, and the portion of the domicile represented by the banking house may be depreciated down to $1. The act makes depreciation requirements of state banks similar to those of national banks.

SENATE BILL 382 SENATE AUTHOR: Brooks
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Schlueter

Senate Bill 382 provides a complete revision of Chapter 6A, Manufactured Home Installment Sales, of the Texas Credit Code to eliminate conflicts with federal law, to provide for uniform credit transactions relating to purchases of manufactured housing, and to permit joint credit sales of the manufactured housing and the land on which the housing is or will be situated.

SENATE BILL 1174 SENATE AUTHOR: Harris
EFFECTIVE: 6-11-81 HOUSE SPONSOR: Schlueter

Senate Bill 1174 authorizes the banking commissioner to determine the amount that a state bank must hold in reserve and to specify the assets that may satisfy the reserve requirement. Previously, banks were specifically required to maintain a reserve of not less than 15 percent of their aggregate deposits and 5 percent of all other deposits and were required to keep the reserves in the vaults of the bank, on deposit with a Federal Reserve bank, or on deposit with certain other banks. State banks are prohibited from depositing more than 20 percent of their capital, certified surplus, and deposits in any one reserve depository. This act also adds a prohibition against lending more than 20 percent to any one reserve depository.

SENATE BILL 1175 SENATE AUTHOR: Harris
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Whitmire

The banking commissioner is directed to call for financial statements from each state bank at least twice a year. Under previous law, the statements were required to be filed with the commissioner within 10 days and to be published within 20 days after the call. Senate Bill 1175 removes references to designated days and provides that the statements must be filed and published within the time specified by the call.

SENATE BILL 1176 SENATE AUTHOR: Harris
EFFECTIVE: 6-12-81 HOUSE SPONSOR: Schlueter

Senate Bill 1176 removes specific experience qualifications for the banking commissioner and requires, more generally, that the commissioner have not less than 10 years' experience in banking or bank supervision. Previously, the law stated that the commissioner be a practical banker with not less than 5 years of experience

within 10 years prior to his election as an executive in a state bank in a grade not lower than cashier or in certain positions with the Banking Department of Texas. The commissioner is chosen by the Finance Commission of Texas.

SENATE BILL 1186 SENATE AUTHOR: Glasgow
EFFECTIVE: 6-11-81 HOUSE SPONSOR: Schlueter

Under previous law, the board of directors of each state bank has been required to approve every loan, investment, overdraft, and item of expense of the bank. Senate Bill 1186 authorizes the board to designate committees from the membership of the board to perform such duties. The board must approve or disapprove the committees' reports.

SENATE BILL 1187 SENATE AUTHOR: Glasgow
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Whitmire

Directors of state banks have been required to sign an oath concerning qualifications and performance of duty prior to taking office and within 30 days after election. Senate Bill 1187 eliminates the reference to the 30-day limit and removes language specifying that failure to comply with any provision relating to oaths and acceptances of office results in the forfeiture of the office.

SENATE BILL 1188 SENATE AUTHOR: Glasgow
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Brookshire

State law provides that, without the prior written consent of the banking commissioner, no state bank may be indebted or liable for an amount in excess of its capital and certified surplus; the law also sets out certain exceptions. Senate Bill 1188 adds bankers' acceptances to that list of exceptions. A banker's acceptance is created by a bank guaranteeing or accepting a postdated check or time draft that is sold to an investor.

SENATE BILL 1189 SENATE AUTHOR: Glasgow
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Brookshire

State law prohibits a state bank from permitting any person or corporation to become indebted or in any other way liable to the bank in an amount in excess of 25 percent of the bank's capital and certified surplus. Senate Bill 1189 adds bankers' acceptances to the list of classes of indebtedness or liability that are exempt from this provision.

SENATE BILL 1199 SENATE AUTHOR: Brown
EFFECTIVE: 6-11-81 HOUSE SPONSOR: Ceverha

Senate Bill 1199 authorizes the banking commissioner, in the process of liquidation of a state bank, to compromise or settle any claim or debt under $10,000 without approval of the judge supervising the liquidation. The previous limit was for amounts less than $1,000.

SENATE BILL 1200 SENATE AUTHOR: Brown
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Hartung

Senate Bill 1200 authorizes state banks to issue and sell convertible capital notes or debentures with approval of the owners of two-thirds of the capital stock and approval of the banking commissioner.

SENATE BILL 1201 SENATE AUTHOR: Brown
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Hartung

Senate Bill 1201 adds a provision to the Texas Banking Code of 1943 that gives state banks the option of issuing fractional shares or paying cash for the fair value of such fractions of shares following any increase of stock. The code did not previously address the issue, and the language added is the same as for corporations operating under the Texas Business Corporation Act.

SENATE BILL 1202 SENATE AUTHOR: Brown
EFFECTIVE: 6-11-81 HOUSE SPONSOR: Ceverha

Senate Bill 1202 raises from $10,000 to $100,000 the amount of the fidelity bond required of the state banking commissioner, deputy commissioner, departmental examiner, liquidating supervisor, and each examiner, assistant examiner, and special agent, the building and loan supervisor and each building and loan examiner, and each other officer and employee specified by the commissioner of the Banking Department of Texas.

Miscellaneous Business Regulation

HOUSE BILL 591 HOUSE AUTHOR: Atkinson
EFFECTIVE: 8-31-81 SENATE SPONSOR: Sarpalius

The act repeals the requirements that a nonresident construction contractor give notice and file a surety bond before beginning work or performing duties under a contract to be performed in this state. The repealed law required that notice be filed with the comptroller of public accounts, the Texas Employment Commission, the Industrial Accident Board, and the tax assessor and collector in affected counties and that the bond, in the amount of

10 percent of the contract price, be filed with the comptroller.

HOUSE BILL 903 HOUSE AUTHOR: McFarland, et al.

EFFECTIVE: 8-31-81 SENATE SPONSOR: Harris

House Bill 903 changes the statutory definitions of mobile and modular homes so that they may be considered under laws relating to manufactured housing rather than relating to motor vehicles. The change exempts the homes from the motor vehicle sales tax, and the act imposes a new manufactured housing sales and use tax. The act also transfers titling responsibilities to the Department of Labor and Standards and requires a warning notice concerning the dangers of formaldehyde gas that may be released into manufactured homes be included with a transfer of title of certain manufactured homes from a retailer or manufacturer of the homes. Sections of the act relating to manufactured home titles and the new tax take effect on March 1, 1982.

HOUSE BILL 1161 HOUSE AUTHOR: Geistweidt

EFFECTIVE: 8-31-81 SENATE SPONSOR: Harris

House Bill 1161 establishes a $200 license fee for all persons with a general license for Class A fireworks, such as colored bomb shells, aerial bombs, and ground bombardments. It provides that holders of such permits are not required to obtain certain other permits and that the act does not limit inspection authority of the state fire marshal.

HOUSE BILL 1812 HOUSE AUTHOR: Robnett

EFFECTIVE: 8-31-81 SENATE SPONSOR: Brooks

House Bill 1812 establishes disclosure requirements for retirement villages and certain other facilities that provide care for individuals and sell life interests or long-term leases in the facilities. These facilities must file disclosure statements and semiannual financial statements with the Texas Department of Human Resources, and the department or the facility must make the information on the statements available to persons requesting it.

HOUSE BILL 1896 HOUSE AUTHOR: Nowlin

EFFECTIVE: 6-17-81 SENATE SPONSOR: Traeger

House Bill 1896 provides that the sale and issuance of any securities issued by certain farmers' cooperative associations, certain mutual loan corporations, and certain farmers' cooperative societies are exempt transactions under The Securities Act. It also adds that the exemptions are not applicable to transactions of agents and salesmen of mutual loan corporations.

HOUSE BILL 1969 HOUSE AUTHOR: Hartung
EFFECTIVE: 8-31-81 SENATE SPONSOR: Jones

House Bill 1969 raises the fees paid to the banking commissioner for examination of the records of cemetery associations whose perpetual care trust fund annual deposits are $7,500 or more. The fees that were $100 a day, not to exceed $400, are raised to $200 and $800. Fees for those cemeteries whose annual deposits to perpetual care trust funds are less than $7,500 remain at the lower figures.

HOUSE BILL 2188 HOUSE AUTHOR: Criss
EFFECTIVE: 9-1-81 SENATE SPONSOR: Brooks

The state's Boiler Inspection Law requires internal inspections of power boilers at least once every two years and of waste heat and other boilers once every four years and provides for limited extensions of time between inspections in certain circumstances. House Bill 2188 authorizes the commissioner of the Texas Department of Labor and Standards to grant an additional extension of up to 120 days if he receives a request stating that an emergency exists; this additional extension may be granted only after an external inspection has been made and if the requirements necessary for the first extension are met.

SENATE BILL 5 SENATE AUTHOR: Brooks
EFFECTIVE: 5-28-81 HOUSE SPONSOR: Davis

Under previously existing law, certain private buildings, as well as publicly financed buildings, were required to comply with standards and specifications relating to architectural barriers to the handicapped. Senate Bill 5 authorizes the State Purchasing and General Services Commission to waive or modify accessibility standards and specifications in certain circumstances; it expands the coverage of the law to include counties with a population of 45,000 or more rather than 50,000 or more, and makes minor changes in the list of facilities required to comply with the provisions. The act also changes the language to provide that the commission may make certifications regarding structures "not otherwise covered by this article," rather than regarding "privately owned" structures.

SENATE BILL 88 SENATE AUTHOR: Traeger
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Laney, et al.

Senate Bill 88 relates to the use and sale of fireworks; it provides additional restrictions to ensure improved safety of skyrockets and reduces the number of days during which fireworks may be sold. It also repeals previous restrictions on the sale or use of bottle rockets and skyrockets in Houston.

SENATE BILL 102 SENATE AUTHOR: Jones
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Grubbs

Senate Bill 102 raises the fees collected by county clerks for indexing names on assumed business or professional name certificates. The fee had been $2 for indexing and filing each certificate. The act raises the fee to $2 plus 50 cents for each name to be indexed.

SENATE BILL 308 SENATE AUTHOR: Traeger, et al.
EFFECTIVE: 5-7-81 HOUSE SPONSOR: Nowlin

Senate Bill 308 is the Regulation of Invention Development Services Act. It establishes minimum requirements for invention development service contracts, requires that the invention developer make periodic progress reports to the customer, requires that invention development service companies maintain financial responsibility by filing a bond or other security with the secretary of state, and provides civil remedies for violation of the act. It also sets forth several other provisions and certain language that a contract for invention development services must contain. Invention development companies are companies that offer to develop, manufacture, promote, sell, or generally explore the possible value of ideas or inventions of persons who do not have the resources or expertise to achieve these goals on their own. This act was based on a model act written by the American Patent Law Association and is intended to provide additional protection for persons who use the services of invention developers.

SENATE BILL 319 SENATE AUTHOR: Short
EFFECTIVE: 5-20-81 HOUSE SPONSOR: Florence

Senate Bill 319 clarifies the definition of "modular home" under the Texas Manufactured Housing Standards Act to ensure that it is not interpreted as referring to ready-built homes. The act also changes part of the definition of "mobile home" to include transportable structures that are 40 feet or more in length, rather than 32 feet or more, and that are 320 or more square feet when erected on site.

SENATE BILL 530 SENATE AUTHOR: Jones
EFFECTIVE: 4-10-81 HOUSE SPONSOR: Nabers

Senate Bill 530 directs the Railroad Commission of Texas to establish collective ratemaking procedures for all commodities and services for which it prescribes rates, charges, and classifications under existing statutes relating to motor carriers and motor bus companies to ensure nondiscriminatory rates, charges, and classifications for all shippers and users of these transportation services. The purpose of the act is to protect the current ratemaking activities of motor carriers and motor bus companies from possible federal challenge by the U.S. Department of

Justice on the grounds of antitrust violations and to make explicit the railroad commission's authority to approve agreements between various classes of carriers.

SENATE BILL 533 SENATE AUTHOR: Farabee
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Nabers

Senate Bill 533 relates to regulation of the sale, lease, or transfer of business opportunities, such as franchises and distributorships. Its purpose is to more adequately protect Texas citizens from being defrauded. The act requires sellers of business opportunities to file a disclosure statement with the secretary of state and to provide copies of the statement to prospective purchasers. The statements must specifically set out the services that the seller will provide, the name of the seller's surety, the number of distributorships already sold, and the litigation history of the seller, including bankruptcies. Sellers are required to have a $25,000 bond or trust account to protect purchasers if the sellers guarantee a profit or promise to buy back products. The act gives the attorney general power to obtain injunctions for violations of the disclosure provisions.

SENATE BILL 538 SENATE AUTHOR: Santiesteban
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Laney

Senate Bill 538 amends and strengthens the Texas Pawnshop Act. It expands the requirements for a pawnshop license, increases fees relating to investigations and licenses, and provides for employee licenses. The act requires holders of pawnshop licenses to maintain net assets for use in the business of each licensed pawnshop of $75,000, rather than the $25,000 previously required. It provides, however, that any license issued to a pawnshop before October 1, 1981, remains valid as long as the licensee complies with this act and that the applicable net assets requirement continues to apply to such licenses until there is a change of ownership of the licensed business. The act also adds grounds for suspending or revoking a pawnshop license and requires pawnbrokers to replace lost or damaged goods.

SENATE BILL 665 SENATE AUTHOR: Traeger
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Pierce

Senate Bill 665 changes the fee collected by the Texas Department of Labor and Standards for certificates of operation issued to owners and users of boilers from $5 to not more than $15. It removes specific references to the commissioner's right to fix and collect fees for administering examinations to insurance company boiler inspectors and for certification of safety valve repairmen and manufacturers, and it removes the limit for notification of the cancellation or expiration of policies providing for insurance of boilers.

SENATE BILL 666 SENATE AUTHOR: Leedom
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Crawford

Senate Bill 666 sets up guidelines and restrictions relating to purchasing and selling crafted precious metals used primarily for personal, family, or household purposes to secondhand dealers in an effort to prevent the theft of items made of gold and silver. It restricts sales to dealers by a minor, requires dealers to keep records of all transactions, requires dealers to keep certain crafted items without being altered for a period of time in the area in which they were sold, and provides that the purchased property and records be available for inspection by police officers. The act also requires that a registration statement by dealers conducting business from temporary locations be filed with the Department of Public Safety and with local law enforcement agencies and provides requirements relating to the statements. Dealers are prohibited from purchasing objects formed as a result of the melting of a crafted object except from a manufacturer or a regular dealer. Penalties for violation of the act are provided.

SENATE BILL 677 SENATE AUTHOR: Glasgow
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Browder

Senate Bill 677 is a response to the problems of theft involving oil field equipment. It requires a bill of sale to be executed for the exchange, instead of only for the purchase, of oil field equipment and adds information that is required to be included on the bill of sale. The act directs dealers, brokers, and peddlers to keep a copy of all bills of sale at their places of business and authorizes the Department of Public Safety and other peace officers to make inspections of the premises and records. Fines for violating the laws relating to used oil field equipment are raised to not less than $500 for each violation; previously, the fines were set at between $10 and $50.

SENATE BILL 829 SENATE AUTHOR: Farabee
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Washington

Large amounts of oil remaining in Texas fields may most efficiently be recovered by means of carbon dioxide injection. Senate Bill 829 allows persons who own or manage pipelines for transportation of carbon dioxide to choose to be classified as common carriers. It provides that if they so choose, they are subject to regulation by the railroad commission.

Occupational Regulation

HOUSE BILL 247 HOUSE AUTHOR: Benedict
EFFECTIVE: 9-1-81 SENATE SPONSOR: Brooks

House Bill 247 authorizes all state and local governmental agencies with the responsibility of licensing and regulating members of occupations to obtain records of any conviction of any person applying for or holding a license from the agency and authorizes the agency to refuse or revoke licenses of persons convicted of a felony or misdemeanor if the crime directly relates to the duties of the licensed occupation. The act establishes guidelines for determining the relationship of the crime to the occupation and for appeal and review of the determination. All licensing agencies are directed to issue guidelines stating the reasons particular crimes are considered to relate to particular licenses. The act does not apply to persons licensed by the Texas State Board of Medical Examiners, State Board of Pharmacy, State Board of Dental Examiners, or the Veterinary Licensing Act and who have been convicted of a felony under the Texas Controlled Substances Act or the Texas Dangerous Drug Act. The act also does not apply to the judiciary or to peace officers.

HOUSE BILL 347 HOUSE AUTHOR: Bock
EFFECTIVE: 8-31-81 SENATE SPONSOR: Traeger

House Bill 347 provides an exemption from the Private Investigators and Private Security Agencies Act for reserve peace officers while they are performing guard, patrolman, or watchman duties for a county and are being compensated solely by that county.

HOUSE BILL 941 HOUSE AUTHOR: Henderson
EFFECTIVE: 5-20-81 SENATE SPONSOR: Harris

State law provides that agents of county mutual insurance companies shall be licensed and appointed as provided in Article 21.07 of the Insurance Code, which is a general article relating to licensing of agents. House Bill 941 provides that agents of county mutual insurance companies may also be licensed under Article 21.14, which relates to local recording agents and solicitors.

HOUSE BILL 1107 HOUSE AUTHOR: Presnal
EFFECTIVE: 9-1-81 SENATE SPONSOR: Snelson

House Bill 1107 regulates the manufacturers of various frozen desserts. It authorizes the Texas Board of Health to adopt rules prescribing standards for the manufacture of frozen desserts, procedures for enforcing those standards, and requirements for licenses. The act provides for license inspection fees and for penalties for violating certain sections.

HOUSE BILL 1170 HOUSE AUTHOR: Wright
EFFECTIVE: 6-18-81 SENATE SPONSOR: Harris

Previous law required a sign of specified size to be posted in the offices of persons licensed by the Texas State Board of Public Accountancy giving specified information regarding consumer complaints. House Bill 1170 deletes that requirement and authorizes the board to require such signs and to prescribe the size and contents of the signs.

HOUSE BILL 1291 HOUSE AUTHOR: Gerald Hill
EFFECTIVE: 6-15-81 SENATE SPONSOR: McKnight

The Board of Irrigators was created by the 66th Legislature and it currently employs only one full-time staff member, with the Texas Department of Water Resources performing many administrative duties for the board. House Bill 1291 sets out more precise definitions for "irrigator" and "installer" for the purpose of the board's responsibilities and provides that necessary staff may be contracted for or employed directly and that the department of water resources shall provide necessary services, rather than necessary personnel, to assist in the duties and functions of the board.

HOUSE BILL 1561 HOUSE AUTHOR: Sharp
EFFECTIVE: 9-1-81 SENATE SPONSOR: Wilson

House Bill 1561 states that persons who provide legal services to a council of government or are members of the governing body of a council may not provide legal services or be associated with a law firm that provides legal services to any governmental unit located within the council's area. Persons violating the act may not receive compensation from the council or the governmental unit.

HOUSE BILL 1941 HOUSE AUTHOR: Don Lee
EFFECTIVE: 9-1-81 SENATE SPONSOR: Uribe

House Bill 1941 raises the fees for certificates of registration and licenses issued by the State Board of Insurance for businesses and individuals who install and service portable fire extinguishers and fixed fire extinguisher systems. It also provides for branch office certificates of registration and for apprentice permits. Certificates, licenses, and permits are nontransferable. The act establishes guidelines providing for the reissue of a certificate or license after the original has expired or been revoked and for reapplying for a certificate, license, or permit after the original application has been refused. It prohibits servicing or making hydrostatic tests on a fire extinguisher that does not have the proper identifying labels, and it prohibits selling, servicing, and recharging a carbon tetrachloride fire extinguisher. It also provides additional

penalties for violations of the act.

HOUSE BILL 2130 HOUSE AUTHOR: Hartung
EFFECTIVE: 8-31-81 SENATE SPONSOR: Jones

House Bill 2130 raises the maximum fee for the examination of records of sellers of prearranged or prepaid funeral services or merchandise by the Banking Department of Texas from $500 to $1,000.

SENATE BILL 26 SENATE AUTHOR: Brooks
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Carlyle Smith

Senate Bill 26 exempts personnel who provide personal care to residents of licensed nursing homes, convalescent homes, or personal care homes from the provisions of the Texas Cosmetology Regulatory Act.

SENATE BILL 478 SENATE AUTHOR: Travis
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Keller

Senate Bill 478 requires persons who perform inspections of improvements to real property for a buyer or seller of the property to register with the Texas Real Estate Commission. It sets out bonding requirements, fees, and certain exemptions and provides a criminal penalty. It also requires notice of the applicability of the Texas Deceptive Trade Practices-Consumer Protection Act in a contract executed by a registrant and provides for damages as a result of deceptive trade practice.

SENATE BILL 484 SENATE AUTHOR: Williams
EFFECTIVE: 4-23-81 HOUSE SPONSOR: Sharp

Senate Bill 484 defines core real estate courses and provides requirements relating to the number of hours of course work in those courses required for licensing of real estate salesmen and brokers. It authorizes the Texas Real Estate Commission to investigate a licensed real estate broker or salesman only on the commission's own motion or on a verified written complaint and authorizes the commission to rule that an order revoking, canceling, or suspending a license be probated. The act also provides that the commission may issue licenses for periods not to exceed 24 months. Previous law provided that after January 1, 1985, the commission could accept only applications for brokers' licenses; this act repealed that section.

SENATE BILL 540 SENATE AUTHOR: Brown, et al.
EFFECTIVE: 4-15-81 HOUSE SPONSOR: Sharp

Because of certain provisions of the Texas Manufactured Housing Standards Act, there is a question about whether a realtor can legally sell a mobile home along with acreage. Senate Bill 540 provides that provisions of that act do not apply to licensed real estate brokers or salesmen who negotiate the sale or lease of

mobile homes along with the real property to which they are affixed, provided that both the property and the mobile home are owned by the same person and that the sale or lease is handled in a single transaction.

SENATE BILL 544 SENATE AUTHOR: Mengden
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Blythe

Senate Bill 544 requires peace officer training programs to include instruction in weapons proficiency and requires a person seeking certification as a peace officer to demonstrate weapons proficiency. It also provides that peace officers must demonstrate weapons proficiency at least once every 12 months.

SENATE BILL 545 SENATE AUTHOR: Mengden
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Blythe

Senate Bill 545 directs the Texas Board of Private Investigators and Private Security Agencies to require commissioned security officers to demonstrate proficiency in the use of handguns at least once every 24 months.

SENATE BILL 550 SENATE AUTHOR: Ogg
EFFECTIVE: 1-1-82 HOUSE SPONSOR: El Franco Lee

Senate Bill 550 is the Houston Pilots Licensing and Regulatory Act and applies to all ports located in Harris County. It creates a board of pilot commissioners with exclusive jurisdiction over piloting vessels between the Gulf of Mexico and Harris County ports, as well as intermediate stops and landing places for vessels on navigable streams wholly or partially located within the area of jurisdiction. The act sets out board duties and procedures and guidelines relating to branch pilot licenses and deputy branch pilot certificates. The act also provides rules relating to pilotage rates, payment of licensed pilots, and liability.

SENATE BILL 565 SENATE AUTHOR: Parker
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Berlanga

Senate Bill 565 authorizes the Texas Board of Private Investigators and Private Security Agencies to give licensees a choice of paying a fine in cases in which the board is authorized to suspend licenses. The fine may not be more than $200 for each day that the license was to have been suspended. The act also adds provisions relating to deposit of money collected by the board, authorizes the board to set marksmanship standards to be met by applicants for licenses, and provides that no licensee may use or wear any designation that includes the word "police."

SENATE BILL 602 SENATE AUTHOR: Sarpalius
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Bruce Gibson

Senate Bill 602 more clearly defines the differences between private and commercial applicators of restricted-use pesticides and transfers the requirements for certification of pesticide applicators involved in animal pest control and aquatic pest control to the commissioner of agriculture. Under previous law, federal funds were required to pay administrative costs of the licensing program; this act changes that requirement to provide that federal funds must be available to pay part of the costs. The act requires that, to obtain a commercial or noncommercial applicator license, an out-of-state applicant must designate a Texas resident for service of process, and it requires that all licensees have insurance to operate as commercial applicators. The expiration date of licenses and the requirements for license renewal have been changed. The act also adds a civil penalty for violation of the Texas Pesticide Control Act, adds an enhancement provision to an existing criminal penalty in that act, and transfers the records and other property of the Texas Animal Health Commission and the Texas Department of Water Resources relating to certification of pesticide applicators to the office of the commissioner of agriculture to centralize certification of pesticide applicators, except structural pest control personnel, in that office.

SENATE BILL 606 SENATE AUTHOR: Snelson
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Rudd

Senate Bill 606 creates the Texas State Board of Examiners of Professional Counselors and establishes licensing procedures and qualifications for licensed professional counselors. It provides membership requirements and duties for the board and provides that personnel employed to administer the act shall be employees of the Texas Department of Health. Funds collected under the act are to be deposited in a professional counselors licensing fund and used only in the administration of the act.

SENATE BILL 623 SENATE AUTHOR: Santiesteban
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Washington

Senate Bill 623 creates the Council for Social Work Certification and establishes certification procedures and requirements for certified social workers, social workers, and social work associates. It provides membership requirements and duties for the council and delegates administrative and enforcement authority to the Texas Department of Human Resources. The department is authorized to collect fees relating to the certification procedure, with the money to be deposited in a separate social workers fund and to be available to the department for the administration of the program.

SENATE BILL 727 SENATE AUTHOR: Santiesteban
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Schlueter

Senate Bill 727 strengthens the authority of county bail bond boards. It provides more specific licensing requirements, sets out details of records that must be maintained by a bail bondsman, provides for additional financial and other information to be included on license applications, and provides additional requirements relating to security deposits. The act provides for biennial, rather than annual, license renewal and expands the boards' authority relating to refusal, suspension, and revocation of licenses. The act also includes sections relating to remittitur of forfeited bonds and effect of default by corporations, and it increases the specified actions subject to penalties.

SENATE BILL 801 SENATE AUTHOR: Harris
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Laney

Senate Bill 801 changes a membership requirement of the Texas State Board of Public Accountancy, raises the per diem allowed board members, and authorizes the board to adopt a system for reducing annual license fees for licensees over age 65. It clarifies provisions relating to registration with the board and to procedures for hearings and reviews for determination of eligibility for examination, registration, or certification, and it authorizes the board to initiate such proceedings. The act also authorizes the board to adopt a system for the maintenance of the security and integrity of the examination process. Specific authority is given individuals to resign their certification or registration with the board, and requirements for reinstatement are established. In addition, the act exempts information relating to methods or procedures used in audits, reviews, and compilations of financial statements and quality control reviews of audits, reviews, and compilations of financial statements from a section of previous law that authorizes confidentiality in client-accountant communications.

SENATE BILL 839 SENATE AUTHOR: Williams
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Denton

Senate Bill 839 requires a uniform engineer's operator permit for persons who operate railroad locomotives and disallows the use of operator's, commercial operator's, or chauffeur's driver's licenses in identifying the operator to a peace officer or in an accident or violation report relating to the operation of a locomotive. The operator's involvement in a train accident may not be recorded in the individual's driving records maintained by the Department of Public Safety.

SENATE BILL 932 SENATE AUTHOR: Sarpalius
EFFECTIVE: 5-14-81 HOUSE SPONSOR: Laney

Senate Bill 932 directs the commissioner of agriculture to prescribe standards for the proper sampling of grain for grading purposes and establishes licenses for persons who sample grain. The act does not prohibit persons who are not licensed from sampling grain for grading but provides that a Class B misdemeanor offense is committed if a person who is not licensed represents himself as a licensed grain sampler.

Regulation of Health-Related Businesses and Occupations

HOUSE BILL 1689 HOUSE AUTHOR: Wilson
EFFECTIVE: 9-1-81 SENATE SPONSOR: Meier

House Bill 1689 provides that continuing education may be established as a requirement for licensed athletic trainers and authorizes the Advisory Board of Athletic Trainers to issue temporary licenses. It makes changes in the qualifications required for an athletic trainer license and provides that procedures for denials, suspensions, and revocations of licenses and for appeals of such decisions be in accordance with the Administrative Procedure and Texas Register Act.

HOUSE BILL 2111 HOUSE AUTHOR: Leonard, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Travis

House Bill 2111 expands the regulation of wholesale distributors of drugs. It deletes a definition that limited the drugs involved to those requiring prescriptions or a veterinarian's orders. It changes the initial and annual registration fee from $10 to $25 and provides that failure to comply with the Texas Food, Drug and Cosmetic Act is adequate reason for refusal, revocation, or suspension of registrations.

SENATE BILL 396 SENATE AUTHOR: Meier, et al.
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Gary Thompson

Senate Bill 396 amends the professional licensing provisions for certain health care professionals to require automatic suspension of licenses on initial conviction of a drug-related felony and automatic revocation on final conviction. The act applies to persons licensed by the Texas State Board of Medical Examiners, the State Board of Pharmacy, the State Board of Dental Examiners, the State Board of Veterinary Medical Examiners, and the Texas State Board of Podiatry Examiners. Revocations on final convictions are permanent unless the licensing boards expressly find that reissue of the licenses is in the public interest as well as in the best interest of the practitioners. The act also

requires district clerks to maintain records of all persons convicted under the Texas Controlled Substances Act and to send copies of the records to the licensing boards.

SENATE BILL 541 SENATE AUTHOR: Mengden
EFFECTIVE: 6-8-81 HOUSE SPONSOR: Gerald Hill

Senate Bill 541 changes the title of the chief executive officer of the Texas Board of Licensure for Nursing Home Administrators from secretary to executive director. It increases the penalty for late license renewal from $20 to $50 and increases the maximum license, license renewal, and examination fees from $100 to $150.

SENATE BILL 594 SENATE AUTHOR: Brooks, et al.
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Wilson

State law requires the department of health to set minimum standards for licensed home health-care agencies and provides a list of subjects for which standards are necessary. Senate Bill 594 adds a provision requiring the department to also set minimum standards relating to financial abilities of the home health-care agencies to perform their functions.

SENATE BILL 644 SENATE AUTHOR: Brooks
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Keller

The closing of nursing and convalescent homes for violations of laws and regulations may, in certain circumstances, have an adverse effect on the residents of the facilities and on their families. Senate Bill 644 provides for the appointment of trustees, both when requested by persons holding controlling interests in the homes and when ordered by a court. The act establishes conditions that may call for appointment of a trustee and provides that a trustee should assume the operations of the facilities in a manner calculated to emphasize resident care and reduce resident trauma. Trustees are authorized to petition the court for release of governmental payments, such as Medicaid and Medicare, that have been withheld during the appointment proceedings.

SENATE BILL 658 SENATE AUTHOR: Parker
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Keller

Senate Bill 658 removes a requirement that prescriptions be written orders, or in cases of emergency, telephone orders, and it expands the authorization for use of "telephonically communicated" orders for prescriptions. It requires that additional records be kept relating to agents of practitioners who communicate prescriptions and to orders for prescriptions that pharmacists take over the phone.

Utilities

HOUSE BILL 258 HOUSE AUTHOR: Polumbo
EFFECTIVE: 6-17-81 SENATE SPONSOR: Brown

House Bill 258 gives law enforcement officials authority to order telephone company employees to cut, reroute, divert, or otherwise control telephone lines in emergencies. This authority may only be used in situations in which hostages are being held or armed criminal suspects are barricaded. The act directs telephone companies to appoint persons responsible for aiding law enforcement officials and provides for a defense for the telephone company against any civil or criminal action relating to the orders.

HOUSE BILL 509 HOUSE AUTHOR: Staniswalis
EFFECTIVE: 8-31-81 SENATE SPONSOR: Sarpalius

House Bill 509 repeals laws requiring corporations that operate street railways, electric light or power plants, gas plants, water plants and sewerage companies that furnish their services to the public in cities of more than 25,000 people to file annual reports with the secretary of state. The reports concerned authorized capital stock, bonded indebtedness, other fixed liens or mortgages, floating indebtedness, value of tangible property, annual operating costs, annual gross earnings, and prices charged. Either the railroad commission or the public utility commission also collects this information from the companies involved, and the purpose of this act is to eliminate duplicated requirements.

HOUSE BILL 2090 HOUSE AUTHOR: Jay Gibson
EFFECTIVE: 6-16-81 SENATE SPONSOR: McKnight

State law has provided that rates charged by a gas utility to an industrial or other similar large-volume contract customer are considered just and reasonable and will be approved by the regulatory authority if neither the utility nor the customer has an unfair advantage during the contract negotiations, if the rates in the contract are substantially the same as in contracts between the gas utility and other customers contracting under similar conditions, or if competition exists. House Bill 2090 removes language specifying that the transactions involved must be contract transactions; it adds pipeline-to-pipeline and transportation charges to the transactions covered by the law and excludes city gate sales-for-resale to gas distribution utilities. It adds the provision that if competition did exist, then the rates shall be approved by the regulatory authority, and it states that if a complaint is filed with the Railroad Commission of Texas by a purchaser, then the provisions that lead to automatic approval no longer apply.

SENATE BILL 192 SENATE AUTHOR: Doggett
EFFECTIVE: 4-7-81 HOUSE SPONSOR: Green

Senate Bill 192 authorizes the public utility commission to apply to the courts for the appointment of receivers to control and manage property of a water or sewer utility which is in violation of a final order of the commission. Such authority is needed to help prevent temporary shutdowns of service as have occurred in several Texas counties. The act also gives the receiver authority to sell real or personal property, with court approval, for the purpose of paying for the costs incurred in the operation of the receivership.

SENATE BILL 487 SENATE AUTHOR: Wilson
EFFECTIVE: 5-13-81 HOUSE SPONSOR: Uher

Senate Bill 487 amends the Public Utility Regulatory Act to delete the provisions that give the public utility commission jurisdiction over radio common carriers. They are currently regulated by the Federal Communications Commission and by the public utility commission. There have been few proceedings before the public utility commission regarding these utilities, and federal regulation is considered to be adequate protection for the consumer.

SENATE BILL 600 SENATE AUTHOR: Traeger
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Uher

Senate Bill 600 changes and simplifies the procedure that small water and sewer utilities must follow in order to change their rates. It provides that anyone owning a tract of land within the service area of two or more telecommunication utility companies that provide little or no actual service may request the public utility commission to designate which utility shall provide service and establishes guidelines on which the commission is to base its decision. The act also provides that money collected under sections of the Public Utility Regulatory Act relating to assessments on public utilities shall be collected by the comptroller of public accounts.

SENATE BILL 605 SENATE AUTHOR: Wilson
EFFECTIVE: 4-10-81 HOUSE SPONSOR: Fox

Private corporations and individuals that operate generating plants that produce electricity and low-pressure steam for their own purposes often have substantial surplus power which could be channeled into public utility systems for general consumption. Most have not fully pursued such cogenerating capabilities because to do so would require them to be considered public utilities and subject to increased regulation. Senate Bill 605 excludes certain small power producers and cogenerators from the definition of "public utility" and directs the public utility commission to

implement certain rules relating to production of electric power by qualifying cogenerators and small power producers.

SENATE BILL 684 SENATE AUTHOR: Farabee
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Rudd

State law provides a procedure for the public filing of a security instrument to give advance notice to creditors that certain property is being used as collateral for a loan. Utilities have been required to file with the secretary of state, while other entities are required to file in the county where the collateral is located. Senate Bill 684 changes the law to give utilities the option to choose to file with the secretary of state or to file in the traditional manner.

CIVIL REMEDIES AND PROCEDURE

HOUSE BILL 375 HOUSE AUTHOR: Lyon
EFFECTIVE: 5-25-81 SENATE SPONSOR: Mauzy

The act permits a court to award reasonable and necessary attorney's fees in connection with an action for a declaratory judgment.

HOUSE BILL 428 HOUSE AUTHOR: Finnell
EFFECTIVE: 8-31-81 SENATE SPONSOR: Snelson

This act permits the use of short forms for the acknowledgment of written documents and sets out examples of some forms.

HOUSE BILL 743 HOUSE AUTHOR: Nowlin
EFFECTIVE: 6-17-81 SENATE SPONSOR: Santiesteban

This act, the Uniform Foreign Country Money-Judgment Recognition Act, gives full recognition and enforceability to certain money judgments rendered in foreign countries, unless the judgment was obtained by fraud, or in the absence of certain due process guarantees, or in the absence of personal or subject matter jurisdiction, or unless the judgment runs contrary to the public policy of Texas.

HOUSE BILL 749 HOUSE AUTHOR: Semos
EFFECTIVE: 6-10-81 SENATE SPONSOR: Harris

This act broadens the circumstances under which the owner, lessee, or occupant of real property can limit his liability for the safety of others who are on that property. Those circumstances now include "recreational purposes" instead of just "fishing, hunting, and camping."

HOUSE BILL 876 HOUSE AUTHOR: Simpson
EFFECTIVE: 8-31-81 SENATE SPONSOR: Sarpalius

This act provides immunity to officers executing writs in good faith and using reasonable diligence, without requiring that an indemnification bond be posted. It would also allow the judgment debtor to recover his property or proceeds of the sale of the property if judgment has been reversed.

HOUSE BILL 940 HOUSE AUTHOR: Henderson
EFFECTIVE: 8-31-81 SENATE SPONSOR: Richards

The fee charged by the chairman of the State Highway and

Public Transportation Commission in connection with service of process on nonresident defendants is raised from $3 to $10.

HOUSE BILL 993 HOUSE AUTHOR: Edwards
EFFECTIVE: 8-31-81 SENATE SPONSOR: Ogg

The act eliminates the prior statutory provision that limited a hospital's lien to a maximum of $50 per day. A hospital's lien for unpaid bills is now limited to the amounts prescribed in the Code of Federal Regulations for operating costs, and to a reasonable rate for other services. The lien is also limited to costs accrued or services provided during the first 100 days of the hospitalization.

HOUSE BILL 1175 HOUSE AUTHOR: Terral Smith
EFFECTIVE: 5-25-81 SENATE SPONSOR: Doggett

This act, the Uniform Enforcement of Foreign Judgments Act, provides for the uniform enforcement of foreign judgments and includes requirements for notice to the debtor, stay of enforcement provisions, and a $10 filing fee.

HOUSE BILL 1249 HOUSE AUTHOR: Cockerham
EFFECTIVE: 8-31-81 SENATE SPONSOR: Mengden

This act provides for a court to award attorney's fees and witness' expenses to certain defendants on a finding that a suit by a state agency against the defendant was frivolous, unreasonable, or without foundation.

HOUSE BILL 1327 HOUSE AUTHOR: Lewis
EFFECTIVE: 9-1-81 SENATE SPONSOR: Jones

This act extends the liability of the state to include liability for damages assessed against physicians licensed in this state and under contract with the Disability Determination Division of the Texas Rehabilitation Commission or the Texas Department of Mental Health and Mental Retardation when the act or omission on which the damages are based occurred.

HOUSE BILL 1368 HOUSE AUTHOR: Sharp
EFFECTIVE: 6-16-81 SENATE SPONSOR: Farabee

The act provides immunity from civil liability for any act or omission that occurs in giving care, assistance, or advice with respect to the prevention or management of a dangerous incident related to the storage or transportation of a hazardous material.

HOUSE BILL 1629 HOUSE AUTHOR: Rangel
EFFECTIVE: 6-10-81 SENATE SPONSOR: Ogg

The Good Faith Donor Act relieves food donors and any intermediate nonprofit distributing organizations of liability that may arise from the condition of the food when it reaches the consumer, unless the donor or distributing organization acts in a grossly negligent or reckless manner or commits an intentional wrong. The food must meet quality standards of existing laws and rules.

HOUSE BILL 2094 HOUSE AUTHOR: Nowlin
EFFECTIVE: 8-31-81 SENATE SPONSOR: Doggett

This act expands the definition of "legal representative" in the Texas Uniform Gifts to Minors Act to include an independent executor or an independent administrator of an estate. The act also specifies the circumstances under which a decedent's property may be transferred without a court order to the custodian of a minor. The duties and powers of a custodian with regard to life insurance and annuity contracts are also specified.

SENATE BILL 193 SENATE AUTHOR: Farabee
EFFECTIVE: 4-30-81 HOUSE SPONSOR: Geistweidt

The act makes the contents of the Texas Register and agency rules as printed in the Texas Administrative Code subject to judicial notice. Those texts constitute prima facie evidence of the documents and of the fact they are in effect on and after the date of the notation. The data base of the Texas Administrative Code is made confidential and exempted from disclosure under the Open Records Act.

SENATE BILL 683 SENATE AUTHOR: Farabee
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Bush

This act changes the role of the attorney general in certain suits involving charitable trusts by eliminating the requirement that the attorney general be a party to those suits. Under the new law, notice of those suits shall be given to the attorney general, and the attorney general may decide the extent of involvement of that office. The act also adds to the list of types of actions involving charitable trusts in which the attorney general must be given notice.

In the investigation of workers' compensation fraud, the attorney general, without authorization or instruction from the Industrial Accident Board, may execute a civil investigative demand, similar to a subpoena, to require the production of documents. The inspection and copying of those documents is

restricted, and the attorney general is to prescribe the terms and conditions under which the documents are to be made available. The act provides a criminal penalty (Class A misdemeanor) for persons who conceal or destroy the documents sought.

The act also provides a minimum of 30 days' notice for hearings on possible fraudulent claims.

SENATE BILL 813 SENATE AUTHOR: Meier
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Messer

The statute that forbids contracts that indemnify registered architects and engineers from personal liability for injuries sustained in connection with construction projects is amended to permit workers' compensation agreements and agreements that release registered architects and engineers from liability to the property owners and certain other persons.

CORRECTIONS

Texas Department of Corrections

HOUSE BILL 2290 HOUSE AUTHOR: Tow
EFFECTIVE: 8-31-81 SENATE SPONSOR: Caperton

The State Highway and Public Transportation Commission is permitted by this act to contract with the Texas Board of Corrections for the provision of inmate labor for a state highway system improvement project.

SENATE BILL 290 SENATE AUTHOR: Caperton
EFFECTIVE: 4-30-81 HOUSE SPONSOR: Tow

Under current law, the Board for Lease of Texas Prison Lands is authorized to lease, contract, or enter into agreements for the exploration and development of oil and gas on land owned by the Texas Department of Corrections. Senate Bill 290 expands the board's authority to cover coal, lignite, and minerals other than oil and gas. It also authorizes the Texas Department of Corrections to construct or acquire electric generating facilities to provide power for its own facilities. Royalties and other net income derived from development of coal, lignite, and other minerals on these lands are to be deposited in a mineral lease fund for the exclusive use of the department as specified by legislative appropriation.

SENATE BILL 429 SENATE AUTHOR: Caperton
EFFECTIVE: 4-30-81 HOUSE SPONSOR: Tow

The Texas Board of Corrections is allowed by this act to grant permanent or temporary right-of-way easements to a public or private entity for electrical substations on state land dedicated to the use of the Department of Corrections.

SENATE BILL 1272 SENATE AUTHOR: Caperton
EFFECTIVE: 6-15-81 HOUSE SPONSOR: Browder

The Texas Department of Corrections is authorized to pay any unused holiday leave time or compensatory time to the survivors of any employees killed in the course of duty during the time period beginning January 1, 1981, and ending April 30, 1981.

County Jails

HOUSE BILL 647 HOUSE AUTHOR: Willis
EFFECTIVE: 8-31-81 SENATE SPONSOR: Mauzy

Under this act, the sheriff is allowed to manage and adopt the rules and regulations of farms and workhouses for county jail prisoners which must be consistent with the rules and regulations of the Texas Commission on Jail Standards. The act removes the specification of designated jobs and requirements of work hours. It authorizes the commutation of time for certain conduct or labor.

HOUSE BILL 2363 HOUSE AUTHOR: Hartung
EFFECTIVE: 6-15-81 SENATE SPONSOR: Brooks

The act changes existing law to omit, from the limitation placed on the amount by which the original contract price may be increased, any contracts to construct or improve a county jail in response to or in compliance with a court order pertaining to the county's jail facilities or conditions. This provision terminates December 31, 1983.

SENATE BILL 431 SENATE AUTHOR: Mauzy
EFFECTIVE: 6-8-81 HOUSE SPONSOR: Cain

Under existing law, a deduction of time for good conduct is allowed from a county jail prisoner's sentence. This act revises the commutation of sentence to a rate not to exceed one day for each day of the original sentence actually served. Such deduction in time shall not exceed one-third of the original sentence as to fines and court costs assessed in the judgment of conviction.

SENATE BILL 1065 SENATE AUTHOR: Santiesteban
EFFECTIVE: 5-28-81 HOUSE SPONSOR: Hernandez

The act amends existing law to make it optional rather than mandatory for county sheriffs and jailers to accept into their jails federal prisoners delivered to them by federal law enforcement officers. They expressly may not receive such prisoners if in so doing they violate a state or federal court order or statute or a rule of the Commission on Jail Standards.

COURTS

General Legislation

HOUSE BILL 646 — HOUSE AUTHOR: Geistweidt
EFFECTIVE: 8-31-81 — SENATE SPONSOR: Farabee

This act prescribes the order of preference for cases in Texas trial courts. In ruling on, hearing, and trying pending matters, the courts are directed to give priority to (1) temporary injunctions, (2) criminal actions, (3) election suits, and (4) appeals from decisions of the Industrial Accident Board. A list of secondary priorities is also included to further aid the courts in docketing cases. The many statutes that previously gave priority to certain types of cases in trial courts are repealed or amended to eliminate the preferential wording.

SENATE BILL 34 — SENATE AUTHOR: Mengden
EFFECTIVE: 8-31-81 — HOUSE SPONSOR: Polumbo

This act allows justices of the peace and constables to serve the remainder of their terms when the boundaries of the precincts are changed even if the change places the residence of a justice of the peace or constable outside the precinct for which he was elected.

SENATE BILL 224 — SENATE AUTHOR: Jones
EFFECTIVE: 9-1-81 — HOUSE SPONSOR: Schlueter

This act permits any public official who serves process by mail to collect advance payment of the cost of the mailing. For serving process by certified or registered mail, county and district clerks are directed to charge the same fee that is charged by sheriffs and constables for service of process.

SENATE BILL 265 — SENATE AUTHOR: Farabee
EFFECTIVE: 9-1-81 — HOUSE SPONSOR: Maloney

In November, 1980, the voters of Texas adopted S.J.R. 36 of the 66th Legislature, an amendment that made several changes in Article V of the constitution, to be effective on September 1, 1981. Besides changing the name of the courts of civil appeals to courts of appeals, the amendment changed the jurisdiction of the courts of appeals and the court of criminal appeals by making the courts of appeals intermediate appellate courts with both civil and criminal jurisdiction, except for the cases in which the death penalty is assessed which are appealed directly to the court of criminal appeals.

Senate Bill 265 is a very comprehensive bill that implements

the constitutional changes in the Texas appellate court system and contains numerous provisions to conform the civil statutes relating to the courts to those constitutional changes. It extensively amends the civil statutes and the Code of Criminal Procedure to provide the procedures for appealing both civil and criminal cases to intermediate courts of appeals, where most appeals will be final, with limited appeal of civil cases to the supreme court and criminal cases to the court of criminal appeals for final determination. The act specifies the duties of the county and district attorneys and the state prosecuting attorney in the appeal of criminal cases. Because granting criminal jurisdiction to the courts of appeals will increase the workload of those courts, the legislature added 28 associate justices to the nine busiest courts of appeals. The act also has transition procedures for the appeals pending in the court of criminal appeals on September 1, 1981. It provides that 1,800 of those cases are to be retained by that court for disposition, with the remaining pending appeals to be transferred to the various courts of appeals.

SENATE BILL 360 SENATE AUTHOR: Mauzy
EFFECTIVE: 5-28-81 HOUSE SPONSOR: Green

The act requires the plans used by some counties for the selection of persons for jury service by mechanical or electronic means to provide for the use of the same list either until the list is exhausted or for a specific period of time.

SENATE BILL 701 SENATE AUTHOR: Sarpalius
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Keller

This act increases the court fees collected by county clerks and clerks of county courts in certain types of cases or proceedings.

SENATE BILL 1165 SENATE AUTHOR: Farabee
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Adkisson

This act increases the fees collected by the clerk of the supreme court for the performance of certain services.

SENATE BILL 1220 SENATE AUTHOR: Brooks, et al.
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Keller

This act permits justices of the peace and constables who have served for at least 10 years to run for reelection even though their residences are outside the precinct because of boundary changes.

New Courts

HOUSE BILL 958 HOUSE AUTHOR: Florence
EFFECTIVE: see below SENATE SPONSOR: Glasgow

This act creates 19 new judicial districts and reorganizes many existing districts. Some of the courts are directed to give preference to either civil or criminal cases, and the act sets the terms for some of the courts. The office of district attorney is created in the 271st and 293rd districts. In Jackson and Caldwell counties, the office of criminal district attorney is created and the office of county attorney is abolished.

Different sections of this act have different effective dates. Most sections of the act take effect on September 1, 1981; however, certain sections creating new judicial districts take effect in 1982 and 1983.

HOUSE BILL 2304 HOUSE AUTHOR: Sharp
EFFECTIVE: 6-12-81 SENATE SPONSOR: Wilson

The County Court at Law No. 2 in Victoria County was to have been created on January 1, 1982. This act changes that date to January 1, 1984, or some earlier date if so ordered by the county commissioners court.

HOUSE BILL 2317 HOUSE AUTHOR: Bomer
EFFECTIVE: 8-31-81 SENATE SPONSOR: Blake

The act creates the County Court at Law of Anderson County.

HOUSE BILL 2373 HOUSE AUTHOR: Evans
EFFECTIVE: 9-1-81 SENATE SPONSOR: Meier

This act creates the Probate Court No. 2 of Tarrant County. The existing Probate Court of Tarrant County is renamed Probate Court No. 1 of Tarrant County, and the duties of the county and district clerks concerning the several courts are delineated. The act also amends provisions relating to the exchange of benches among the judges of the county courts at law in Tarrant County and increases the jurisdiction of those courts in civil cases and nonjury suits and causes involving family law matters.

SENATE BILL 596 SENATE AUTHOR: Parker, et al.
EFFECTIVE: 4-8-81 HOUSE SPONSOR: Florence

The act created 18 new judicial districts on April 8, 1981, and reorganized certain existing judicial districts. It directs certain courts to give preference to certain types of cases. It establishes the offices, duties, jurisdiction and compensation of certain prosecuting attorneys, and abolishes the offices of certain other district attorneys. It also establishes the membership of certain juvenile boards and provides for a bailiff in certain districts. Funds are appropriated for the remainder of the fiscal

year ending August 31, 1981, for the salaries and expenses of district judges and prosecuting attorneys covered by the act.

SENATE BILL 603 SENATE AUTHOR: Caperton
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Tow

The act creates the County Court at Law No. 2 in Montgomery County and provides that the judge of that court will sit on the juvenile board. Under this act, both county courts at law in Montgomery County have the same criminal, probate, and juvenile jurisdiction as the county court, but their civil jurisdiction is limited to cases where the amount in controversy exceeds $5,000 and does not exceed $20,000. The salary of both judges will be a percentage of the salary of the district judges in Montgomery County.

SENATE BILL 1260 SENATE AUTHOR: Santiesteban
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Coleman

This act creates the County Court at Law No. 5 of El Paso County.

Existing Courts

HOUSE BILL 584 HOUSE AUTHOR: Coleman
EFFECTIVE: 8-31-81 SENATE SPONSOR: Santiesteban

This act authorizes the judges in certain district courts to appoint bailiffs and sets out the qualifications, duties, and terms for those offices.

HOUSE BILL 1073 HOUSE AUTHOR: Benedict
EFFECTIVE: 6-12-81 SENATE SPONSOR: Brown

The act increases the jurisdiction of the county courts at law in Brazoria County by adding family law jurisdiction and increasing the civil jurisdiction of County Courts at Law No. 1 and No. 2 from a maximum of $10,000 to a maximum of $50,000. It prescribes the types of cases to which those courts shall give preference. The qualifications for the judges of the county courts at law are established to be the same as those for the district judges, and the salary for the county courts at law judges is set at $1,000 less than that for the district judges. Provisions relating to the duties and compensation of certain court officers are amended.

HOUSE BILL 1186 HOUSE AUTHOR: Evans
EFFECTIVE: 8-31-81 SENATE SPONSOR: Meier

This act establishes the terms for the Criminal District Court No. 4 and the 213th District Court in Tarrant County.

HOUSE BILL 1328 HOUSE AUTHOR: Bock
EFFECTIVE: 9-1-81 SENATE SPONSOR: Snelson

This act creates a special juvenile placement fund within the general fund of Comal County. Special court costs are to be assessed in civil and criminal cases in the county and those payments are to be deposited in the special fund. The Comal County juvenile board may direct that the fund be disbursed to nonprofit housing or treatment facilities that provide care for children. The act also increases the civil jurisdiction of the county court at law from a maximum of $10,000 to a maximum of $20,000.

HOUSE BILL 1646 HOUSE AUTHOR: Eikenburg
EFFECTIVE: 8-31-81 SENATE SPONSOR: McKnight

This act increases the civil jurisdiction of the County Court at Law of Collin County from a maximum of $5,000 to a maximum of $20,000.

HOUSE BILL 1773 HOUSE AUTHOR: Heatley
EFFECTIVE: 6-10-81 SENATE SPONSOR: Farabee

This act increases from $1,200 to $3,000 per year the amount allowed to the court reporter of the 46th District Court as per diem for actual and necessary expenses, including travel and hotel expense.

HOUSE BILL 1797 HOUSE AUTHOR: Jay Gibson
EFFECTIVE: 6-15-81 SENATE SPONSOR: Short

The act gives the County Court at Law of Ector County jurisdiction concurrent with that of the district court in civil cases where the amount in controversy is between $500 and $20,000.

HOUSE BILL 1890 HOUSE AUTHOR: Geistweidt
EFFECTIVE: 8-31-81 SENATE SPONSOR: Jones

Under this act, Menard County is included in the Seventh Administrative Judicial District rather than in the Third Administrative Judicial District.

HOUSE BILL 1895 HOUSE AUTHOR: Florence
EFFECTIVE: 6-11-81 SENATE SPONSOR: Howard

This act permits the Court of Appeals for the Sixth Supreme Judicial District to hold court either in Texarkana or in the county courthouse of any of the counties within its jurisdiction, provided cases originating in Bowie County are heard in Texarkana.

HOUSE BILL 1928 HOUSE AUTHOR: Turner
EFFECTIVE: 8-31-81 SENATE SPONSOR: Caperton

This act gives the County Court at Law of Houston County and the County Court of Houston County concurrent jurisdiction over civil, criminal, and probate cases. The act provides for the

transfer of cases between the county court and the county court at law when the judges agree to the transfer and both courts have jurisdiction. When one judge is ill or disqualified or otherwise absent, the other may sit on those cases where there is concurrent jurisdiction.

HOUSE BILL 2307 HOUSE AUTHOR: Gilley
EFFECTIVE: 6-15-81 SENATE SPONSOR: McKnight

This act gives the County Court at Law of Hunt County jurisdiction concurrent with that of the district court in civil matters where the amount in controversy is between $500 and $20,000. The act also changes the qualifications for the judge of the county court at law, prohibits the private practice of law by the judge, and sets the salary for that position.

HOUSE BILL 2312 HOUSE AUTHOR: Bock
EFFECTIVE: 6-15-81 SENATE SPONSOR: Snelson

This act sets the terms of court for the 274th Judicial District.

SENATE BILL 132 SENATE AUTHOR: Ogg
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Washington

This act expands the jurisdiction of the justice courts in Harris County to include civil matters where the amount in controversy is $1,000 or less.

SENATE BILL 227 SENATE AUTHOR: Doggett
EFFECTIVE: 5-28-81 HOUSE SPONSOR: Gerald Hill

This act increases the civil jurisdiction of the four county courts at law in Travis County to include jurisdiction over civil cases where the amount in controversy is more than $500 but not greater than $20,000.

SENATE BILL 327 SENATE AUTHOR: Williams
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Green

The act permits the judges of the county criminal courts at law in Harris County to make rules governing the random filing, numbering, and docketing of cases in those courts.

SENATE BILL 642 SENATE AUTHOR: Snelson
EFFECTIVE: 6-8-81 HOUSE SPONSOR: Jay Gibson

This act allows the Court of Civil Appeals for the Eighth Supreme Judicial District to transact its business at any county seat in the district, providing that cases originating in El Paso County are heard in that county.

SENATE BILL 651 SENATE AUTHOR: Ogg
EFFECTIVE: 5-28-81 HOUSE SPONSOR: Hartung

The act authorizes municipal courts in cities with a population of 700 or less to conduct their proceedings outside the corporate limits if they remain in the corporate limits of an adjacent municipality.

SENATE BILL 729 SENATE AUTHOR: Mauzy
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Anita Hill

The act mandates the rotational filing and assignment of eminent domain cases among the county courts at law in counties with more than one such court with eminent domain jurisdiction and among the district courts in counties that have no county courts at law with eminent domain jurisdiction.

SENATE BILL 850 SENATE AUTHOR: Farabee
EFFECTIVE: 5-28-81 HOUSE SPONSOR: Gavin

If the county judge in Wichita County is absent or otherwise unable to preside over probate and mental health proceedings, this act permits the judge of the county court at law to preside over those matters but not to receive extra compensation for those duties.

SENATE BILL 900 SENATE AUTHOR: Howard
EFFECTIVE: 5-13-81 HOUSE SPONSOR: Bush

The act coordinates the terms of court for the 15th and 59th district courts and allows the judges of the 15th and 59th district courts to exchange benches and cases without having the cases formally transferred.

SENATE BILL 999 SENATE AUTHOR: Glasgow
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Horn

Under this act, jurisdiction is restored to the County Court of Denton County, and the county court is given jurisdiction concurrent with that of the County Court at Law and County Court at Law No. 2 in all cases that are prescribed by the constitution and by general law for county courts. The act also provides for cases to be transferred between the county court and county courts at law to equalize the dockets in Denton County.

SENATE BILL 1035 SENATE AUTHOR: Caperton
EFFECTIVE: 6-8-81 HOUSE SPONSOR: Turner

This act gives the county court and the county court at law in Houston County concurrent jurisdiction over all proceedings prescribed by law for county courts. The judges of the two courts may transfer cases within their jurisdiction when both judges agree to the transfer. The act also authorizes the judge of the county court at law to substitute for the judge of the county court when

he is absent. Similarly, if the county judge is a licensed attorney, he may substitute for the county court at law judge.

SENATE BILL 1095 SENATE AUTHOR: Farabee
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Heatly

This act sets the jurisdiction of the county and district courts in Baylor, Knox, King, and Cottle counties. The county courts have probate jurisdiction and the jurisdiction to receive and enter guilty pleas in misdemeanor cases. The district courts have all other criminal and civil jurisdiction prescribed by the constitution and general law for county courts. Judgments entered prior to the effective date of the act remain in the jurisdiction of the county court, and matters pending on the effective date are transferred to the district court.

SENATE BILL 1121 SENATE AUTHOR: Traeger
EFFECTIVE: 5-28-81 HOUSE SPONSOR: Matt Garcia

Under this act, a majority of the district judges in counties that have nine or more district courts may appoint assistant bailiffs or deputy bailiffs for the central jury room and general panel. Provisions for the duties, compensation, and terms of office for the assistant bailiffs are the same as for the bailiff.

SENATE BILL 1206 SENATE AUTHOR: Truan
EFFECTIVE: 5-28-81 HOUSE SPONSOR: Gonzales

This act gives the County Courts at Law Nos. 1, 2, and 3 in Nueces County jurisdiction concurrent with that of the district court in eminent domain cases and in civil matters where the amount in controversy is more than $500 but not more than $20,000. The act also clarifies that any of the three county courts at law may be designated as a juvenile court.

Judges

HOUSE BILL 480 HOUSE AUTHOR: Peveto
EFFECTIVE: 8-31-81 SENATE SPONSOR: Parker

The judges of the district courts in Orange County are now authorized to receive from the county, for the performance of administrative duties, a reasonable sum to be set by the commissioners court without a statutory ceiling.

HOUSE BILL 707 HOUSE AUTHOR: Florence
EFFECTIVE: 8-31-81 SENATE SPONSOR: Brooks

House Bill 707 provides that magistrates of federal courts may conduct marriage ceremonies and removes the age restriction relating to retired judges. Before the change, retired judges or

justices of the peace had to be at least 65 years old in order to conduct marriage ceremonies.

HOUSE BILL 804 HOUSE AUTHOR: Glossbrenner
EFFECTIVE: 6-11-81 SENATE SPONSOR: Traeger

The act allows the counties in the 229th Judicial District to pay a proportionate share of $5,000 as a supplemental salary of the district judge. That county supplement is in addition to the salary paid by the state.

HOUSE BILL 2038 HOUSE AUTHOR: Rudd
EFFECTIVE: 6-11-81 SENATE SPONSOR: Sarpalius

The act authorizes the commissioners courts of counties in the 121st and 286th judicial districts to set the amount of supplemental compensation they will pay the district judges for administrative duties and removes the statutorily imposed compensation.

SENATE BILL 437 SENATE AUTHOR: Mauzy
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Lyon

Under this act, judges of district courts that give preference to criminal cases in Dallas County and judges of criminal district courts in Dallas County have the authority to appoint magistrates to assist the courts in criminal proceedings other than trials on the merits. The act also specifies the qualifications, duties, and powers of the magistrates.

SENATE BILL 586 SENATE AUTHOR: Traeger
EFFECTIVE: 4-22-81 HOUSE SPONSOR: Geistweidt

The act allows a county judge in those counties where there is no statutory county court and the county judge performs all the duties of the county court to appoint a retired judge as special judge when the county judge is ill or absent from the county or when the court docket is overcrowded. The act sets the qualifications for the special judge and sets the salary at a rate equivalent to that of the county judge.

SENATE BILL 687 SENATE AUTHOR: Ogg
EFFECTIVE: 5-28-81 HOUSE SPONSOR: Tow

This act provides for additional compensation for the presiding judge of administrative judicial districts that have 80 or more district courts. The additional salary of not less than $5,000 nor more than $30,000 per annum is to be paid out of the officers salary fund or the general fund of the counties included in the administrative districts.

SENATE BILL 816 SENATE AUTHOR: Traeger
EFFECTIVE: 5-28-81 HOUSE SPONSOR: Billy Hall

The act changes the limitation on the salary of the judge of the County Court at Law of Webb County to an amount that is not more than the county judge's salary and allows the Webb County Commissioners Court to set the supplemental compensation of the district judges in Webb County at an amount not less than $2,000 per annum.

SENATE BILL 958 SENATE AUTHOR: Mauzy
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Anita Hill

Under this act, the maximum compensation of the presiding judge of administrative judicial districts that have not less than 60 nor more than 79 district courts is raised from $15,000 to $25,000, and the maximum for administrative judicial districts that have not less than 40 nor more than 59 district courts is left at $15,000.

SENATE BILL 1131 SENATE AUTHOR: Truan
EFFECTIVE: 5-28-81 HOUSE SPONSOR: Gonzales

This act changes the salary to be paid to the county court at law judges in Nueces County from $30,000 to an amount equal to $1,000 less than is paid by the state to the district judges in the county. The act also requires that the salary be paid in the same manner as the salary of the county judge is paid.

SENATE BILL 1155 SENATE AUTHOR: Richards
EFFECTIVE: 8-31-81 HOUSE SPONSOR: DeLay

This act authorizes the Commissioners Court of Fort Bend County to supplement the salaries of the district court judges who have jurisdiction in the county. The amount of the additional compensation is limited to the extent that the judges' total compensation must be at least $1,000 less than the total salary of associate justices of the courts of appeals having jurisdiction over the county.

SENATE BILL 1225 SENATE AUTHOR: Ogg
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Washington

This act increases from $17,000 to $25,000 the maximum amount of supplemental compensation that Harris County can pay the district court judges in that county.

SENATE BILL 1226 SENATE AUTHOR: Ogg
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Washington

This act increases from $8,000 to $15,000 the maximum supplemental compensation that a county may pay each justice of the courts of appeals having jurisdiction over the county.

Attorneys

HOUSE BILL 618 HOUSE AUTHOR: Laney
EFFECTIVE: 9-1-81 SENATE SPONSOR: Santiesteban

House Bill 618 removes the district attorney of the 143rd Judicial District from application of the Professional Prosecutors Act, but it adds to that act the district attorneys of the 32nd, 34th, 47th, 64th, 70th, 85th, 97th, 173rd, and 216th Judicial Districts, the criminal district attorneys of Caldwell, Eastland, Jackson, Jefferson, Lubbock, and Upshur counties, and the county attorneys of Falls, Morris, and Red River counties.

HOUSE BILL 649 HOUSE AUTHOR: Washington
EFFECTIVE: 8-31-81 SENATE SPONSOR: Mengden

This act renames the Texas Prosecutors Coordinating Council as the Prosecutor Council, reorganizes the membership and terms of office of the council, and recognizes that prosecutors serve in a judicial rather than an executive function. The act also changes some provisions relating to the suspension of a prosecutor and the appointment of a prosecutor pro tempore. According to the sunset provision, the council will be abolished on September 1, 1985, unless reenacted by the legislature.

HOUSE BILL 1624 HOUSE AUTHOR: Robnett
EFFECTIVE: 8-31-81 SENATE SPONSOR: Short

The act changes the qualifications of the office of criminal district attorney for Lubbock County by requiring four rather than five years' experience as a practicing attorney.

HOUSE BILL 2336 HOUSE AUTHOR: Nabers
EFFECTIVE: 9-1-81 SENATE SPONSOR: Farabee

This act eliminates most of the duties and the election of the criminal district attorney of the 42nd and 104th Judicial Districts in Callahan County and provides that the Callahan County attorney will represent the state in district court in that county. The criminal district attorney of the 42nd and 104th districts may assist or substitute for the county attorney in Callahan County. The act also provides for the compensation of the Callahan County attorney and the criminal district attorney of the 42nd and 104th districts out of state and county funds.

SENATE BILL 353 SENATE AUTHOR: Ogg
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Lyon

The act gives investigators appointed by any district attorney, criminal district attorney, or county attorney the same authority as the sheriff to make arrests in criminal cases in the county and authority to serve process anywhere in the state.

Juvenile Boards

HOUSE BILL 345 HOUSE AUTHOR: Bock
EFFECTIVE: 8-31-81 SENATE SPONSOR: Traeger

This act requires that notice of the impending discharge of a child who has been in the custody of the Texas Youth Council must be given to the juvenile court and the prosecuting attorney as soon as practicable after the decision is made to release the child, but not later than 10 days before the discharge.

HOUSE BILL 481 HOUSE AUTHOR: Peveto
EFFECTIVE: 8-31-81 SENATE SPONSOR: Parker

The act eliminates the maximum amounts set for the compensation of juvenile board members in Orange County and the continuing education reimbursement for juvenile court judges in Orange County. A county child support office in Orange County is established and separated from the probation department.

Under prior law, the courts in Orange County were required to assess a $5 fee in all divorce cases and a $1 per month fee, payable annually and in advance, in all cases of court-ordered child support. Those fees, which are used to fund the Orange County Child Support Office, are now established as minimum amounts, and the courts are permitted to assess higher fees. This act also allows the court to order the child support fee to be paid monthly, rather than annually.

A $10 fee assessed in all adoption cases and used to fund adoption investigations is raised by this act to $25.

HOUSE BILL 2294 HOUSE AUTHOR: Bomer
EFFECTIVE: 1-1-82 SENATE SPONSOR: Blake

The act adds the county attorney to the juvenile board in Anderson County and requires the county attorney to file and prosecute all juvenile cases in the county. When the county attorney is unable to perform that duty, the district attorney for the 173rd Judicial District will substitute.

HOUSE BILL 2296 HOUSE AUTHOR: Hanna
EFFECTIVE: 6-15-81 SENATE SPONSOR: Glasgow

The act creates the Juvenile Board of Palo Pinto County, allows compensation for the members of that board, and provides for the appointment of a juvenile officer in that county.

HOUSE BILL 2331 HOUSE AUTHOR: Bomer
EFFECTIVE: 1-1-82 SENATE SPONSOR: Blake

This act adds the county attorney to the juvenile board in Henderson County and requires that officer to file and prosecute all juvenile cases in the county. When the county attorney is unable to perform that duty, the district attorney in either the

3rd or the 173rd Judicial District will substitute at the direction of the judge of the Henderson County juvenile court.

HOUSE BILL 2357 HOUSE AUTHOR: Reynolds
EFFECTIVE: 9-1-81 SENATE SPONSOR: Traeger

This act eliminates the maximum amount set for the additional compensation to be paid to the members of the juvenile boards in the 36th and 156th judicial districts.

HOUSE BILL 2365 HOUSE AUTHOR: Bill Clark
EFFECTIVE: 8-31-81 SENATE SPONSOR: McKnight

This act authorizes the juvenile board in Smith County to establish a child support office for that county and to appoint an administrator for that office. The act also authorizes a child support service fee to be assessed by the court against either the payor or the payee of child support, in an amount not to exceed $2.50 per month, to be deposited into a special fund, and to be used for expenses of the child support office.

SENATE BILL 182 SENATE AUTHOR: Snelson
EFFECTIVE: 4-15-81 HOUSE SPONSOR: Craddick

The act creates a juvenile board in each of the counties of Brewster, Crockett, Jeff Davis, Pecos, Presidio, Reagan, Sutton, and Upton, and provides for the compensation of members of those juvenile boards.

SENATE BILL 656 SENATE AUTHOR: Mauzy
EFFECTIVE: 6-8-81 HOUSE SPONSOR: Cain

This act creates the Juvenile Board of Dallas County and establishes the membership and duties of that board. The board is to appoint one person to be director of juvenile services and chief juvenile probation officer. The act also establishes the Court Services Department of Dallas County and the Juvenile Probation Department of Dallas County and outlines the responsibilities of those departments.

The act authorizes a spouse and child support services fee to be assessed by the juvenile board against either the payor or the payee of the support. A special fee of up to $100 per case is assessable by the court for adoption, and family and home study investigations. All fees are to be deposited into a special fund administered by the juvenile board and used to finance the juvenile and family services provided by those departments.

CRIMINAL JUSTICE AND PROCEDURE

In the area of criminal justice and procedure, the 67th Legislature passed several bills that were part of the governor's anticrime and war-on-drugs packages. The following bills described in this chapter are from the anticrime package: H.B. 360, wiretap; S.B. 121, oral confessions; S.B. 123, shock probation; H.B. 364, aggravated sexual offenses; S.B. 125, Board of Pardons and Paroles; S.B. 126, offenses against children; and S.B. 127, continuation of the criminal justice division. The following bills included in this chapter originated in the governor's war-on-drugs package: H.B. 733, drug paraphernalia law; H.B. 730, drug trafficking; and H.B. 729, sales to minors.

Criminal Justice Agencies

SENATE BILL 1021 SENATE AUTHOR: Farabee
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Nabers

This act creates the Criminal Justice Coordinating Council. The council, which may act only in an advisory capacity, is charged with ensuring to the maximum extent coordination and cooperation among criminal justice agencies to promote a comprehensive and cohesive state criminal justice system.

HOUSE BILL 1704 HOUSE AUTHOR: Jones, et al.
EFFECTIVE: see below SENATE SPONSOR: Meier

This act creates the Texas Juvenile Probation Commission and establishes the terms and qualifications of its members. An advisory council, to be appointed by the commission, is also established. The commission has authority to oversee the operation of local juvenile boards, to accept gifts and grants, to promote interagency cooperation, and to conduct studies. The commission has the responsibility for establishing rules for local juvenile probation programs, making annual reports to the governor, and allocating state funds among the juvenile boards in the state.

The act permits all counties to establish juvenile probation services through juvenile boards, juvenile courts, adult probation departments, or multicounty juvenile probation departments. If a county chooses not to establish a juvenile probation program, the commission has the authority to directly operate such a program. The act also specifies the minimum qualifications for juvenile probation officers.

The Texas Youth Council Community Assistance Program is

terminated, and employees and funds from that program are transferred to the Texas Juvenile Probation Commission.

The provisions of the act relating to state aid to juvenile boards are effective September 1, 1983. Other provisions are effective September 1, 1981.

SENATE BILL 125 SENATE AUTHOR: Farabee
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Geistweidt

The act reorganizes the Board of Pardons and Paroles. Restitution is made a requirement of parole, and in a felony probation revocation hearing, the amount of restitution must be entered in the sentence. A halfway house program is established, including a special pilot project halfway house for selected inmates over 55 years of age. The board is authorized to use probation officers to supervise parolees.

SENATE BILL 127 SENATE AUTHOR: Meier, et al.
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Lewis

This act creates a criminal justice division and an advisory board in the governor's office to assist the governor in planning, monitoring, and coordinating criminal justice programs in the state. The governor, lieutenant governor, and comptroller sit as the executive funding committee of the criminal justice division. Additional criminal court taxes are imposed to take the place of federal Law Enforcement Assistance Administration funds and to continue the criminal justice planning fund. Ten percent of these taxes are to be retained by the county in which they were collected and the remainder is to be remitted to the state and reallocated to local governments for local criminal justice programs.

Law Enforcement

HOUSE BILL 416 HOUSE AUTHOR: Lyon, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Snelson

This act removes the responsibility for applying for peace officer certification from an individual to the person or agency seeking to employ that individual as an officer. Certain recordkeeping requirements are placed on the Commission on Law Enforcement Officer Standards and Education. The hiring law enforcement agency must notify the commission within 30 days of hiring a previously certified law enforcement officer. A period of 180 days between jobs necessitates a new check on the criminal history, fingerprints, and psychological health of a peace officer. The sunset provision of the commission's enabling act is amended to

provide that the commission will expire September 1, 1983, rather than in 1987, unless continued in existence by the legislature.

HOUSE BILL 1022 HOUSE AUTHOR: Eikenburg
EFFECTIVE: 6-10-81 SENATE SPONSOR: McKnight

For purposes of criminal law enforcement, the property of the Gary Job Corps Center and the McKinney Job Corps Center is under concurrent Texas and local jurisdiction.

HOUSE BILL 1321 HOUSE AUTHOR: Uher
EFFECTIVE: 8-31-81 SENATE SPONSOR: Santiesteban

The act allows a peace officer to carry a weapon at all times rather than just when he is engaged in the official discharge of his duties.

HOUSE BILL 2236 HOUSE AUTHOR: Browder
EFFECTIVE: 9-1-81 SENATE SPONSOR: Caperton

Previous law required that peace officers and jailers or guards of county jails be certified by the Commission on Law Enforcement Officer Standards and Education. House Bill 2236 changes the law to require licensing, rather than certification, by the commission and adds reserve law enforcement officers to the list of persons requiring licenses. The act directs the Commission on Law Enforcement Officer Standards and Education to issue professional achievement or proficiency certificates to licensees. Previously, peace officers were required to be recertified each time they changed jobs, but that requirement is eliminated. The probationary period for peace officers and reserve law enforcement officers is extended from 6 to 12 months. Persons employing licensees are required to notify the commission within 30 days of the appointment, and persons placed on probation pursuant to deferred adjudication are not necessarily ineligible to be licensed by the commission.

SENATE BILL 774 SENATE AUTHOR: Ogg, et al.
EFFECTIVE: 6-11-81 HOUSE SPONSOR: Colbert

Nonprofit medical corporations that provide security services to medical complexes and to other entities located in the complexes are empowered by this act to commission peace officers to provide security for the complexes. The act applies only to medical corporations in Houston. The commissioned officers are subject to the regulations of the Commission on Law Enforcement Officer Standards and Education.

SENATE BILL 856 SENATE AUTHOR: Mauzy
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Lyon

Under previous law, provisions of the Private Investigators and Private Security Agencies Act have not applied to employees of political subdivisions. Senate Bill 856 amends that act to allow political subdivisions to apply to the Texas Board of Private Investigators and Private Security Agencies for the board to commission employees of the political subdivisions whose duties include serving as security guards, watchmen, or patrolmen. The board is not allowed to charge a fee for the commissions, and the commissions expire on termination of employment with the political subdivisions. The board is authorized to approve a security officer training program conducted by political subdivisions under which officers may satisfy certain of the requirements necessary for commissioning.

Pretrial Procedure

HOUSE BILL 641 HOUSE AUTHOR: Evans, et al.
EFFECTIVE: 8-31-81 SENATE SPONSOR: Meier

The statute that required an offense that was committed at an airport situated in two counties to be prosecuted in the county of the offense is amended to allow prosecution and punishment in either county.

HOUSE BILL 1743 HOUSE AUTHOR: Maloney
EFFECTIVE: 8-31-81 SENATE SPONSOR: Leedom

The act expands the conditions under which a peace officer may make warrantless arrests to include a situation where he has reasonable cause to believe that a person has committed an assault resulting in bodily injury and that there is immediate danger of further assault.

HOUSE BILL 2153 HOUSE AUTHOR: Nabers
EFFECTIVE: 9-1-81 SENATE SPONSOR: Mauzy

This act allows a person to be seized under a search warrant. Affidavits supporting executed search warrants are deemed to be public information. The officer executing a search warrant is required to leave a copy of the warrant and an inventory of seized property at the place that was searched. On return of a search warrant and the inventory of seized property, the magistrate is to issue an order directing the disposition of the property.

SENATE BILL 259 SENATE AUTHOR: Santiesteban
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Terral Smith

The act permits persons other than peace officers to serve subpoenas in criminal cases and provides for a contempt charge and a fine if a person agrees to serve a subpoena and then refuses to do so.

SENATE BILL 261 SENATE AUTHOR: Santiesteban
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Terral Smith

A motion for continuance of a criminal action, whether made by the defense or the prosecution, must be sworn to by a person having personal knowledge of the facts on which the motion is based.

Trial Procedure

HOUSE BILL 864 HOUSE AUTHOR: Nabers
EFFECTIVE: 6-12-81 SENATE SPONSOR: Mauzy

The act eliminates the necessity of transcribing special requested jury charges and objections to the court's jury charges when those requests and objections are dictated to the court reporter. The prosecutor must be present during the dictation.

HOUSE BILL 866 HOUSE AUTHOR: Nabers
EFFECTIVE: 6-12-81 SENATE SPONSOR: Mauzy

The need for proof beyond a reasonable doubt is extended to each element of an offense, and no inference of guilt may arise from the defendant's arrest, confinement, or indictment.

HOUSE BILL 1167 HOUSE AUTHOR: Jones
EFFECTIVE: 6-12-81 SENATE SPONSOR: Ogg

In a capital case, the judge may now direct that two alternate jurors be selected. The alternates shall substitute for regular jury members who die or become disabled before the court charges the jury.

SENATE BILL 121 SENATE AUTHOR: Glasgow, et al.
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Rudd

Under prior law, recorded oral statements made by an accused during custodial interrogation could be introduced against the accused for purposes of impeachment only. This act amends the Code of Criminal Procedure, 1965, to allow introduction of such statements for other purposes. The act also eliminates the requirement that such statements be witnessed by two other persons

and permits destruction of recordings after all appeals are exhausted.

SENATE BILL 293 SENATE AUTHOR: Ogg
EFFECTIVE: 4-30-81 HOUSE SPONSOR: Jones
The act permits the judge, jury foreman, or clerk to read a verdict.

Post-Trial Procedure

HOUSE BILL 865 HOUSE AUTHOR: Nabers
EFFECTIVE: 6-12-81 SENATE SPONSOR: Mauzy
This act eliminates a duplicate provision of the Code of Criminal Procedure, 1965, relating to probation revocation.

HOUSE BILL 1745 HOUSE AUTHOR: Uher
EFFECTIVE: 9-1-81 SENATE SPONSOR: Brown
This act allows bail to be set by a peace officer in cases where the defendant appeals from a judgment of a justice or municipal court and the sentencing court is not in session. While bail set by the court has a minimum of $50, bail set by a peace officer has a maximum of $50.

SENATE BILL 430 SENATE AUTHOR: Mauzy
EFFECTIVE: 5-14-81 HOUSE SPONSOR: Cain
Fines and court costs in misdemeanor cases where the defendant is unable to pay are discharged at the rate of $15 per day of labor or jail time instead of the old rate of $5 per day.

SENATE BILL 556 SENATE AUTHOR: Mauzy
EFFECTIVE: 5-14-81 HOUSE SPONSOR: Nabers
The act allows the trial court rather than the court of criminal appeals to grant extensions of time for certain procedures during the application for a new trial.

Sentencing and Probation

HOUSE BILL 1164 HOUSE AUTHOR: Jones
EFFECTIVE: 8-31-81 SENATE SPONSOR: Glasgow
Under this act, in the punishment phase of a capital trial, the jury's inability to ahswer one of the determining issues has the same effect as a negative answer to one of those issues: the

court must sentence the defendant to life imprisonment rather than assign the death penalty. Furthermore, the jury must not be apprised of this effect of its indecision. The act also requires the court of criminal appeals to reform a death sentence to one of life imprisonment where it finds that the jury's affirmative answer to one of the determining issues was not supported by sufficient evidence or where the prosecutor files a motion requesting a reformation of sentence.

HOUSE BILL 1166 HOUSE AUTHOR: Jones
EFFECTIVE: 9-1-81 SENATE SPONSOR: Ogg

This act expressly allows a court to impose a fine in addition to other conditions of probation in a criminal case in which adjudication of guilt is deferred.

SENATE BILL 1221 SENATE AUTHOR: Caperton
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Tow

This act sets out a procedure by which certain prisoners of the Department of Corrections may be released on conditional work furlough parole to a halfway house under contract with the Board of Pardons and Paroles. A prisoner released to conditional work furlough parole remains in the legal custody of the Department of Corrections but is subject to the orders of the Board of Pardons and Paroles.

HOUSE BILL 1695 HOUSE AUTHOR: Maloney
EFFECTIVE: 8-31-81 SENATE SPONSOR: Mauzy

This amendment to the Code of Criminal Procedure, 1965, allows a judge, either at the time of sentencing or at any time while the sentence is being served, to permit a defendant to serve jail time during nonworking hours. The judge may also allow a defendant release time from jail in order to obtain an education or training, or to receive medical or psychological treatment. The amendment also provides that the court may impose as a condition of the release time that the defendant personally make payments for family support, restitution, or the like. Prior to the enactment of this law, the court had to order the defendant to execute a letter directing the defendant's employer to deduct those payments from the defendant's paycheck and to send them to the court for disbursement.

HOUSE BILL 2106 HOUSE AUTHOR: Jones
EFFECTIVE: 9-1-81 SENATE SPONSOR: Farabee

In a first offense felony not involving actual or threatened bodily injury, if the defendant pleads guilty or nolo contendere, this act permits the judge to defer adjudication and place the

defendant on community service restitution probation. Except for certain controlled substance offenses, the defendant will be discharged on successful completion of the assigned community service work and restitution to the victim of the offense.

HOUSE BILL 2107 HOUSE AUTHOR: Jones
EFFECTIVE: 9-1-81 SENATE SPONSOR: Mauzy

When a jury finds a defendant guilty and the defendant has elected to have the judge assess punishment, this act gives the judge the authority to order a presentence investigation report. The act also removes the provision of the Adult Probation, Parole, and Mandatory Supervision Law that limited the conditions of probation to those found in that law.

SENATE BILL 123 SENATE AUTHOR: Brooks, et al.
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Bock

The act extends from 120 to 180 days a court's jurisdiction over convicted felons for the purpose of granting shock probation. It also increases the number of offenses that render a person ineligible for shock probation and changes some procedural requirements in the grant of and application for shock probation.

SENATE BILL 368 SENATE AUTHOR: Caperton, et al.
EFFECTIVE: 1-1-82 HOUSE SPONSOR: Salinas

The act eliminates the automatic suspension of the driver's license of a person convicted of driving while intoxicated and requires completion of a rehabilitation program as a condition of probation for the offense. The jury may recommend that the misdemeanant retain the driver's license, and the judge, on a showing of good cause, may waive the rehabilitation program requirement.

SENATE BILL 914 SENATE AUTHOR: Santiesteban
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Gerald Hill

The act allows a judge to suspend sentence and to defer adjudication in certain misdemeanor cases punishable by a fine only for a period no longer than 180 days. On the defendant's successful compliance with any conditions of the suspension, the judge may dismiss the complaint and impose a special fee of up to $50.

Offenses and Penalties

HOUSE BILL 21 HOUSE AUTHOR: Wright, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Meier

The act adds wholesale promotion of obscene materials and devices and employment of a child less than 17 years of age for an obscene sexual performance to the list of organized criminal offenses. Other portions of the Penal Code are amended to reflect these additions.

HOUSE BILL 42 HOUSE AUTHOR: Willis
EFFECTIVE: 9-1-81 SENATE SPONSOR: Caperton

The act raises the offense of sale or purchase of a child from a Class A misdemeanor to a third degree felony. A subsequent offense is a second degree felony.

HOUSE BILL 360 HOUSE AUTHOR: Bock, et al.
EFFECTIVE: 8-31-81 SENATE SPONSOR: Howard

A major bill in the governor's anticrime package, this act relating to electronic surveillance tracks the federal statutes and court decisions that pertain to electronic surveillance. Law enforcement officers may apply for a court order to use electronic surveillance only to obtain evidence of certain felony drug offenses. However, if evidence of other offenses is uncovered in the course of a legally conducted surveillance, that other evidence may be used in court. Consensual surveillance (where one party to a conversation agrees to the interception) is not regulated by the law. The law permits both wiretapping and room bugging, and it allows peace officers to make covert entry into a residence to set up the equipment.

With the approval of the director of the Department of Public Safety, a prosecuting attorney may make application for a court order authorizing electronic surveillance. On a finding of the requisite probable cause, one of the district court judges appointed by the presiding judge of the court of criminal appeals may issue an order allowing the surveillance to take place for up to 30 days. The court may grant extensions of up to 30 days on the same basis as original orders.

In addition to the director of the Department of Public Safety needing to approve all surveillance applications, only the department is authorized to own, install, operate, and monitor the equipment. Local law enforcement officers may assist in the surveillance, but a Department of Public Safety officer must be present at all times during the interception.

Intercepted conversations are to be recorded and the recordings sealed by the court and kept for 10 years. When a

surveillance operation is ended, the judge is to notify the parties whose conversations were intercepted. A party who is identified during an intercepted communication may move to suppress that part of the communication from being offered as evidence in court on the grounds that his identification will result in harm outweighing the value of the evidence.

The act contains provisions for civil damages and criminal penalties. A law enforcement officer who is convicted of an offense under the act will have his certification revoked. The judges and prosecuting attorneys are required to file reports concerning electronic surveillance activity with the Administrative Office of the United States Courts and the director of the Department of Public Safety, who is to report to certain state officials. Unless reenacted by the legislature, the act ceases to have effect on September 1, 1985.

HOUSE BILL 364 HOUSE AUTHOR: Schlueter, et al.

EFFECTIVE: 9-1-81 SENATE SPONSOR: Glasgow

The act redefines the compulsion element of the aggravated offenses of rape, rape of a child, sexual abuse, and sexual abuse of a child. Compulsion now expressly includes the use of words, acts, or deeds to threaten the death, serious bodily injury, or kidnapping of the victim or someone else. The use or exhibition of a deadly weapon is distinguished from a threat but still meets the compulsion requirement. The definition of "deviate sexual intercourse" is expanded.

HOUSE BILL 717 HOUSE AUTHOR: Geistweidt, et al.

EFFECTIVE: 9-1-81 SENATE SPONSOR: Parker

The definition of "notice" for the purposes of the criminal trespass statute is expanded, and the offense is raised to a Class B misdemeanor or a Class A misdemeanor if the offender carries a deadly weapon.

HOUSE BILL 729 HOUSE AUTHOR: Schlueter, et al.

EFFECTIVE: 9-1-81 SENATE SPONSOR: Meier

The act makes it a first degree felony for a person to deliver a controlled substance to a person 17 years of age or younger or to a person that the offender knows or believes will deliver the substance to a person 17 years of age or younger. The court may not grant probation or defer adjudication for an offense under this act. It is an affirmative defense to prosecution under this act that the offender was either less than 18 years of age or

less than 21 years of age and delivered less than one-quarter ounce of marijuana without remuneration.

HOUSE BILL 730 HOUSE AUTHOR: Laney, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Farabee

This act was the cornerstone in the governor's war-on-drugs package. It is a major revision of the Texas Controlled Substances Act, characterized by stronger penalties, newly created offenses, and changes in regard to the seizure and forfeiture of personal property.

The act increases penalties for repeat offenses and for possession of large amounts of marijuana. Penalties for the manufacture, delivery, and possession of controlled substances are now linked to the quantity as well as the type of drugs involved. Larger quantities naturally result in higher penalties. A first degree felony offense is now subject to the imposition of a fine up to $20,000 in addition to imprisonment. The possibility of probation is eliminated for repeat offenses and for aggravated offenses.

In addition to more severe penalties, some new offenses are added to the Controlled Substances Act. The provisions of Title 4 of the Penal Code, which deal with preparatory offenses, now apply to offenses under the act. The preparatory offenses thus created carry the same punishment as completed offenses. A newly created offense of investment in illegal drug traffic carries penalties up to life imprisonment and a $1,000,000 fine.

The third category of change in the Controlled Substances Act relates to the seizure and forfeiture of personal property. Not only is the list of property subject to seizure enlarged, but the state now has up to 30 days in which to notify the owners of the seizure. Under the prior law, the state needed to prove beyond a reasonable doubt that seized property was subject to forfeiture. That burden of proof, under the new law, is decreased to proof by a preponderance of the evidence. Forfeited money and other negotiable instruments are to be deposited in a special fund, which is to be used for investigations of criminal offenses.

Finally, the act contains some miscellaneous provisions such as the detailed procedures for the preservation of evidence and the destruction of excess quantities of controlled substances and the elimination of certain types of judicial discretion.

HOUSE BILL 733 HOUSE AUTHOR: Evans, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Jones

This act, the drug paraphernalia act, was also part of the governor's war-on-drugs legislative package. This act makes it a crime to possess or deliver a wide variety of items that are commonly used in preparing, transporting, or using controlled substances. For any of these crimes to be committed, the actor must have the intent that the item be used for the preparation, transportation, or use of a controlled substance. The items that are classified as drug paraphernalia are subject to forfeiture under the Controlled Substances Act. The act specifies some of the circumstances that the trier of fact may consider to determine whether or not the requisite criminal intent was present. Heavier penalties are assigned for persons who have prior convictions and for persons who deliver drug paraphernalia to minors.

HOUSE BILL 878 HOUSE AUTHOR: Emmett
EFFECTIVE: 9-1-81 SENATE SPONSOR: Richards

This act changes the wording of the Texas Education Code that makes parents liable for failing to compel a child's school attendance. Now the offense consists of the intentional, knowing, reckless, or criminally negligent failure to compel attendance instead of the wilful failure to do so.

HOUSE BILL 891 HOUSE AUTHOR: Terral Smith
EFFECTIVE: 9-1-81 SENATE SPONSOR: Santiesteban

A complainant who withdraws the complaint and is then charged with compounding a felony by the receipt of a thing of value may use as a defense the fact that the thing of value was received as the result of restitution or a negotiated settlement, provided that the attorney for the state assists in or approves the settlement negotiations.

HOUSE BILL 927 HOUSE AUTHOR: Carlyle Smith, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Ogg

The offense of arson that results in death is a first degree felony.

HOUSE BILL 1459 HOUSE AUTHOR: Jay Gibson, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Mauzy

The crime of injury to a child is expanded to include injury to an elderly person. An offense that is committed in an intentional or knowing manner and that results in serious harm is raised from a second degree felony to a first degree felony.

HOUSE BILL 1466 HOUSE AUTHOR: Evans
EFFECTIVE: 1-1-82 SENATE SPONSOR: Mauzy

The Penal Code provides for the offenses of Compensation for Past Official Behavior, Gift to Public Servant by Person Subject to His Jurisdiction, and Offering Gift to Public Servant. These sections do not apply, however, to the giving of an honorarium not exceeding $250 when reported by the recipient in his financial statement. This act provides that the $250 honorarium is exclusive of reimbursement for travel, lodging, and food expenses incurred by the recipient in the performance of the services for which the honorarium is given.

The act also amends the definition of "contribution" in the Election Code to exclude honoraria that are permissible under the Penal Code.

HOUSE BILL 1965 HOUSE AUTHOR: Schoolcraft
EFFECTIVE: 6-11-81 SENATE SPONSOR: Glasgow

Theft, regardless of the value of the property taken, is a second degree felony when accompanied by a threat of a hidden bomb or hidden poison.

SENATE BILL 126 SENATE AUTHOR: Kothmann, et al.
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Semos

Aggravated rape and aggravated sexual abuse are expanded to include rape and sexual abuse of a person younger than 14 years of age. Defenses stemming from the prior sexual conduct of the victim and a two-year age difference between victim and offender are not applicable in these aggravated offenses. In the offense of indecency with a child, the actor may assert an affirmative defense that there was less than two years' difference in the ages of the actor and the victim. An offense of indecency with a child that involves sexual contact is raised to a second degree felony. The penalties for intentional or knowing injury to a child are raised.

SENATE BILL 162 SENATE AUTHOR: Brooks
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Nabers

The act authorizes a combination of fine and incarceration in the state penitentiary as punishment for a subsequent offense of driving while intoxicated.

SENATE BILL 211 SENATE AUTHOR: Parker
EFFECTIVE: 8-31-81 HOUSE SPONSOR: McFarland

The act makes it a third degree felony to divert public communications or public water, gas, or power, regardless of the amount of pecuniary loss. If a metering device has been tampered with, there is a presumption that the person who is billed for the

service has tampered with the device. Manufacturing, selling, or installing a device to intercept subscription television services is made a misdemeanor offense, with treble damages and attorney's fees awarded to an injured subscription television company.

SENATE BILL 372 SENATE AUTHOR: Glasgow
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Jones

This act makes the theft of oil or gas or equipment used for oil or gas exploration or production a second degree felony, regardless of the value of the property.

SENATE BILL 373 SENATE AUTHOR: Short
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Finnell

The Controlled Substances Act is amended to permit humane societies and animal control agencies that are registered with the drug enforcement administration to use sodium pentobarbital to destroy animals.

SENATE BILL 779 SENATE AUTHOR: Vale
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Elizondo

This act provides for substances to be added to certain types of paint and glue to discourage their abuse. The manufacture, delivery, or possession with intent to manufacture or deliver abusable substances without the additive substances is a Class A misdemeanor. The Department of Health is responsible for setting standards and making rules to enforce this provision.

EDUCATION

Public Education

HOUSE BILL 246 HOUSE AUTHOR: Haley
EFFECTIVE: 8-31-81 SENATE SPONSOR: Snelson

House Bill 246 requires the following curriculum in school districts offering kindergarten through grade 12:

(1) English language arts;
(2) other languages, to the extent possible;
(3) mathematics;
(4) science;
(5) health;
(6) physical education;
(7) fine arts;
(8) social studies;
(9) economics, with emphasis on the free enterprise system and its benefits;
(10) business education;
(11) vocational education; and
(12) Texas and United States history as individual subjects and in reading courses.

The State Board of Education is directed to designate the essential elements of each subject and to designate subjects comprising a well-balanced curriculum in other school districts. Optional subjects are authorized and districts are encouraged to exceed the minimum requirements as set out. The act requires biennial reports to the governor, lieutenant governor, and legislature on the status of public school curriculum and provides a schedule for implementation of the new requirements. In addition, the act repeals previous laws relating to instruction in Texas history, patriotism, the free enterprise system, physiology and hygiene, kindness to animals, the United States and Texas constitutions, vocational studies, police and fire protection administration, the dangers of crime and narcotics, physical education, consumer and economic education, and American sign language.

SENATE BILL 477 SENATE AUTHOR: Truan, et al.
EFFECTIVE: see below HOUSE SPONSOR: Matt Garcia

Senate Bill 477, adopted in response to a recent federal court decision, amends existing law to expand bilingual education, English as a second language, and other special language programs in public schools. The act:

(1) requires districts with a minimum of 20 students of limited English proficiency in the same language classification in the same grade to offer bilingual education in kindergarten through

the elementary grades; bilingual education, instruction in English as a second language, or other transitional language instruction in postelementary grades through grade 8; and instruction in English as a second language in grades 9 through 12; it directs the State Board of Education to identify districts required to offer the programs and provides for exceptions; previous law had required bilingual instruction for certain students in kindergarten through grade 3 and had authorized it in grades 4 and 5;

(2) requires bilingual education programs to be full-time programs of dual-language instruction that provide for learning basic skills in the primary language of the students enrolled, for carefully structured and sequenced mastery of English, and for incorporating cultural aspects of students' backgrounds; requires teachers of English as a second language to be specially trained; and provides for pilot programs for alternative methods of instruction;

(3) sets out criteria for enrollment of students in the programs and requires parental consent; allows a maximum of 40 percent of the students enrolled in the programs to be proficient in English;

(4) adds extended time programs to a section of previous law authorizing preschool and summer school programs;

(5) provides for additional regulations and compensation relating to bilingual education and special language program teachers, including requiring writing ability for certification in bilingual education; authorizes certain teacher training programs and requires a comprehensive plan for meeting teacher supply needs created by the bilingual programs;

(6) sets minimum limits for the special allowance allotted school districts operating the programs and expands the uses of the funds;

(7) directs the Texas Education Agency to monitor compliance with state rules relating to the programs and provides guidelines for the monitoring;

(8) requires districts with bilingual programs to establish language proficiency assessment committees and lists responsibilities of the committees; and

(9) provides for an appeal by parents of a child in a bilingual program concerning the district's failure to comply with the law or regulations or concerning the student's placement in the program.

The act takes effect with the 1981-82 school year.

SENATE BILL 50 SENATE AUTHOR: Farabee
EFFECTIVE: 5-7-81 HOUSE SPONSOR: Peveto

Senate Bill 50 directs the State Board of Education to prescribe rules for types, durations, and requirements of issuance of initial and renewal teaching certificates. The board is directed to require satisfactory performance on a competency examination in order for an individual to be admitted to an approved teacher education program, to be certified after graduation, or to be certified as a superintendent or other administrator and is authorized to charge a reasonable fee for the examinations. Persons enrolled in public senior colleges or universities before May 7, 1981, may enter or complete teacher education programs in accordance with laws and rules previously in effect; persons holding teaching certificates before that date are entitled to retain the certificates in accordance with laws and rules previously in effect.

HOUSE BILL 48 HOUSE AUTHOR: Polumbo, et al.
EFFECTIVE: 5-29-81 SENATE SPONSOR: Vale

House Bill 48 provides for the creation of local cooperative teacher education centers to furnish facilities, additional instructional materials, and supervision for student teaching. These local cooperative centers are to replace student teacher centers. The Commission on Standards for the Teaching Profession, rather than the Texas Education Agency, is directed to establish standards for the centers, subject to the approval of the State Board of Education. The act also raises the amount of money paid to school districts from the foundation school fund for operating the centers.

HOUSE BILL 201 HOUSE AUTHOR: Atkinson
EFFECTIVE: 8-31-81 SENATE SPONSOR: Snelson

House Bill 201 repeals eight obsolete or unnecessary education laws. The laws and general reasons for repeal are as follows: (1) an appropriation for summer programs for the deaf because the appropriation has expired; (2) an education program for non-English-speaking children because the section is duplicative; (3) expressions of textbook preferences by school superintendents because a subsequent law removes the need for the information; (4) salary pay grades of teachers with law degrees because the section has been effectively repealed by subsequent legislation; (5) the Joint Committee on Technical-Vocational Education because committee members voted to abolish the committee; (6) appointments to the Council on Educational Services for the Deaf because the council has no statutory responsibilities or appropriations; and (7) credit for average daily attendance of students at certain schools for exceptional children and use of the county available school fund and eligibility for certain foundation school program funds because

the legislation has never been practically administered and will be invalid after 1980 census data become available.

HOUSE BILL 269 HOUSE AUTHOR: Gary Thompson
EFFECTIVE: 6-12-81 SENATE SPONSOR: Jones

House Bill 269 authorizes the governing boards of independent school districts whose members are currently serving six-year terms to reduce those terms to either four or three years; in addition, four-year terms may be reduced to three years. The boards may make the change by adopting a resolution, and the act sets out guidelines for effecting the change.

HOUSE BILL 296 HOUSE AUTHOR: Peveto
EFFECTIVE: 9-1-81 SENATE SPONSOR: Brooks

House Bill 296 entitles certified vocational teachers to certain salary step credits for work experience when the experience is required for certification in the vocational field.

HOUSE BILL 307 HOUSE AUTHOR: Elizondo
EFFECTIVE: see below SENATE SPONSOR: Vale

Under previous law, school districts have paid for the basic skills competency tests from compensatory education aid, but not all school districts receive allocations of compensatory aid. House Bill 307 provides that if the cost of the tests is paid from compensatory aid, the districts shall bear the cost on the basis of the number of students taking the tests. If a district does not receive the aid, the cost shall be subtracted from the district's foundation school fund allocation. The act takes effect with the 1981-82 school year.

HOUSE BILL 354 HOUSE AUTHOR: Carlyle Smith, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Jones

In 1977 the legislature approved the establishment of school-community guidance center pilot programs designed to locate and assist children with problems that interfere with their education; examples of children to be served would include juvenile offenders and those with behavioral disorders. House Bill 354 authorizes the establishment of permanent programs and sets out guidelines relating to the state's share of financing the programs, the State Board of Education's responsibilities in the event that the money appropriated is insufficient to fully fund the act, and the number of personnel allotted to school districts that establish school-community guidance center programs.

HOUSE BILL 357 HOUSE AUTHOR: Bock
EFFECTIVE: see below SENATE SPONSOR: Snelson

House Bill 357 adds children under the age of 7 who have previously been enrolled in the first grade to those covered under the compulsory attendance law. Previously the language regarding required school attendance specified only children between the ages of 7 and 17. The act takes effect with the 1981-82 school year.

HOUSE BILL 399 HOUSE AUTHOR: Lewis, et al.
EFFECTIVE: 5-28-81 SENATE SPONSOR: Meier

House Bill 399 provides that the governing bodies of school districts have 120 days after the close of a fiscal year in which to publish financial statements, rather than the two-month time limit previously specified. The statements are to be submitted to an area newspaper and made in accordance with requirements of the Texas Education Agency. The new publication dates conform this requirement to Section 21.256, Texas Education Code, which requires districts to file an annual audit report with the agency within the same amount of time.

HOUSE BILL 510 HOUSE AUTHOR: El Franco Lee
EFFECTIVE: 8-31-81 SENATE SPONSOR: Brooks

House Bill 510 increases the number of members on the Houston Independent School District Board of Trustees from seven to nine. In addition, the bill provides that, following a change in district boundaries that places a member's residence outside the single-member district represented, the member must move his residence into the new boundaries.

HOUSE BILL 514 HOUSE AUTHOR: Willis
EFFECTIVE: 9-1-81 SENATE SPONSOR: Andujar

House Bill 514 repeals the requirement that school districts furnish notice of school district meetings to the county clerk in the county in which most of the school district's pupils reside. The act applies to meetings held after September 3 and it extends the coverage of the previous law for meetings held on September 1, 2, or 3.

HOUSE BILL 560 HOUSE AUTHOR: Semos
EFFECTIVE: 9-1-81 SENATE SPONSOR: Mauzy

House Bill 560 provides for special elections to fill vacancies on the board of trustees of the Dallas Independent School District if more than nine months remain in the vacated term. Previously, the members of the board selected a person to fill the unexpired term; that authority is not changed if the vacancy occurs when only nine months or less remain in the term of the vacating member.

HOUSE BILL 603 HOUSE AUTHOR: Blanton
EFFECTIVE: 6-15-81 SENATE SPONSOR: Ogg

House Bill 603 authorizes school districts to establish summer school pilot programs for elementary and secondary school students who do not meet designated minimum objectives in their full-term school work or who have limited English proficiency. The act directs the Texas Education Agency to develop a state plan for the establishment and operation of the pilot programs and appropriates $2 million to the agency for the program. It also sets out some guidelines relating to operation and cost of the programs. The pilot programs are to be abolished September 1, 1985, but the State Board of Education is to make recommendations concerning statewide implementation before that date. The total cost to the state for the pilot programs may not exceed $5 million.

HOUSE BILL 801 HOUSE AUTHOR: Henderson
EFFECTIVE: 8-31-81 SENATE SPONSOR: Williams

House Bill 801 authorizes county commissioners courts to prohibit or regulate the keeping of wild animals within 1,000 feet of a public school. "Wild animal" is defined for the purpose of the act, and an offense committed under the act is a Class C misdemeanor.

HOUSE BILL 878 HOUSE AUTHOR: Emmett
EFFECTIVE: 9-1-81 SENATE SPONSOR: Richards

The act amends existing law relating to the offense of failing to compel a child to attend school. It provides that an offense is committed if a parent or person standing in parental relation "intentionally, knowingly, recklessly, or with criminal negligence fails to require the child to attend school as required by law." The previous criterion was "wilfully" failing to comply with the law, a criterion with no established single meaning that excluded negligence. The act conforms the required mental state to that established by the Penal Code.

HOUSE BILL 970 HOUSE AUTHOR: Hollowell
EFFECTIVE: see below SENATE SPONSOR: Blake

House Bill 970 provides that if a daily, weekly, or biweekly newspaper is published within the boundaries of a school district, the district shall submit its requisite financial statement for publication in one of these newspapers. The act also requires that notice of public hearings relating to fiscal budgets or school district elections also be published in such newspapers if they are available. Prior law authorized publication in newspapers that were in the county rather than the school district. The section relating to publication of financial statements takes effect May 25, 1981; the section relating to notice of hearings or elections takes effect on January 1, 1982.

HOUSE BILL 1015 HOUSE AUTHOR: Anita Hill, et al.
EFFECTIVE: 8-31-81 SENATE SPONSOR: Uribe

House Bill 1015 directs the commissioner of education to develop and implement a program to supply volunteer assistance to Texas public schools. The supply of volunteers will be coordinated through regional education service centers, and school districts may choose to utilize the services. The act provides for regional and statewide volunteer coordinators and that the cost of the program will be paid from the foundation school fund. Volunteers may not be used to usurp, diminish, or replace the positions or functions of salaried professionals or paraprofessionals.

HOUSE BILL 1020 HOUSE AUTHOR: Kubiak
EFFECTIVE: 6-11-81 SENATE SPONSOR: Caperton

Previous law prohibited school districts from issuing interest-bearing time warrants for specified purposes in excess of two percent of the assessed value of the district for the year in which the warrants were issued and limited total outstanding time warrants to $60,000. House Bill 1020 raises the figures to five percent and $120,000.

HOUSE BILL 1351 HOUSE AUTHOR: DeLay
EFFECTIVE: 8-31-81 SENATE SPONSOR: Richards

Previous law, applying only to school districts in counties with a population of 1,300,000 or more, has provided for protection of school buildings and grounds. It includes sections relating to: (1) applicability of criminal law; (2) authorization of the board of trustees to promulgate rules relating to safety; (3) campus security personnel; (4) trespass and damage; (5) parking, blocking traffic, driving on school property, and traffic tickets; (6) courts having jurisdiction; and (7) refusal of entry and ejection of unauthorized persons from school property. House Bill 1351 removes the restriction that had limited the applicability of the law only to Harris County and makes it generally applicable to all school districts.

HOUSE BILL 1586 HOUSE AUTHOR: Watson
EFFECTIVE: 8-31-81 SENATE SPONSOR: Brooks

This act applies to the board of trustees of an independent school district unless the board is appointed by a city commission. It provides that if a vacancy occurs on the board of trustees and more than nine months remain in the vacated term, the remaining board members shall call a special election to fill the vacancy for the remainder of the unexpired term. If less than nine months remain in the term, the remaining board members shall fill the vacancy by appointment. Under previous law, vacancies were filled by appointment regardless of the time remaining in the unexpired

term.

HOUSE BILL 1752 HOUSE AUTHOR: Pierce, et al.
EFFECTIVE: 8-31-81 SENATE SPONSOR: Traeger

House Bill 1752 authorizes a school district to obtain criminal history record information relating to applicants for employment with the district. The information may be used only for evaluating the application.

HOUSE BILL 1877 HOUSE AUTHOR: Bill Clark
EFFECTIVE: 8-31-81 SENATE SPONSOR: Uribe

House Bill 1877 provides that if students enrolled in grades 9 through 12 are placed in temporary foster care by the Department of Human Resources at a residence outside the school district boundaries, the students may complete high school at their original school without paying tuition.

HOUSE BILL 2289 HOUSE AUTHOR: Haley
EFFECTIVE: 8-31-81 SENATE SPONSOR: Ogg

Previous law provided that the Texas Closeup Board would be dissolved on December 31, 1981; House Bill 2289 extends the operation of the board to September 1, 1985. The board controls the Texas Closeup Program in which 11th and 12th grade students are brought to Austin in order to observe and evaluate state government.

SENATE BILL 30 SENATE AUTHOR: Brooks
EFFECTIVE: 4-15-81 HOUSE SPONSOR: Evans

Senate Bill 30 removes the $5 million maximum limit allowed the Texas Education Agency for aid to local school districts for programs for gifted and talented students. It also repeals a section of the Texas Education Code relating to support for demonstration programs for the gifted and talented that conflicts with the program affected by the bill.

SENATE BILL 136 SENATE AUTHOR: Farabee
EFFECTIVE: 3-4-81 HOUSE SPONSOR: Peveto

Senate Bill 136 authorizes the State Board of Education to set fees for teaching certificates and authorizes the commissioner of education to review and recommend changes in the fees.

SENATE BILL 143 SENATE AUTHOR: Leedom, et al.
EFFECTIVE: 2-19-81 HOUSE SPONSOR: Jackson

The act requires the Dallas Independent School District to hold a November, 1981, trustee election for all nine trustee seats based on new districts drawn from the 1980 census. The 66th Legislature had eliminated the 1981 election as part of a transition from four-year to three-year terms that took effect at

the first election following redistricting of trustee districts.

SENATE BILL 180 SENATE AUTHOR: Snelson
EFFECTIVE: see below HOUSE SPONSOR: Atkinson

The act allows the legislature to set the funding levels of the Foundation School Program components and of support for regional education service centers in the General Appropriations Act. Senate Bill 180 also authorizes school districts to charge tuition for certain military dependents and requires the Texas Education Agency to conduct a study of school finance that will include the local property tax burden variance in purchasing power of the dollar in different types of school districts and alternative finance formulas. The act takes effect with the 1981-82 school year.

SENATE BILL 185 SENATE AUTHOR: Snelson
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Blanton

Currently, occupational therapists and physical therapists in public schools are considered special education related service personnel and are classified in pay grades 7 and 8 under the Texas Public Education Compensation Plan. This act raises the two positions to pay grade 10.

SENATE BILL 341 SENATE AUTHOR: Caperton, et al.
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Atkinson

Senate Bill 341 is "The Term Contract Nonrenewal Act"; it provides standards and procedures for nonrenewal of term contracts of public school teachers and superintendents. A term contract is any contract of employment for a fixed term between a school district and a teacher. The act states that the board of trustees of any school district may choose not to renew the employment of any teacher employed under a term contract effective at the end of the contract period and sets out requirements relating to teacher evaluation, notice, hearings, appeals, and probationary periods. The act does not apply to teachers employed under probationary or continuing contract laws.

SENATE BILL 710 SENATE AUTHOR: Parker
EFFECTIVE: 5-29-81 HOUSE SPONSOR: Browder

Public schools in districts with average attendance of 3,000 or less have been required to take competitive bids for purchase or construction contracts of $2,000 or more. Senate Bill 710 requires all school boards to take bids only if the property or construction is valued at $5,000 or more, as had previously been required of boards of larger school districts.

SENATE BILL 754 SENATE AUTHOR: Glasgow
EFFECTIVE: 5-28-81 HOUSE SPONSOR: Jones

The act amends the Texas Education Code to allow a school district to issue bonds in excess of 10 percent of the district's assessed valuation in certain cases. School districts may issue bonds resulting in an aggregate principal amount of tax bond indebtedness in excess of 10 percent of the district's assessed valuation if the bonds are to replace a building lost to fire or natural disaster, less any amount paid by insurance, and if the district's resulting indebtedness does not exceed 16 percent of the district's assessed valuation.

SENATE BILL 872 SENATE AUTHOR: Sarpalius
EFFECTIVE: see below HOUSE SPONSOR: Jerry Clark

Senate Bill 872 requires Texas public school vocational agriculture teachers employed on 12-month contracts to render 226 days of service rather than 220 days that personnel at their pay grade previously were required to work. The act takes effect with the 1981-82 school year.

Higher Education

HOUSE BILL 181 HOUSE AUTHOR: Criss
EFFECTIVE: 6-17-81 SENATE SPONSOR: Brown

House Bill 181 officially changes the name of the Texas Maritime Academy and Moody College of Marine Sciences and Maritime Resources to Texas A&M University at Galveston. The board of regents of The Texas A&M University System proposed the name change. The act also broadens the scope of the programs offered by the school to include programs related to the general field of marine research and removes references to "instructing boys."

HOUSE BILL 389 HOUSE AUTHOR: Henderson
EFFECTIVE: 8-31-81 SENATE SPONSOR: Mengden

State law provides procedures by which junior college districts may extend their boundaries onto adjacent territory. House Bill 389 adds a provision to the law that in counties of 1,500,000 or more, school districts may annex territory that is not contiguous but that is in the same county and is located not more than five miles from the annexing junior college district.

HOUSE BILL 715 HOUSE AUTHOR: Nabers
EFFECTIVE: 6-27-81 SENATE SPONSOR: Mauzy

House Bill 715 adds certain accredited institutions and schools to the list of those eligible to participate in student loan programs administered through state higher education

authorities. It also adds provisions relating to nonprofit corporations that have been requested to exercise the powers of higher education authorities and to their authority to invest the proceeds of bonds issued to obtain funds to purchase student loan notes.

HOUSE BILL 1182 HOUSE AUTHOR: Billy Hall, et al.
EFFECTIVE: 8-31-81 SENATE SPONSOR: Truan

House Bill 1182 authorizes junior college districts with total annual incomes of $20 million or less (which currently includes those in Paris, Texarkana, Laredo, Amarillo, and Corpus Christi) to annex territory located within the city serviced by the junior college. The annexation must be approved through an election, and the act provides regulations relating to the elections.

HOUSE BILL 1687 HOUSE AUTHOR: Presnal, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Richards

Project FIRST (Faculty Information and Research Service for Texas) was originated in 1978 to help make the expertise and information of university faculty members available to legislators. Initial funding was through the Coordinating Board, Texas College and University System; current funding is from the National Science Foundation. House Bill 1687 establishes the FIRST Committee as the governing body of Project FIRST, sets out membership and meeting requirements, and provides that financing for Project FIRST and the committee is to be from appropriated funds. It also sets out the duties of Project FIRST.

HOUSE BILL 1729 HOUSE AUTHOR: Delco
EFFECTIVE: 6-16-81 SENATE SPONSOR: Snelson

In 1975 the legislature directed the Coordinating Board, Texas College and University System, to regulate private, nonaccredited, degree-granting institutions in order to prevent deception by fraudulent or substandard degrees and to protect legitimate degree-granting private institutions and their graduates. House Bill 1729 provides that branch facilities of a private institution of higher education must meet the same accreditation standards as the home campus and amends the law relating to the definition of a recognized accrediting agency, to certain fees, and to procedures for appealing board decisions relating to certificates of authority to grant degrees. It also places a limitation on the granting of successive certificates of authority and provides for exceptions to their limitation.

HOUSE BILL 2053 HOUSE AUTHOR: Cain
EFFECTIVE: 6-11-81 SENATE SPONSOR: Harris

House Bill 2053 grants the board of regents of The University of Texas System authority to sell obsolete medical equipment that has been in use at a university facility. Sale of the equipment is limited to public hospitals, nonprofit corporations, and tax-exempt charitable organizations.

HOUSE BILL 2298 HOUSE AUTHOR: Schoolcraft
EFFECTIVE: 8-31-81 SENATE SPONSOR: Kothmann

House Bill 2298 authorizes Bexar County to transfer and The Texas A&M University System to accept title to Southton Farm, land that has been owned by the county. The university is directed to use the land for the Texas Engineering Extension Service and other components of the system as approved by the board of regents. The university currently plans to develop a Skills Training Center to provide job training for the general public in areas such as telephone repair, fire fighting, and radio and television.

HOUSE BILL 2340 HOUSE AUTHOR: Presnal
EFFECTIVE: 9-1-81 SENATE SPONSOR: Snelson

This act amends the Texas Education Code to permit the governing body of an institution of higher education to establish the holiday schedule for the institution. The number of holidays established by a governing body, however, may not exceed the number of holidays on which an employee of a state agency is entitled by law to a day off.

SENATE BILL 17 SENATE AUTHOR: Harris
EFFECTIVE: 3-20-81 HOUSE SPONSOR: Crawford

Senate Bill 17 removes the specific monetary ceiling on loans, insured by the federal government or by the Texas Guaranteed Student Loan Corporation, that life insurance companies may make to students enrolled in institutions of higher education. It also allows loans guaranteed by the corporation to be assigned or transferred by the holder to certain eligible lenders and provides that such loans will continue to be guaranteed.

SENATE BILL 110 SENATE AUTHOR: Short
EFFECTIVE: see below HOUSE SPONSOR: Robnett

The act raises the maximum student fees for the university center at Texas Tech University from $10 to $20 for long session semesters and from $5 to $10 for each term of the summer session. The increase is effective beginning with the 1981 summer term.

SENATE BILL 1171 SENATE AUTHOR: Caperton, et al.
EFFECTIVE: 6-17-81 HOUSE SPONSOR: Delco

Senate Bill 1171 establishes several additional purposes for Prairie View A&M University. It is designated a statewide special purpose institution of higher education for assisting students with latent aptitudes, talents, and abilities and of diverse economic, ethnic, and cultural backgrounds; for assisting small and medium-sized communities; and for assisting small and medium-sized agricultural, business, and industrial enterprises.

SENATE BILL 225 SENATE AUTHOR: Doggett
EFFECTIVE: see below HOUSE SPONSOR: Rains

Senate Bill 225 removes the maximum limit and requirement for initial student approval for student bus service fees at Southwest Texas State University and authorizes the board of regents to set a bus service fee of $10 per semester and $5 per summer term. The board is also authorized to increase the fees not more than once in an academic year and any increase must be approved by students. Any fee revenue that is more than the amount needed for operating expenses can only be applied to future operating expenses of the bus service. The act takes effect with the 1981 summer term.

SENATE BILL 467 SENATE AUTHOR: Sarpalius
EFFECTIVE: 4-15-81 HOUSE SPONSOR: Simpson

The Panhandle-Plains Historical Museum in Randall County is composed of two buildings under the control of West Texas State University. Senate Bill 467 authorizes the board of regents of the university to accept the donation of a building from the Panhandle-Plains Historical Society to be built to connect with the current museum buildings.

SENATE BILL 814 SENATE AUTHOR: Mauzy
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Cain

Senate Bill 814 expands the eligibility for medical malpractice coverage provided for the medical staff and students of The University of Texas System, The Texas A&M University System, the Texas Tech University School of Medicine, and the Texas College of Osteopathic Medicine. Previous law had specified that medical doctors, doctors of osteopathy, dentists, and podiatrists eligible to be covered must be employed by the schools and devote their total professional service to such employment. The act adds those who are appointed, including volunteers, and who provide services to patients by assignment from the department chairman.

SENATE BILL 863 SENATE AUTHOR: Richards
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Simpson

Senate Bill 863 allows a member of the faculty of a state institution of higher education who is on faculty development leave to accept a grant for study, research, or travel from any business enterprise. Previous law had allowed grants only from institutions of higher education or charitable, religious, or educational corporations or foundations. The act also requires the faculty member to make an accounting of any grants to the governing board of his employing institution.

SENATE BILL 892 SENATE AUTHOR: Brooks, et al.
EFFECTIVE: 5-14-81 HOUSE SPONSOR: Clayton, et al.

Senate Bill 892 provides for independent status for the Southwest Collegiate Institute for the Deaf, a postsecondary educational institution that offers instruction for hearing-impaired students preparing either for a career or for additional education in a senior college or university. The institute is under the direct control and management of the board of the Howard County Junior College District. The act provides that specified land may be used only for programs integral to the education of hearing-impaired students and sets out guidelines relating to courses, programs, services, tuition, and administration of the institute.

SENATE BILL 896 SENATE AUTHOR: Glasgow
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Horn

Senate Bill 896 establishes certain conditions in which campus police personnel at North Texas State University and Texas Woman's University have concurrent jurisdiction with the city of Denton's police officers. The act also provides that the campus police may assist city police in enforcing laws and authorizes the city to delegate certain parking regulation authority to the universities.

SENATE BILL 937 SENATE AUTHOR: Snelson
EFFECTIVE: 6-11-81 HOUSE SPONSOR: Burnett

Senate Bill 937 establishes a uniform student center fee policy for all the universities of the Texas State University System and repeals the existing law relating to the fees at Southwest Texas State University, which is the only school in the system that previously levied the fees. The maximum student center fees are set at $20 per semester and $10 per six-week summer term, and student approval is required for levying or increasing the fees.

SENATE BILL 957 SENATE AUTHOR: Travis
EFFECTIVE: see below HOUSE SPONSOR: Jackson

In order to qualify as a Texas resident for tuition purposes at state colleges and universities, the law requires 12 months' continuous residence in Texas immediately preceding registration. This requirement had the effect of making a person who was a lifelong Texas resident pay nonresident tuition if the person moved out of state for that year and then returned to Texas. Senate Bill 957 corrects that problem by providing that a person in that situation shall be classified as a resident if he would have been so classified for the first five of the six years immediately preceding registration. The act takes effect with the 1981 fall semester.

SENATE BILL 1020 SENATE AUTHOR: Farabee
EFFECTIVE: 6-1-81 HOUSE SPONSOR: Crawford

Senate Bill 1020 appropriates $70,000 to the Coordinating Board, Texas College and University System, for developing a statewide plan for the desegregation of public higher education. The plan is to be presented to the U.S. Department of Education, and the appropriation is for the period ending August 31, 1981. The plan is to include the enhancement of predominantly black university programs and facilities, goals for enrollment and graduation of minorities, and identification of specific roles for institutions of higher education.

SENATE BILL 1240 SENATE AUTHOR: Brooks, et al.
EFFECTIVE: 6-11-81 HOUSE SPONSOR: Barton

San Jacinto Junior College recently annexed a large tract of land by entering into a contract with a corporation; a small portion of an old county road is within the tract. Senate Bill 1240 validates the extension of boundaries by a union junior college, the largest portion of which is in a county of more than 2,400,000 people. It specifies that litigation in process on the effective date of the act is not affected, but that taxes levied and bonds voted or issued may not be held invalid because the boundary extension was not performed in accordance with law.

Texas Education Agency and General Legislation

HOUSE BILL 28 HOUSE AUTHOR: Haley
EFFECTIVE: see below SENATE SPONSOR: Blake

House Bill 28 entitles persons retiring under the Teacher Retirement System to be paid for up to 60 days of accrued sick leave. The pay will be equal to the amount per day that the district is reimbursed from the Texas Education Agency for the

first 30 days of sick leave accrued and half that for the next 30 days. The act also provides that if a school district provides sick leave for other employees, the district may pay those employees for accrued sick leave when they leave the employment of the district. The act takes effect with the 1981-82 school year.

HOUSE BILL 454 HOUSE AUTHOR: Polk, et al.
EFFECTIVE: 8-31-81 SENATE SPONSOR: Santiesteban

House Bill 454 exempts members of the U.S. armed forces who are on active duty from immunization requirements of public schools and state institutions of higher education.

HOUSE BILL 1214 HOUSE AUTHOR: Leonard
EFFECTIVE: 6-12-81 SENATE SPONSOR: Meier

Expenditures for campaigning for a position on the State Board of Education or for opposing the election of any candidate had been limited to $1,500 by Section 11.22(d), Texas Education Code, but an opinion of the attorney general had determined that the limitation was unconstitutional. House Bill 1214 repeals the limitation.

SENATE BILL 29 SENATE AUTHOR: Brooks
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Von Dohlen

Senate Bill 29 relates to the Texas School for the Deaf and the Texas School for the Blind. It removes certain responsibilities and authorities of the State Board of Education relating to these schools, provides for appeals of actions to the State Board of Education, makes changes in membership requirements on the boards of the two schools, and expands the responsibilities of the boards and of the executive director of the Texas Commission for the Deaf. The act also provides that the state auditor shall audit the Texas School for the Deaf at least biennially, or annually if requested by the school board.

SENATE BILL 49 SENATE AUTHOR: Brooks
EFFECTIVE: 4-1-81 HOUSE SPONSOR: Peveto

The act provides that the state auditor, rather than the comptroller of public accounts, shall audit state funds appropriated to the Texas Education Agency for adult apprenticeship training programs. It states that funds received by school districts or postsecondary institutions for the apprenticeship programs are subject to audit as otherwise required by law.

SENATE BILL 183 SENATE AUTHOR: Snelson
EFFECTIVE: 4-30-81 HOUSE SPONSOR: Atkinson

The act relates to the State Board of Education and investment of the permanent school fund in obligations of United States corporations; it authorizes the board to invest in obligations that mature in less than one year and that are of the highest rating available at the time of investment. Previous law authorized investment in corporate bonds, debentures, or obligations of U.S. corporations but specified a rating that did not apply to short-term obligations.

SENATE BILL 305 SENATE AUTHOR: Brooks
EFFECTIVE: 4-22-81 HOUSE SPONSOR: Bomer

Senate Bill 305 adds a 25th member to the Advisory Council for Technical-Vocational Education, specifying that the individual appointed be receiving basic adult education services or have received those services within three years preceding the appointment. It changes the expiration dates of membership on the council from August 31 to February 1 of specified years.

The act also updates several references to the State Manpower Services Council, which is represented on the Advisory Council for Technical-Vocational Education. The former council, created by federal law, has had its name changed to the State Employment Training Council. Senate Bill 305 conforms Texas' statutory references to the new federal terminology.

ELECTIONS

General Legislation

SENATE BILL 74 — SENATE AUTHOR: Traeger
EFFECTIVE: 3-24-81 — HOUSE SPONSOR: Reynolds

This act changes the date of elections for directors of the Wilson County Memorial Hospital District, changes the procedure by which directors are elected, and changes the procedure for placing candidates' names on the ballot.

Each year one director of the board of directors of the Wilson County Memorial Hospital District will be elected from each commissioners precinct, and in odd-numbered years a director will be elected from the district at large. All elections will be held on the first Saturday in April instead of May. The time for filing candidates' petitions for a place on the ballot is extended from 25 to 30 days before election day.

SENATE BILL 695 — SENATE AUTHOR: Brown
EFFECTIVE: 8-31-81 — HOUSE SPONSOR: Ashley Smith

Previous law provided that the governor issue a proclamation ordering the election of officers elected every two years. Since the term for county officials has been changed to four years, the requirement of a proclamation ordering the election of officials elected every two years is obsolete. This bill deletes the obsolete language.

HOUSE BILL 510 — HOUSE AUTHOR: El Franco Lee
EFFECTIVE: 8-31-81 — SENATE SPONSOR: Brooks

The act enlarges the board of trustees for the Houston Independent School District from seven to nine members. The nine single-member trustee districts are to be drawn by the board of trustees before October 1, 1981. A change in boundaries occurring as a result of redistricting does not affect the term of office of a trustee serving on the date of the election for which the change is effective. However, if a boundary change places the residence of a trustee whose office is not next up for election outside his own district and he fails to move within the new boundaries before the 45th day preceding the date of the first election for which the boundary change is effective, then the office is declared vacant and filled at that election.

HOUSE BILL 560 HOUSE AUTHOR: Semos
EFFECTIVE: 9-1-81 SENATE SPONSOR: Mauzy

Under this act, a special election is required to fill a vacancy on the board of trustees for the Dallas Independent School District if the vacancy occurs when there are more than nine months remaining in the term of the vacating member.

HOUSE BILL 847 HOUSE AUTHOR: Von Dohlen, et al.
EFFECTIVE: 6-12-81 SENATE SPONSOR: Traeger

Commissioners courts are allowed under this act to change county election precinct boundaries at any time if necessary to conform to district boundary changes brought about by redistricting. The act requires commissioners courts to make the election precinct boundary changes necessary to conform to legislative redistricting by November 30 of the year in which the redistricting is done.

The time for mailing renewal voter registration certificates to voters is changed from November of each odd-numbered year to January of each even-numbered year.

HOUSE BILL 892 HOUSE AUTHOR: Berlanga
EFFECTIVE: 8-31-81 SENATE SPONSOR: Santiesteban

This act requires each county clerk to furnish the secretary of state, between September 1, 1981, and January 1, 1982, a map of the county showing the boundaries of the county commissioner precincts and county election precincts.

HOUSE BILL 1350 HOUSE AUTHOR: DeLay
EFFECTIVE: 9-1-81 SENATE SPONSOR: Richards

The act provides that a copy of a proposed city charter is to be mailed to each voter on the current lists of registered voters maintained by the voter registrar of the county in which the city is located rather than to each voter on the lists during the calendar year ending January 31 before the charter election date.

HOUSE BILL 2100 HOUSE AUTHOR: McWilliams
EFFECTIVE: 8-31-81 SENATE SPONSOR: Howard

Under this act, a public referendum may be called on the method of county road administration in Harrison County. The election may be called on the commissioners court's own motion and must be called on petition by at least five percent of the county's qualified voters.

HOUSE BILL 2109 HOUSE AUTHOR: Ashley Smith
EFFECTIVE: 8-31-81 SENATE SPONSOR: Brown

The Texas Election Code provides that, if both the governor-elect and the lieutenant governor-elect die or become permanently incapacitated, thereby being unable to take office at the time the legislature canvasses the election results for those offices, then the speaker of the house of representatives and the president pro tem of the senate will call a joint session to elect a governor and lieutenant governor. This act clarifies that act by specifying that the persons so elected by the legislature serve only until the next general election instead of for the term of two years.

Election Procedure

SENATE BILL 615 SENATE AUTHOR: Ogg
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Danburg

The act authorizes the canvass by the state canvassing board to be conducted at any time within the one week period beginning the 15th day and continuing through the 21st day after election day, the time to be set by the secretary of state.

SENATE BILL 776 SENATE AUTHOR: Ogg
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Blythe

Under this act, certain elections are excluded from the requirement that elections be held on one of four uniform dates. The act excludes confirmation elections, director elections, and maintenance tax elections held in conjunction with the creation of political subdivisions that furnish water or sewer services to household users.

HOUSE BILL 152 HOUSE AUTHOR: Willis
EFFECTIVE: 8-31-81 SENATE SPONSOR: Mauzy

The act increases the pay of election judges and clerks from $3 to $4 per hour. The pay for the judge who delivers the election returns is increased from $20 to $25 for that service.

HOUSE BILL 270 HOUSE AUTHOR: Watson
EFFECTIVE: 8-31-81 SENATE SPONSOR: Mengden

The act validates proceedings relating to each election held in 1980 pursuant to a proclamation by the governor.

HOUSE BILL 1128 HOUSE AUTHOR: Staniswalis
EFFECTIVE: 8-31-81 SENATE SPONSOR: Ogg

The Texas Election Code is amended by this act to provide definitions of many of the words and phrases commonly used throughout the code.

HOUSE BILL 1288 HOUSE AUTHOR: Staniswalis
EFFECTIVE: 8-31-81 SENATE SPONSOR: Farabee

Prior to 1966, a poll tax was levied as a condition to vote in Texas in local, county, and state elections. In 1966, the U.S. Supreme Court struck down the requirement for a poll tax in the case of U.S. v. State of Texas. Under this act, all statutory references to a poll tax, a poll tax receipt, or certificates exempting persons from payment of the tax, are deleted.

HOUSE BILL 1396 HOUSE AUTHOR: Von Dohlen
EFFECTIVE: 8-31-81 SENATE SPONSOR: Ogg

The act authorizes a recount of the votes cast by paper ballot in an election on a measure. The procedure for conducting the recount is similar to that for a paper-ballot election for office.

HOUSE BILL 1487 HOUSE AUTHOR: Danburg
EFFECTIVE: 8-31-81 SENATE SPONSOR: Doggett

This act updates the citation for local option liquor elections in the exceptions to the uniform dates requirement in the Texas Election Code by referring to the Alcoholic Beverage Code rather than to a repealed statute. It also clarifies that a school maintenance tax election is excepted from the uniform date requirement regardless of whether it is held in conjunction with a school bond election.

HOUSE BILL 1488 HOUSE AUTHOR: Danburg
EFFECTIVE: 8-31-81 SENATE SPONSOR: Doggett

The act repeals the section of the Texas Election Code that imposes as a penalty for violating campaign reporting and disclosure laws the forfeiture of a candidate's right to have his name placed on the ballot.

Voting

SENATE BILL 42 SENATE AUTHOR: Mengden
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Ware

Before this act, the deadline for receipt of absentee mail ballots in presidential elections was the time for closing the polls on election day, and the deadline in other countywide

elections and in less-than-countywide elections in which absentee ballots were counted by a special canvassing board was 1:00 p.m. on election day. This act makes the deadline in all such elections the time for closing the polls on election day. The act also changes the date that absentee ballots may be mailed to voters outside the United States to not earlier than 45 days before election day.

SENATE BILL 531 SENATE AUTHOR: Glasgow
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Ashley Smith

This act eliminates the requirement of a doctor's certificate of disability as a prerequisite to voting absentee on the ground of sickness or physical disability.

SENATE BILL 648 SENATE AUTHOR: Ogg
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Danburg

Certain phases of the processing of absentee electronic voting system ballots are permitted by this act to begin before election day. To enable this, the act provides for early delivery of the ballots to the processing authority and for prior notice of delivery.

SENATE BILL 819 SENATE AUTHOR: Brown
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Shaw

This act repeals obsolete provisions in the Election Code relating to requirements for voting in bond elections.

SENATE BILL 1073 SENATE AUTHOR: Mauzy
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Shaw

This act allows the voter registrar to maintain the required duplicate voter registration certificate files as information stored in electronic data processing equipment.

HOUSE BILL 988 HOUSE AUTHOR: Edwards
EFFECTIVE: 8-31-81 SENATE SPONSOR: Uribe

The act authorizes the principal of each public or private high school in the state to distribute, at the school's graduation exercises or at any assembly in which the graduating class participates, a voter registration application form to each graduating student.

HOUSE BILL 1403 HOUSE AUTHOR: Bruce Gibson
EFFECTIVE: 8-31-81 SENATE SPONSOR: Meier

The act requires that, for elections of political subdivisions other than counties or cities, notice of the time and place of a drawing to determine the order of the candidates' names on the ballot be mailed to each candidate regardless of whether the candidate submits a stamped, self-addressed envelope for that

purpose.

HOUSE BILL 1567 HOUSE AUTHOR: Ashley Smith
EFFECTIVE: 8-31-81 SENATE SPONSOR: Brown

The act eliminates the requirement that the officially prescribed application form for an absentee ballot to be voted by mail be in the form of a postcard.

HOUSE BILL 2171 HOUSE AUTHOR: Ware
EFFECTIVE: 8-31-81 SENATE SPONSOR: Richards

Under previous law, when a renewal registration certificate that had been mailed to a registered voter was returned, undelivered, to the voter registrar, the voter's registration was canceled on the following March 1. However, if the voter filed an affidavit of residence and a voter registration application while voting in an election held from March 1 through June 30 following the certificate's return, the voter was reregistered. Under this act, instead of canceling the voter's registration on March 1, the voter's name is placed on a "list of returned certificates" and his registration is canceled on the following August 15 if he does not execute an affidavit of residence at an election held from March 1 through August 15. The act also makes corresponding changes in the procedure for challenging a return or a cancellation and in the procedures for administering the registration renewal system.

Political Campaigns

SENATE BILL 48 SENATE AUTHOR: Mauzy
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Jackson

The act changes the date for holding county and senatorial district conventions of a political party from the first Saturday to the second Saturday after general primary election day.

SENATE BILL 528 SENATE AUTHOR: Parker
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Price

It is unlawful under this act for an employer to refuse an employee the privilege of attending a county, district, or state convention to which the employee is a delegate. The employer is not required to compensate the employee for such time taken off.

HOUSE BILL 1214 HOUSE AUTHOR: Leonard
EFFECTIVE: 6-12-81 SENATE SPONSOR: Meier

This act repeals a section of the Texas Education Code that sets a spending limit on campaigns for a position on the State Board of Education at $1,500.

HOUSE BILL 1466 HOUSE AUTHOR: Evans
EFFECTIVE: 1-1-82 SENATE SPONSOR: Mauzy

The Penal Code provides for the offenses of Compensation for Past Official Behavior, Gift to Public Servant by Person Subject to His Jurisdiction, and Offering a Gift to a Public Servant. However, these sections do not apply to the giving of an honorarium not exceeding $250 when reported by the recipient in his financial statement. This act provides that the $250 honorarium is exclusive of reimbursement for travel, lodging, and food expenses incurred by the recipient in the performance of the services for which the honorarium is given.

The act also amends the definition of "contribution" in the Election Code to exclude honoraria that are permissible under the Penal Code.

HOUSE BILL 1790 HOUSE AUTHOR: Horn
EFFECTIVE: 8-31-81 SENATE SPONSOR: Farabee

The act requires a general purpose political committee that desires to file monthly contribution and expenditure statements to file a notice of intent to file monthly statements between January 1 and January 15 of the first year in which the committee intends to file the statements, rather than filing a notice of intent each year.

HOUSE BILL 1903 HOUSE AUTHOR: Clayton, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Farabee

This omnibus bill revises Chapter 14 of the Texas Election Code: (1) by increasing the reporting requirements for candidates, officeholders, former officeholders, and political committees; (2) by regulating the form of contributions; (3) by restricting the making of contributions to certain public officers and political committees during a regular session of the legislature; and (4) by defining what constitutes the acceptance of a political contribution.

ENERGY

The 67th Legislature passed several measures dealing with general energy matters, oil and gas law, solar energy development, and agriculturally derived alcohol used in gasohol. Notably, the legislature amended the Texas Disaster Act of 1975 to cope with energy emergencies, amended state oil and gas laws concerning commingling and gathering, authorized two solar energy demonstration programs, and gave the commissioner of agriculture responsibilities in the area of fuel alcohol.

Oil and Gas

SENATE BILL 677 SENATE AUTHOR: Glasgow
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Browder

Senate Bill 677 is a response to the problems of theft involving oil field equipment. It requires a bill of sale to be executed for the exchange, instead of only for the purchase, of oil field equipment and adds information that is required to be included on the bill of sale. The act directs dealers, brokers, and peddlers to keep a copy of all bills of sale at their places of business and authorizes the Department of Public Safety and other peace officers to make inspections of the premises and records. Fines for violating the laws relating to used oil field equipment are raised to not less than $500 for each violation; previously, the fines were set at between $10 and $50.

SENATE BILL 1146 SENATE AUTHOR: McKnight
EFFECTIVE: 6-16-81 HOUSE SPONSOR: Nowlin

Under existing law, the Railroad Commission of Texas may allow commingling of oil and gas from nonpressure-connected geological strata if to do so would prevent waste, promote conservation, or protect correlative rights. This act clarifies that the commission may prorate the daily allowable production from commingled accumulations as if they were a single pool, single common reservoir, or common source of supply. Such prorating is conditioned on several stated factors.

SENATE BILL 372 SENATE AUTHOR: Glasgow
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Jones

As a result of inflation, increased prices for oil and gas, and increased costs of production equipment, theft of oil and gas and of equipment used for oil and gas production has become a very serious problem in Texas. Senate Bill 372 amends the Penal Code to make theft of combustible hydrocarbon natural and synthetic natural gas, crude petroleum oil, or equipment used for their production, a second degree felony.

HOUSE BILL 1899 HOUSE AUTHOR: Craddick, et al.
EFFECTIVE: 8-31-81 SENATE SPONSOR: McKnight

This act amends the definition of a gas utility to exclude from regulation natural or synthetic gas producing and gathering lines in the vicinity of the producing area. The act also itemizes exactly which gas producing and gathering activities are exempt.

HOUSE BILL 1691 HOUSE AUTHOR: Hanna
EFFECTIVE: 6-11-81 SENATE SPONSOR: McKnight

Under present law, lessees of public land leased by the School Land Board may shut in production from gas wells on that land for lack of a suitable market. They may then continue the lease in effect by payment of shut-in royalties. This act extends the shut-in royalty provisions to oil wells and to oil or gas wells that are not being produced for lack of suitable production facilities. Also, this act extends compensatory royalty provisions to cover oil wells on public land.

HOUSE BILL 2024 HOUSE AUTHOR: Bock
EFFECTIVE: 9-1-81 SENATE SPONSOR: Santiesteban

The commissioner of the General Land Office may regulate geophysical and geochemical exploration for oil and gas on public school land as part of his responsibilities in managing that land. Those having oil and gas leases on such land may conduct explorations as part of the lease. The General Land Office until now has handled on a case-by-case basis explorations by those not having leases. This act requires that any person who does not have an oil and gas lease on public school land obtain a permit from the commissioner for purposes of geophysical or geochemical exploration on that land, and it sets forth the conditions for obtaining a permit. The act is not applicable to offshore areas nor to Relinquishment Act land for which the state only retains mineral rights but is not the surface owner.

Coal, Lignite, and Other Minerals

SENATE BILL 290 SENATE AUTHOR: Caperton
EFFECTIVE: 4-30-81 HOUSE SPONSOR: Tow

Under current law, the Board for Lease of Texas Prison Lands is authorized to lease, contract, or enter into agreements for the exploration and development of oil and gas on land owned by the Texas Department of Corrections. Senate Bill 290 expands the board's authority to cover coal, lignite, and minerals other than oil and gas. It also authorizes the Texas Department of Corrections to construct or acquire electric generating facilities to provide power for its own facilities. Royalties and other net income derived from development of coal, lignite, and other minerals on these lands are to be deposited in a mineral lease fund for the exclusive use of the department as specified by legislative appropriation.

Alternative Energy Sources

HOUSE BILL 1154 HOUSE AUTHOR: Coleman
EFFECTIVE: 9-1-81 SENATE SPONSOR: Santiesteban

This act authorizes the Texas Energy and Natural Resources Advisory Council to establish and administer a demonstration program for the solar generation of steam to be used in an electric power plant. The demonstration program would use a central receiver system. The state would provide up to 20 percent of the funds. The act clarifies that the council's responsibility to coordinate energy-related problems shall not be construed to restrict, limit, or specify energy research or related activities by others.

SENATE BILL 691 SENATE AUTHOR: Santiesteban
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Coleman

Senate Bill 691 authorizes the Texas Energy and Natural Resources Advisory Council to establish and administer a four-year demonstration program for the solar generation of heat to be used for industrial purposes. The state would provide no more than 20 percent of the funding, with the federal government or private sources providing the remainder. The act removes a previous $5 million ceiling on the state's energy development fund.

SENATE BILL 228 SENATE AUTHOR: Sarpalius
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Keese

The commissioner of agriculture is authorized under Senate Bill 228 to adopt rules establishing standards of quality and purity for industrial alcohol used as or in motor fuel. Also, the commissioner may adopt rules establishing procedures for the registration of fuel alcohol equipment having an annual production capacity of one million gallons or less. Manufacturers must register this equipment annually, at a fee of up to $100, prior to its sale or lease. The Texas Department of Agriculture may sue in district court to enjoin the sale or lease of such equipment if it is not registered or if it produces alcohol that does not meet the department's standards of quality and purity or that is unsafe. Also, a person who sells or leases unregistered fuel alcohol equipment commits a Class C misdemeanor. The act authorizes the commissioner to compile and distribute a list of fuel alcohol equipment registered within the state and to compile and distribute other information on the production and use of agriculturally derived fuels.

Energy Conservation

HOUSE BILL 1335 HOUSE AUTHOR: Hanna
EFFECTIVE: 9-1-81 SENATE SPONSOR: Glasgow

This act provides that state agencies and institutions, in planning the construction of new state buildings, consider the economic feasibility of incorporating solar energy devices for purposes of space heating, cooling, water heating, and interior lighting. If solar devices are less expensive than conventional energy systems, they are to be incorporated into the building's design. The act is administered by the State Purchasing and General Services Commission, except for institutions of higher education and certain other state agencies.

SENATE BILL 280 SENATE AUTHOR: Mengden
EFFECTIVE: 6-8-81 HOUSE SPONSOR: Delco

This act directs the State Purchasing and General Services Commission, subject to the availability of appropriated funds, to renovate state buildings in the capitol complex to implement energy conservation measures in accordance with an energy conservation study undertaken earlier by the commission.

HOUSE BILL 1606 HOUSE AUTHOR: Lewis
EFFECTIVE: 6-10-81 SENATE SPONSOR: McKnight

House Bill 1606 confers on the commissioner of labor and standards certain functions attendant to the state residential energy conservation plan, based on mutual agreement with the Texas Energy and Natural Resources Advisory Council. The functions may include preparation of a master list of persons selling, financing, or installing residential energy conservation measures, inspection of installed conservation measures, and establishment of a grievance procedure to resolve associated consumer complaints. The commissioner is authorized to issue regulations and to collect fees to be credited to a special residential conservation fund.

General

HOUSE BILL 1499 HOUSE AUTHOR: Bomer
EFFECTIVE: 8-31-81 SENATE SPONSOR: Mengden

House Bill 1499 amends the Texas Disaster Act of 1975 to include in its purposes the provision of authority and mechanisms by which to respond to an energy emergency. An energy emergency is defined as a temporary local, regional, or statewide shortage of oil or liquid fuels that makes emergency measures necessary to reduce demand or to allocate supply. The act gives the governor additional authority with relation to energy emergencies. It provides that the governor's Division of Disaster Emergency Services (renamed the Division of Energy Management by House Bill 36) may maintain as part of its state disaster plan provisions for energy emergencies and for coordination of federal and state energy emergency plans.

HOUSE BILL 1413 HOUSE AUTHOR: Craddick
EFFECTIVE: 5-20-81 SENATE SPONSOR: Wilson

This act assigns to the Railroad Commission of Texas responsibility for the control and prevention of water pollution associated with the drilling and plugging of holes drilled for uranium exploration. Previously, jurisdiction over this area had been unclear.

HOUSE BILL 1278 HOUSE AUTHOR: Craddick
EFFECTIVE: 6-12-81 SENATE SPONSOR: Meier

The Texas Department of Health, of which the commissioner of health is the chief executive, has responsibilities related to solid, hazardous, and radioactive wastes. Recognizing the importance of these responsibilities to the total natural resources

area, the legislature has added the commissioner of health as the 22nd member of the Texas Energy and Natural Resources Advisory Council.

ENVIRONMENT

Whereas environmental legislation of the 65th and 66th Legislatures had centered primarily on water quality, air quality, and surface mining, that of the 67th Legislature centered almost exclusively on wastes. The legislature's focus ranged from the relatively ordinary, including litter and garbage, to the more dangerous, including hazardous and radioactive wastes. In one major case, the impetus was provided by an immediate crisis among waste generators and processors; in certain other major cases, the impetus arose from a need to satisfy federal regulatory requirements and to thereby assume state control of waste management programs.

Low-Level Radioactive Wastes and Uranium Mill Tailings

One of the most pressing issues considered by the 67th Legislature was the regulation of low-level radioactive wastes generated by hospitals, laboratories, and industry, and of radioactive mill tailings generated as a by-product of uranium mining operations. Texas has commercial facilities for the processing of low-level radioactive wastes. Such processing, licensed by the Texas Department of Health (TDH), includes storage and other handling short of permanent disposal. Texas has no facilities for permanent disposal of radioactive wastes, and like the rest of the nation it has had to rely on a trio of sites in South Carolina, Washington, and Nevada. Also, the state has operating uranium mines that generate mill tailings.

By early 1981 it became apparent that the three out-of-state permanent disposal facilities would soon become unavailable for disposal of Texas wastes. Simultaneously, Texas' commercial processing facilities were either approaching their capacities, in violation of TDH license specifications and prohibited from accepting more wastes, or planning to close. Applications for additional processing sites were pending, yet had met with strong local opposition. Facing these dilemmas, the legislature responded by temporarily suspending further TDH licensing of commercial processing facilities. It then passed a three-bill package designed to effectively regulate low-level radioactive wastes, to ensure development of an in-state waste disposal site, and to deal with uranium mill tailings.

SENATE BILL 480 SENATE AUTHOR: Traeger, et al.
EFFECTIVE: 4-1-81 HOUSE SPONSOR: Bock

Passage of this act lifted the moratorium on licensing of radioactive waste processing facilities that had been imposed throughout most of March, 1981, by H.C.R. 21. The act strengthens Texas Department of Health rulemaking and licensing authority with regard to the transport, processing, and permanent disposal of low-level radioactive wastes. Such wastes are defined as: (1) any radioactive materials having a half-life of 35 years or less; or (2) any radioactive materials having less than 10 nanocuries per gram of transuranics including those with a half-life over 35 years, provided that the department establishes special criteria for their disposal.

The act gives the Texas Department of Health the power to adopt rules relating to transportation of sources of radiation. It also gives the department additional responsibilities concerning the issuance of licenses for processing or permanent disposal of low-level radioactive wastes. The department is authorized to develop a classification system for such wastes based on their characteristics and to adopt criteria for the designation of sites that are unsuitable for processing or disposal. It must implement special administrative procedures in licensing sites, including formal public hearings preceded if necessary by preparation of an environmental impact analysis. The act increases the size of the department's Radiation Advisory Board from 9 to 18 members to represent the public as well as additional specialist occupations.

An applicant seeking a license for processing or disposal must obtain all other necessary licenses. The applicant must provide the department with necessary information concerning site suitability, land use compatibility, socioeconomic effects, characteristics of the wastes, security and emergency plans, and several other factors. The applicant must have adequate insurance, demonstrate adequate financial qualifications, and provide adequate financial security, if appropriate, to assure performance of obligations.

A processing or disposal facility may not accept out-of-state wastes except via an interstate compact, via reciprocal arrangements, or as part of limited transactions that originated in Texas. Public records of a processing or disposal facility are open to inspection by the Texas Department of Health and by officials of surrounding local governments. A local government or any person affected may file a complaint with the department requesting an investigation of alleged license violations and may bring suit if the department fails to act. Local governments may bring separate suits if access to facility records is denied. The new law provides much more stringent civil and criminal penalties for violations of its provisions.

Although commercial interests may be licensed to process

wastes, only a public entity specifically authorized by law may obtain a license to dispose of wastes. All land and property associated with a disposal facility must be transferred to the state, a requirement of federal law. Upon decommissioning and closure of the disposal facility, the Texas Department of Health is authorized to assume full title to associated land, other property, and wastes. The act creates a radiation and perpetual care fund, composed of the financial security of licensees, to pay for cleanup and corrective measures at license sites.

SENATE BILL 1177 SENATE AUTHOR: Brooks, et al.
EFFECTIVE: 6-1-81 HOUSE SPONSOR: Bock

A second major component of the package, this act creates the Texas Low-Level Radioactive Waste Disposal Authority as a public entity to select and acquire a site and to construct and manage a facility on that site for permanent disposal of low-level radioactive wastes. The authority acts as a licensee subject to the regulatory authority of the Texas Department of Health. It is governed by a six-member board of directors consisting of a physician, a health physicist, an attorney, a geologist, and two representatives of the general public. The board is directed to study and screen potential areas within Texas for permanent disposal of low-level radioactive wastes, considering certain itemized criteria. It will then narrow its search to two or more sites for further analysis of cost and impact, select the most suitable site, hold public hearings in the affected county, and either reaffirm its selection or repeat the hearing procedure for alternative sites. The board's choice is subject to licensing requirements of the Texas Department of Health, including further hearings and possible rejection leading to the final selection of some other site.

The authority may acquire title to associated land and property by gift, grant, or purchase. It is responsible for preparation and construction of the disposal facility, for management of operations there during the course of the facility's active lifetime, and for decommissioning and closing the site, at which time title may be transferred to the Texas Department of Health. The authority may either construct and operate the facility itself or may contract for such services, but it retains ultimate managerial control subject to Texas Department of Health regulations. Costs of the facility and other expenses of the authority are to be paid from waste packaging, processing, and disposal fees.

Senate Bill 1177 defines low-level radioactive wastes the same as in Senate Bill 480. It is more restrictive, however, flatly prohibiting the permanent disposal of out-of-state wastes and omitting any reference to interstate compacts or reciprocal agreements. The authority may in addition exclude from the site

certain types of low-level wastes that are incompatible with disposal operations.

SENATE BILL 735 SENATE AUTHOR: Traeger, et al.
EFFECTIVE: 5-20-81 HOUSE SPONSOR: Bock

A third component of the package, this act amends state law to comply with requirements of the federal Uranium Mill Tailings and Radiation Control Act of 1978. It increases state regulatory authority with respect to disposal of uranium mill tailings. The Texas Department of Health, in issuing licenses for an activity resulting in such tailings, may include terms and conditions necessary to ensure that the licensee will comply with department standards regarding decontamination, decommissioning, reclamation, and disposal. The licensee must minimize the need for long-term maintenance and monitoring. Title to a disposal site must be transferred to the State of Texas or to the federal government prior to the termination of the license. The department is authorized to acquire abandoned disposal sites, tailings, and wastes on behalf of the state.

If the department determines that a processing activity will have a significant impact on the human environment, it must prepare or have prepared an environmental impact analysis. The analysis is to include an assessment of the activity's radiological and nonradiological impact on the public health and an assessment of its impact on any waterway or groundwater. The analysis must consider long-term impact of the activity plus alternatives to the activity, including alternative sites or engineering methods. The department must give notice of the analysis, and afford opportunity for a public hearing and for written comments from affected persons, prior to approval or renewal of the license. The department may issue orders to correct or neutralize, at the licensee's expense, any threat posed by the tailings to the public health and safety and to the environment.

Other Legislation

HOUSE BILL 1407 HOUSE AUTHOR: Jerry Clark
EFFECTIVE: 9-1-81 SENATE SPONSOR: Parker

Amendments to the state's Solid Waste Disposal Act are designed to bring Texas into compliance with the hazardous waste requirements of the federal Resource Conservation and Recovery Act (RCRA). Its passage enables the Texas Department of Water Resources (TDWR) and Texas Department of Health (TDH) to obtain final federal authorization to assume joint administration of the state's hazardous waste program. Hazardous wastes, a special category of solid waste, are defined by regulations of the U.S.

Environmental Protection Agency. TDWR has authority over industrial solid and hazardous wastes; TDH, over municipal solid and hazardous wastes.

A key component of the RCRA requirements is the establishment of a "cradle-to-grave" manifest system, or a similar system, covering all hazardous wastes and certain types of solid waste. Under such a system, persons generating, transporting, storing, processing, or disposing of such wastes must maintain vouchers and keep careful records regarding the wastes that are under their care. The act directs TDWR and TDH to implement a mandatory record-keeping program.

The act provides for the issuance, amendment, extension, and renewal of permits associated with facilities for the storage, processing, or disposal of solid wastes including hazardous wastes. It requires notice and affords opportunity for a public hearing on any such permit action. Hearings on permits involving an industrial hazardous waste facility must include at least one session in the county in which the facility is or will be located. Without prior notice or hearing, though with provision for a subsequent hearing, either agency may issue an emergency order to remedy solid waste activities causing or threatening serious property damage or economic loss or threatening human life and health. To promote better solid waste management, either agency may establish training programs for solid waste technicians and may award letters of competency to those completing the training.

The act increases civil penalties related to nonhazardous solid waste to between $100 and $2,000 per violation per day, and it imposes civil penalties related to hazardous waste of between $100 and $25,000 per violation per day. The act imposes a criminal penalty for specified violations, consisting of a fine of between $100 and $25,000 per violation per day, imprisonment of up to 180 days, or both. For subsequent offenses, the minimum and maximum limits of the fine are doubled, and the maximum period of imprisonment is increased to one year. A person who knowingly transports, stores, processes, or disposes of hazardous waste in violation of the act so as to endanger the life of another person or to threaten serious bodily injury to another person is subject to a fine of up to $250,000, imprisonment of up to five years, or both. For corporations and other entities, the maximum fine for the same offense is $1 million.

SENATE BILL 758 SENATE AUTHOR: Brown
EFFECTIVE: 5-7-81 HOUSE SPONSOR: Davis

The federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 authorized a "superfund" for the cleanup of abandoned disposal sites for certain hazardous substances. Senate Bill 758 authorizes the Texas Department of Water Resources to enter into contracts and cooperative agreements

with the federal government for this purpose. It establishes a disposal facility response fund to assure payment of the state's share of the costs of any cleanup project. That share is 10 percent, unless the site was owned by the state when the hazardous substances were disposed of there, in which case the state could be required to pay at least 50 percent.

HOUSE BILL 1379 HOUSE AUTHOR: Craddick
EFFECTIVE: 6-17-81 SENATE SPONSOR: Snelson

Under state law as amended by this act, responsibility for regulation of injection wells is vested in two state agencies. The Texas Department of Water Resources has jurisdiction over injection wells for disposal of industrial and municipal waste, for extraction of minerals, or for injection of a fluid. The Railroad Commission of Texas has jurisdiction over injection wells for disposal of oil and gas wastes and jurisdiction over underground storage of hydrocarbons. "Extraction of minerals," as defined by H.B. 1379, includes the use of injection wells for the development or recovery of natural resources that are not governed by the railroad commission; the term encompasses solution mining of minerals, in situ mining of uranium, and mining of sulfur by the Frasch process, but not solution mining of salt when leaching a cavern for the storage of hydrocarbons. The term "oil and gas wastes," as amended by H.B. 1379, includes not only wastes incidental to oil or gas drilling or production, but also wastes incidental to underground hydrocarbon storage, wastes resulting from geothermal resources, and wastes arising from gasoline plants, natural gas processing plants, and pressure maintenance or repressurizing plants.

Local governments and affected persons are to receive notice from the responsible state agency of permit applications for injection wells. A public hearing must be held on a permit application for an injection well to dispose of industrial and municipal waste, if a local government in the county or an affected person so requests, and notices for such applications must indicate the opportunity to request this hearing. Applicants for injection well permits must demonstrate adequate financial responsibility and may be required to post a performance bond or other financial security to ensure that an abandoned well will be plugged properly. Certain officers and employees of the responsible state agency have the power to enter property to inspect injection wells and to examine and copy related records. In addition to civil penalties, the act establishes criminal fines of up to $5,000 per violation per day for persons who knowingly violate the act, related rules, or related permit provisions.

A part of the act deals with underground hydrocarbon storage facilities. The railroad commission is directed to monitor such facilities and may adopt rules and issue orders and permits

associated with underground storage of hydrocarbons. Again, it has the power to enter property, inspect site conditions, and examine and copy records. It may issue a notice of noncompliance, in which case the storage facility must cease operations and connective pipelines on other carriers must disconnect from the storage facility until compliance is achieved. The railroad commission may also seek injunctive relief to enforce its rules or orders and may seek civil penalties for violators of up to $1,000 per offense per day.

SENATE BILL 752 SENATE AUTHOR: Harris
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Wilson

The Solid Waste Resource Recovery Financing Act is intended to encourage the conservation of material and energy resources by processing solid waste for reuse or for its energy content. The act authorizes a water district containing all of at least one county to construct a solid waste resource recovery system. Construction is financed by the issuance of bonds. The district may sell or lease the system to a separate operator. A "public agency"--including any county, city, town, or a water district containing all of at least one county--is authorized to enter into a contract for the supply of solid wastes to be used by the recovery system. The public agency may use and pledge any available revenues or resources to pay amounts due under the contract. It may in some circumstances impose taxes to meet its contractual payments.

HOUSE BILL 1529 HOUSE AUTHOR: Bock
EFFECTIVE: 1-1-82 SENATE SPONSOR: Farabee

The Texas Litter Abatement Act recodifies in one location various litter laws that were previously dispersed throughout state statutes. Provisions restricting the vehicular transport of loose materials, however, were not relocated. The act makes no substantive changes regarding litter laws.

HOUSE BILL 1706 HOUSE AUTHOR: Lanny Hall
EFFECTIVE: 9-1-81 SENATE SPONSOR: Andujar

House Bill 1706 affects prosecutions for illegal dumping of garbage by shifting the burden of proof. As modified by this act, state law now requires a defendant to prove that he or she had prior written consent from a landowner, the landowner's agent, or a public official in charge of the property, to dispose of garbage on that property. Certain health officers as well as law enforcement officers may issue citations for illegal dumping.

HOUSE BILL 1278 HOUSE AUTHOR: Craddick
EFFECTIVE: 6-12-81 SENATE SPONSOR: Meier

The Texas Department of Health, of which the commissioner of health is the chief executive, has responsibilities related to solid, hazardous, and radioactive wastes. Recognizing the importance of these reponsibilities to the total natural resources area, the legislature has added the commissioner of health as the 22nd member of the Texas Energy and Natural Resources Advisory Council.

HOUSE BILL 1413 HOUSE AUTHOR: Craddick
EFFECTIVE: 5-20-81 SENATE SPONSOR: Wilson

This act assigns to the Railroad Commission of Texas responsibility for the control and prevention of water pollution associated with uranium exploration wells.

HOUSE BILL 1368 HOUSE AUTHOR: Sharp
EFFECTIVE: 6-16-81 SENATE SPONSOR: Farabee

The act provides immunity from civil liability for any act or omission that occurs in giving care, assistance, or advice with respect to the prevention or management of a dangerous incident related to the storage or transportation of a hazardous material.

FAMILY LAW

Husband-Wife

HOUSE BILL 752 HOUSE AUTHOR: Denton
EFFECTIVE: 9-1-81 SENATE SPONSOR: Mauzy

This act amends the section of the Family Code that provides for a court to issue temporary orders in a suit for the dissolution of a marriage. An ex parte temporary restraining order may now be issued to prevent harassment, physical injury, or property damage. After notice and a hearing, a court may issue a temporary injunction to require support or the protection of persons or property, among other things. The act also repeals Section 3.56 of the Family Code, which provided for injunctions and property inventories.

HOUSE BILL 753 HOUSE AUTHOR: Denton
EFFECTIVE: 9-1-81 SENATE SPONSOR: Mauzy

The section of the Family Code that provides for the division of property in a marriage dissolution is expanded to expressly allow the judge to divide property that was acquired by a spouse when that spouse did not live in the state. This act also permits the spouses to make a property settlement agreement that the judge must accept if it is a fair division of the property.

SENATE BILL 755 SENATE AUTHOR: Mauzy
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Adkisson

This act reorganizes the subchapter of the Family Code relating to marital property agreements between husband and wife to conform to the constitutional amendment that was adopted in 1980 and that permitted spouses to provide by agreement for the division of community property into separate property.

SENATE BILL 922 SENATE AUTHOR: Mauzy
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Adkisson

This act allows a married couple to agree with a financial institution that present and future funds are to be partitioned and regarded as separate property. Certain language in the Probate Code is deleted to conform to the constitutional amendment to Article XVI, Section 15, adopted in 1980.

Parent-Child

HOUSE BILL 154 HOUSE AUTHOR: Schlueter, et al.
EFFECTIVE: 6-10-81 SENATE SPONSOR: Mauzy

This act raises parents' maximum liability for damages caused by the wilful and malicious acts of their children from $5,000 to $15,000.

HOUSE BILL 951 HOUSE AUTHOR: Adkisson
EFFECTIVE: 9-1-81 SENATE SPONSOR: Mauzy

This act clarifies the sections of the Family Code that deal with venue in a suit affecting the parent-child relationship. Venue is in the county named in an uncontroverted affidavit, or, if the affidavit is contested, a hearing on the issue will determine venue. The residence of the child and the location of a suit to dissolve the marriage are two factors to be considered in determining venue. Temporary orders regarding the care, support, and safety of a child may be issued without a verified pleading showing immediate and irreparable injury unless the order relates to possession of the child.

HOUSE BILL 952 HOUSE AUTHOR: Adkisson
EFFECTIVE: 8-31-81 SENATE SPONSOR: Mauzy

This act streamlines and clarifies the language of the Uniform Reciprocal Enforcement of Support Act. The act provides that a suit under URESA may be brought independently of a suit affecting the parent-child relationship under Title 2, Family Code. The determination of venue is considerably simplified by specifying that venue is in the county of residence of the child or the defendant. The act also establishes the presumption that both plaintiff and defendant have an equal duty of support.

HOUSE BILL 1517 HOUSE AUTHOR: Jones
EFFECTIVE: 6-16-81 SENATE SPONSOR: Glasgow

This act, by reference to other statutes, establishes the manner of payment and amount of fees to be paid to an attorney appointed to represent a child in a suit affecting the parent-child relationship.

HOUSE BILL 1538 HOUSE AUTHOR: Jackson
EFFECTIVE: 9-1-81 SENATE SPONSOR: Mauzy

Under prior law, certain issues including access to a child and child support were required to be submitted to the jury on the demand of a party even though the judge was not bound by the verdict on those issues. This amendment leaves to the judge's discretion whether or not to submit those issues to the jury in a suit affecting the parent-child relationship.

SENATE BILL 105 SENATE AUTHOR: Farabee, et al.
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Edwards

This act permits a court to put a person on probation when the court finds that person in contempt for failure to pay child support. The payment of a special fee to be deposited in a county fund for criminal justice programs is one of the possible conditions of probation. The act also lengthens the statute of limitations for paternity suits. By an amendment to the probate code, the estate of a person who dies intestate is made subject to court-ordered child support payments.

SENATE BILL 242 SENATE AUTHOR: Kothmann
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Madla

This act requires the Department of Human Resources to report suspected child abuse to the appropriate law enforcement agency when the department receives the report before a law enforcement agency receives it. The Code of Criminal Procedure, 1965, is amended to permit a search warrant to be issued to find and photograph a child who has been reported as being abused. The act specifies the probable cause requirements for the issuance of the warrant and the procedures for obtaining, executing, and returning the warrant.

SENATE BILL 270 SENATE AUTHOR: Santiesteban
EFFECTIVE: 6-8-81 HOUSE SPONSOR: Polk

This act amends certain sections of the Family Code to require periodic review of the placement of a child by an authorized agency when the authorized agency is named as managing conservator of a child. The current requirement for review of placement by the Department of Human Resources is not affected.

SENATE BILL 1004 SENATE AUTHOR: Andujar
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Leonard

When a man has executed an affidavit waiving all interest in a child, the court may terminate all legal relationships between the man and the child.

Delinquency

SENATE BILL 164 SENATE AUTHOR: Wilson
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Messer

The act eliminates ambiguity from sections of the Family Code regarding the time within which a detention hearing for a juvenile must be held.

SENATE BILL 269 SENATE AUTHOR: Santiesteban
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Valles

This act permits a judge who finds a child to be in need of rehabilitation to require the child to make restitution or to do community service work.

SENATE BILL 763 SENATE AUTHOR: Brooks
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Nabers

This act increases from $1 to $2 per day the amount that the Texas Youth Council must pay to a county juvenile probation department for supervision of a youth on parole in the county. The maximum amount of reimbursement per youth per month is increased from $20 to $40.

HOUSE BILL 345 HOUSE AUTHOR: Bock
EFFECTIVE: 8-31-81 SENATE SPONSOR: Traeger

The act directs the Texas Youth Council to give notice of the release of a delinquent child in its custody. The notice is to be given to the juvenile court and to the office of the prosecuting attorney of the county in which the child was adjudicated delinquent. When the child is being released under supervision, the notice must be given not later than 10 days before the date of release. When the child is being discharged from the council's custody or has authorized leave from the council's custody, the notice must be given as soon as practicable after the decision is made.

GOVERNMENT--CITY

General Legislation

SENATE BILL 585 SENATE AUTHOR: Traeger
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Pierce

State law stipulates that the mayor of a city shall ensure that a complete system of records and accounts be installed and maintained showing the value of services rendered, expenditures for operation, salaries, labor, materials, repairs, maintenance, depreciation, replacements, extensions, interest, and bonding. This act permits municipalities to utilize any basis, cash or otherwise, to maintain the accounts and records required, provided that the chosen basis is an acceptable accounting method for governmental bodies.

SENATE BILL 609 SENATE AUTHOR: Traeger
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Pierce

Currently, municipalities are authorized to issue refunding bonds secured by a pledge of the net revenues of their light and power systems. This act permits as an additional security for refunding bonds a mortgage on the electric light and power system of a city. The mortgage must be accompanied by a pledge of net revenues. It also adds the gas system to the electric light and power system as the source of the revenues or the security for the mortgage.

SENATE BILL 1106 SENATE AUTHOR: Ogg
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Danburg

The Alcoholic Beverage Code establishes a tax of 10 percent on the gross receipts of the sale of mixed beverages. These revenues are deposited to the credit of a special clearance fund known as the Mixed Beverage Tax Clearance Fund. From these revenues, the comptroller remits 15 percent of the revenues received from unincorporated areas to the county and 15 percent of the revenues derived from the incorporated areas to the city. This act authorizes cities of 1,200,000 or more (Houston) to establish and otherwise operate culturally related facilities through the issuance of revenue bonds secured by a portion of their existing mixed beverage tax revenues.

SENATE BILL 1159 SENATE AUTHOR: Richards
EFFECTIVE: 9-1-81 HOUSE SPONSOR: El Franco Lee

The Texas Uniform Facsimile Signature of Public Officials Act provides that facsimile signatures and seals are legitimate. It specifies upon what documents such signatures or seals may be used, and provides for penalties for fraud or misuse. Senate Bill 1159 adds "eligible contracts" to the list of those documents which may be signed with facsimile signatures. This applies to any written contract, purchase order, surety bond, or other written evidence of agreement and any related application, certification, approval, or other document executed for any home-rule city with a population of 1,200,000 or more.

HOUSE BILL 310 HOUSE AUTHOR: Lewis, et al.
EFFECTIVE: 3-4-81 SENATE SPONSOR: Meier

In the existing law relating to the granting of franchises by home-rule cities no charter or charter amendment may grant a franchise, but such franchises may be granted by ordinance upon the motion of a city's governing body. Under law, a petition of only 500 voters could contest the franchise leading to a call for election to decide the question. House Bill 310 raises the number of voters required to file a bona fide petition from 500 to 10 percent of the qualified voters of the city and provides that elections are to be held in accordance with the four dates per year established by the Election Code. In a city having a population of more than 1.2 million (Houston), the petition may be signed by a lesser number of qualified voters if so provided by city charter.

HOUSE BILL 1432 HOUSE AUTHOR: Browder
EFFECTIVE: 4-1-81 SENATE SPONSOR: Caperton

The existing law that authorizes public and private entities to join together in the planning, financing, constructing, and operating of electrical generating plants and related facilities is amended by this act. Under this act the cities of Jasper, Liberty, and Livingston may join with a city in Louisiana and a private utility in the construction and operation of an electrical power generating facility. It also validates the creation and organization proceedings of all municipal power agencies created by two or more public entities prior to June 30, 1980.

HOUSE BILL 2078 HOUSE AUTHOR: Jackson
EFFECTIVE: 6-16-81 SENATE SPONSOR: Harris

The act amends the law that allows certain cities to acquire and operate off-street parking facilities. Under the act cities of 650,000 or more inhabitants are authorized to acquire or contract

for additional transportation facilities such as terminals, stations, and related properties for use by the general public or transportation businesses. The act also permits cities to sell or lease the unneeded subsurface and air rights of the land on which the facilities are located.

HOUSE BILL 2099 HOUSE AUTHOR: McFarland
EFFECTIVE: 6-15-81 SENATE SPONSOR: Andujar

Under this act, the city council of a city is allowed to sell a stadium or coliseum owned by the city to another public or private entity if continued ownership by the city imposes an economic burden. The city council may set the terms of the sale.

HOUSE BILL 2144 HOUSE AUTHOR: Luna
EFFECTIVE: 6-17-81 SENATE SPONSOR: Uribe

The existing law authorizes a city of 161,000 or more to pay expenses by issuing warrants on the city's revenues. This act alters certain provisions regulating the use of warrants. Instead of insisting that warrants be paid in the order in which they were written, the act allows payment at such time during the fiscal year as funds are available. Warrants may be issued in installments, with no warrant being drawn for an amount greater than the estimate of the funds available to the city.

HOUSE BILL 2232 HOUSE AUTHOR: Valles
EFFECTIVE: 5-25-81 SENATE SPONSOR: Santiesteban

In 1979, the legislature enacted a law to permit a city of 1.2 million or more inhabitants to use "conduit financing" for construction of airport facilities. Under the law, facilities may be constructed or acquired with funds from tax-exempt municipal bonds. The facilities are leased to a private entity that is obligated by the terms of the bonds to make payments of net rent, which are pledged to the payment of the bonds. House Bill 2232 expands application of the law to any city having a population of 400,000 or more and located adjacent to the border with Mexico.

HOUSE BILL 2387 HOUSE AUTHOR: Barrientos
EFFECTIVE: 8-31-81 SENATE SPONSOR: Doggett

The act permits the city of Austin to use for any public purpose certain real property currently designated for hospital use.

Annexation

SENATE BILL 146 SENATE AUTHOR: Mengden
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Watson

Senate Bill 146 amends the Municipal Annexation Act to set out a procedure whereby a home-rule city may annex a municipal utility district that has a common boundary with the home-rule city and that is located entirely within the extraterritorial jurisdiction of a single general-law city.

HOUSE BILL 411 HOUSE AUTHOR: Hanna, et al.
EFFECTIVE: 8-31-81 SENATE SPONSOR: Mengden

Port Arthur, Galveston, and Corpus Christi are home-rule cities that have been interested in their gulfward boundaries. Galveston has maintained a boundary three miles offshore for years. Corpus Christi recently annexed out to a two-mile line in the gulf for regulatory purposes. Port Arthur extended its boundaries 10-1/2 miles into the gulf. Litigation brought by the attorney general on behalf of the land commissioner resulted in a favorable verdict to the city of Port Arthur. This act prohibits the annexation by a home-rule city of state-owned submerged lands located gulfward from the coast or more than 5,280 feet from the corporate city boundaries in bays and estuaries. Annexation before the effective date of the act is not affected. The act expires on October 1, 1983.

HOUSE BILL 1952 HOUSE AUTHOR: Lewis, et al.
EFFECTIVE: 8-31-81 SENATE SPONSOR: Traeger

An annexed territory has grounds for disannexation if the annexing city has failed to provide, within three years of annexation, governmental and proprietary services. This act changes the hearing and disannexation procedures. It requires that two public hearings be held from 20 to 40 days prior to the institution of annexation proceedings. At least one hearing must be held in the area the city wishes to annex. Prior to the hearings, the governing body of the city proposing annexation must provide a plan of the method of extending municipal services to the new area. The plan may be amended during the hearings but cannot have a provision of any service deleted from it. Capital construction for adequate services must begin within 2-1/2 years of the effective date of annexation; however, services for police and fire protection, waste collection, and maintenance of water facilities, parks, and other publicly owned facilities or services must be provided within 60 days. If the city does not provide service in accordance with its plan and time limits, a majority of

qualified voters may petition for disannexation. The number of days allowed for a city to complete disannexation is reduced from 90 to 60 days; if it fails to comply, anyone who signed the petition may appeal to the district court for court-ordered disannexation. If the court disannexes the territory, that territory may become a municipal utility district and cannot be annexed for five years. If it is reannexed within seven years, the city must implement the service plan within one year.

HOUSE BILL 2353 HOUSE AUTHOR: Cockerham
EFFECTIVE: 6-15-81 SENATE SPONSOR: Snelson

The city of Wickett desires to annex an area across Interstate Highway 20 from the city. The existence of the highway is a hindrance to the city's meeting the requirements of contiguity for annexation. This act allows Wickett to annex a street, highway, or alley adjacent to the city limits, following the publication of notice of the proposed annexation in a newspaper of general circulation in the city.

Foreign Trade Zones

HOUSE BILL 939 HOUSE AUTHOR: McBee, et al.
EFFECTIVE: 8-31-81 SENATE SPONSOR: Snelson

Foreign merchandise is allowed into the United States within foreign trade zones without being subject to customs duties and regulations. Applications for foreign trade zones must come from a corporation in an area in or adjacent to ports of entry under United States jurisdiction. The Foreign Trade Zones Board will not grant approval for a public corporation's application without prior state approval. House Bill 939 authorizes the city of Del Rio, or a nonprofit corporation designated by Del Rio, to establish, operate, and maintain a foreign trade zone and subzones in Del Rio.

HOUSE BILL 1409 HOUSE AUTHOR: McBee
EFFECTIVE: 8-31-81 SENATE SPONSOR: Traeger

House Bill 1409 authorizes the city of Eagle Pass, or a nonprofit corporation designated by Eagle Pass, to apply for and accept a grant to establish, operate, and maintain a foreign trade zone and subzones at Eagle Pass.

HOUSE BILL 2385 HOUSE AUTHOR: Schoolcraft
EFFECTIVE: 6-11-81 SENATE SPONSOR: Vale

House Bill 2385 amends an existing law to authorize San Antonio to establish, operate, and maintain a foreign trade zone adjacent to any port of entry in Bexar County, rather than only adjacent to the San Antonio International Airport.

SENATE BILL 1122 SENATE AUTHOR: Traeger
EFFECTIVE: 5-9-81 HOUSE SPONSOR: Billy Hall

Senate Bill 1122 authorizes the city of Laredo or its instrumentality, rather than the Laredo Trade Zone Corporation, to apply for and accept a grant to establish, operate, and maintain a foreign trade zone. It also authorizes the city of El Paso, along with the El Paso Trade Zone, to establish and maintain a foreign trade zone.

Validating Acts

HOUSE BILLS 271 and 272 HOUSE AUTHOR: Watson
EFFECTIVE: 8-31-81 SENATE SPONSOR: Mengden

A validating or curative statute is a form of retrospective legislation designed to remedy defects and irregularities in past proceedings and to make valid an act that would otherwise be invalid for the purposes intended. House Bill 271 seeks to validate acts of consolidation or attempted consolidation between cities or towns occurring before the effective date of this act. It does not affect legal claims or actions against a participating city or town filed prior to this act, nor does it affect matters in litigation ultimately ruled invalid or those for which a final judgment has been rendered.

House Bill 272 seeks to validate the actions of home-rule cities that before the effective date of this act operated under a charter amendment or attempted amendment. Those actions are validated as of the dates they occurred unless they are involved in litigation ultimately to be held invalid or already held invalid by final judgment.

HOUSE BILL 1374 HOUSE AUTHOR: Gilley, et al.
EFFECTIVE: 6-16-81 SENATE SPONSOR: Parker

House Bill 1374 validates incorporation or attempted incorporation proceedings of general-law cities occurring prior to its effective date. Governmental proceedings performed by the governing bodies of such cities and extensions or reductions of

boundary lines in accordance with the Municipal Annexation Act are also validated in this act. It does not apply to anything nullified in court nor does it apply to any matter involved in litigation if the findings go against the city.

HOUSE BILL 1788 HOUSE AUTHOR: Denton
EFFECTIVE: 8-31-81 SENATE SPONSOR: Uribe

The act validates the incorporation proceedings and other governmental proceedings of all cities or towns that incorporated or attempted to incorporate under the general laws of the state and which have functioned or attempted to function as incorporated cities or towns since those incorporation proceedings. Not validated are matters nullified by final judgment of a court.

GOVERNMENT--COUNTY

This chapter organizes legislation concerning county government into those laws applicable generally to all counties in the state and those laws applicable selectively to only certain counties. Legislation related to county and district courts is summarized elsewhere in the chapter on courts. Legislation affecting other levels of government as well as county government is covered in the chapter on general government.

General Applicability

SENATE BILL 1242 — SENATE AUTHOR: Blake, et al.
EFFECTIVE: 6-16-81 — HOUSE SPONSOR: Lewis

This act eliminates a population bracket that limited to counties of 35,000 or more the authority of county commissioners to supervise the construction and maintenance of county roads and bridges within their respective precincts. With the removal of the bracket, the act allows commissioners of all counties to act as ex officio road commissioners. It empowers the commissioners to hire, supervise, and discharge employees working in their precincts and paid from county road and bridge funds. The bond requirement for each commissioner is raised from $1,000 to $3,000.

SENATE BILL 1065 — SENATE AUTHOR: Santiesteban
EFFECTIVE: 5-28-81 — HOUSE SPONSOR: Hernandez

Senate Bill 1065 amends existing law to make it optional rather than mandatory for county sheriffs and jailers to accept into their jails federal prisoners delivered to them by federal law enforcement officers. They expressly may not receive such prisoners if in so doing they violate a state or federal court order or statute or a rule of the Commission on Jail Standards.

HOUSE BILL 801 — HOUSE AUTHOR: Henderson
EFFECTIVE: 8-31-81 — SENATE SPONSOR: Williams

This act authorizes county commissioners courts to prohibit or regulate the keeping of certain wild animals within 1,000 feet of a public school. An offense committed under the act is a Class C misdemeanor.

HOUSE BILL 1003 HOUSE AUTHOR: Presnal
EFFECTIVE: 6-12-81 SENATE SPONSOR: Caperton

The act modifies procedures for the disposition of unclaimed funds held by a county or precinct officer. It establishes a one-year period for a person having gained entitlement to such funds to claim them. If after this period the funds remain unclaimed, the officer sends written notice to the person. After an additional four years, if still unclaimed, the funds become subject to a legal escheat proceeding for their final disposition as prescribed by the act. Under previous law, at the end of the additional four years, the funds simply reverted to the county.

HOUSE BILL 1157 HOUSE AUTHOR: Laney
EFFECTIVE: 8-31-81 SENATE SPONSOR: Sarpalius

House Bill 1157 authorizes a county commissioners court to enact ordinances allowing and ensuring the safe use of county roads by aircraft. An ordinance may limit the types of aircraft that may use the roads. Pilots who comply with these ordinances may land on or take off from county roads without regard to normal state traffic laws.

HOUSE BILL 1617 HOUSE AUTHOR: Keller
EFFECTIVE: 9-1-81 SENATE SPONSOR: Travis

The act gives county commissioners courts the power to set reasonable fees for services of sheriffs and constables. It expressly repeals a statute setting forth certain fees and repeals any other statutory fees to the extent that they conflict with provisions of the act. A commissioners court may not set fees higher than the expense required to provide the service. Fees charged prior to the effective date of the act remain in force until a commissioners court sets new fees.

HOUSE BILL 2135 HOUSE AUTHOR: Green
EFFECTIVE: 6-11-81 SENATE SPONSOR: Ogg

State law allows a district clerk to obtain an insurance policy covering the district clerk and any deputies against liabilities incurred through errors and omissions made in the performance of public duties. This act authorizes the county commissioners court to establish a contingency fund covering against these liabilities if insurance coverage is unavailable. The fund would be supported by an additional filing fee of up to $5 for each suit filed with the clerk.

HOUSE BILL 2178 HOUSE AUTHOR: Waldrop
EFFECTIVE: 9-1-81 SENATE SPONSOR: Snelson

The act authorizes a county to periodically sell its surplus or salvage property by competitive bid or auction. The act provides for public notice, keeping of records, rejection of

unacceptable bids, deposit of sale proceeds in the county treasury, use of the property as a trade-in on new property of the same type, and destruction of property that cannot be sold.

HOUSE BILL 2363 HOUSE AUTHOR: Hartung
EFFECTIVE: see below SENATE SPONSOR: Brooks

State law prohibits the original price for certain county and city contracts paid with bond proceeds from being increased or decreased by more than 25 percent, except for larger decreases that are consented to by the contractor. The act amends the law to exempt from this limitation projects involving a county jail undertaken to comply with a court order. The act validates prior county actions consistent with the amendment unless those actions have been nullified judicially or are ultimately overturned judicially as a result of pending litigation. The act, which takes effect June 15, 1981, expires December 31, 1983.

SENATE BILL 138 SENATE AUTHOR: Traeger, et al.
EFFECTIVE: 4-15-81 HOUSE SPONSOR: Bock

The act empowers county commissioners courts to compensate reserve deputy sheriffs and reserve deputy constables and to reimburse them for expenses incurred in the course of performing their duties.

SENATE BILL 272 SENATE AUTHOR: Caperton
EFFECTIVE: 4-15-81 HOUSE SPONSOR: Heatly

Senate Bill 272 deletes, with respect to the selection and authorization of depositories for county funds, responsibilities of the comptroller of public accounts regarding approval of bonds and surety. Full responsibilities in this matter now rest with the county commissioners court.

SENATE BILL 325 SENATE AUTHOR: Williams, et al.
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Polumbo

The act authorizes county commissioners courts to issue certificates of indebtedness to fund fire-fighter training facilities, conditioned on approval by a county election. A county's total indebtedness for this purpose may not exceed $5 million.

SENATE BILL 747 SENATE AUTHOR: Parker
EFFECTIVE: 5-29-81 HOUSE SPONSOR: Jerry Clark

Senate Bill 747 authorizes a commissioners court to furnish county road and construction equipment and county employees to assist on projects of another governmental entity. The project costs must not exceed $3,000, the use of the equipment and employees must not interfere with the county's work schedule, and the county must not incur any costs that it would not incur without

the assistance.

SENATE BILL 1024 SENATE AUTHOR: Ogg
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Ashley Smith

The act authorizes a county commissioners court, in consultation with its county historical commission, to contract for the lease or management of any county-owned real estate or structure designated by the Texas Historical Commission as a historic landmark.

Selective Applicability

HOUSE BILL 517 HOUSE AUTHOR: McBee, et al.
EFFECTIVE: 8-31-81 SENATE SPONSOR: Sarpalius

House Bill 517 modifies statutory criteria concerning which counties are required or eligible to have a county auditor. Previously, a county auditor was required in any county having a population of at least 35,000 or a tax valuation of at least $35 million. As amended, state law now requires appointment of a county auditor in any county having a population of at least 10,000, regardless of its tax valuation. An auditor is not mandatory in smaller counties under the new law, but one may nevertheless be appointed if district judges having jurisdiction in the county determine by majority vote that the county's financial circumstances warrant such appointment. In counties without a county auditor, an independent audit of the county's financial records must be conducted at least once every two years.

HOUSE BILL 563 HOUSE AUTHOR: Semos
EFFECTIVE: 8-31-81 SENATE SPONSOR: Mauzy

This act authorizes the commissioners court in any county having at least 1,200,000 residents to charge admission to a county-operated museum, historical site, or historical building. In practical terms, based on the 1980 census, the law applies to Dallas and Harris counties.

HOUSE BILL 1139 HOUSE AUTHOR: Billy Hall
EFFECTIVE: 5-20-81 SENATE SPONSOR: Traeger

House Bill 1139 authorizes the commissioners court in a county not containing any incorporated city or town to levy and collect a hotel occupancy tax. The tax applies to all hotel rooms having a daily rental rate of at least $2, but it may not exceed four percent of the rental rate. Revenue derived from the tax may be used only for certain convention center facilities and related projects and activities, general promotional and tourist advertisement, encouragement of the arts, and historical

preservation and restoration. Based on municipal incorporations as of the present time, the act applies to Borden, Crockett, Glasscock, Jim Hogg, Kenedy, King, Loving, McMullen, Terrell, and Zapata counties.

HOUSE BILL 1433 HOUSE AUTHOR: Browder
EFFECTIVE: 8-31-81 SENATE SPONSOR: Parker

This act amends a state law concerning cattle guards on roads in counties of a certain population size. Under the new act, the commissioners court of any county with a population of less than 60,000 may authorize the construction of cattle guards on any or all of the first class, second class, or third class roads in the county. This authority was previously restricted to counties of less than 10,000 population and a few larger counties. House Bill 1433 supersedes contradictory provisions of Senate Bill 928, an omnibus act amending various population bracket laws.

HOUSE BILL 1539 HOUSE AUTHOR: Reynolds
EFFECTIVE: 6-15-81 SENATE SPONSOR: Traeger

The act authorizes the commissioners court of Live Oak County to finance rural road improvements by levying special assessments against property adjoining the improved portion of the road. It provides for preparation of a plan of improvement, notice to affected property owners, and procedures including a public hearing for determining the amounts of enforcing and appealing the assessments.

HOUSE BILL 1589 HOUSE AUTHOR: Clayton
EFFECTIVE: 8-31-81 SENATE SPONSOR: Ogg

This act allows counties with a population of 50,000 or less to acquire an interest in private roads through purchase, condemnation, written dedication, or adverse possession. The county's interest must be recorded in the records of the county commissioners court.

HOUSE BILL 1971 HOUSE AUTHOR: Geistweidt
EFFECTIVE: 6-15-81 SENATE SPONSOR: Jones

House Bill 1971 allows a county having a population of 10,000 or less and operating a county hospital to sell the hospital if the commissioners court determines: (1) that the hospital's operation is unjustifiably burdensome and expensive and results in inadequate health care; (2) that the public interest would be served and health care improved by having another entity operate the hospital; and (3) that the hospital therefore should be sold. Upon petition by 10 percent of the county's qualified voters, a proposed sale must be submitted to a county referendum. In the absence of such a petition, the county commissioners court may approve a sale following proper public notice and hearing.

HOUSE BILL 2100 HOUSE AUTHOR: McWilliams
EFFECTIVE: 8-31-81 SENATE SPONSOR: Howard

Under this act, a public referendum may be called on the method of county road administration in Harrison County. The election may be called on the commissioners court's own motion and must be called on petition by at least five percent of the county's qualified voters.

HOUSE BILL 2337 HOUSE AUTHOR: Heatly
EFFECTIVE: 6-15-81 SENATE SPONSOR: Farabee

Prior state law combined the offices of district clerk and county clerk in counties with a population of less than 8,000 unless voters elected to keep the offices separate. House Bill 2337 continues this practice for counties having a population of 7,600 or less, but creates an exception for those having a population greater than 7,600 but less than 8,000. In any county within the latter range, the commissioners court now determines whether the two offices are to be kept separate or combined, although it must allow an official elected to either office or to a joint office to serve out the remainder of his or her term. Based on the 1980 census, this new procedure applies to Haskell County.

SENATE BILL 54 SENATE AUTHOR: Brooks
EFFECTIVE: 3-24-81 HOUSE SPONSOR: Green

Senate Bill 54 amends a population bracket law to authorize the county commissioners court of any county having more than 1,200,000 residents (Dallas and Harris counties) to appoint a budget officer to prepare and monitor the county budget. Previous law had excluded counties in this population range that had a city with more than 1,000,000 residents. The practical effect, according to the 1980 census, is to free Harris County to appoint a budget officer.

SENATE BILL 301 SENATE AUTHOR: Brooks, et al.
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Polumbo

Senate Bill 301 authorizes the creation of a sheriff's department civil service system in any county having a population greater than 1,500,000. Such a system may be created or dissolved upon petition and election by employees of the department. The system is to be administered by a three-member commission appointed by the sheriff, commissioners court, and district attorney. Based on the 1980 census, the act applies to Dallas and Harris counties.

SENATE BILL 500 SENATE AUTHOR: Mengden
EFFECTIVE: 1-1-82 HOUSE SPONSOR: Polumbo

The act directs any county with a population greater than 1,400,000 to provide liability insurance for its sheriff, constables, and full-time deputy sheriffs or deputy constables, in

connection with their use of motor vehicles owned or leased by the county. The county may choose to reimburse the officers for the actual cost of insurance or to become a self-insurer. Based on the 1980 census, the act applies to Dallas and Harris counties.

SENATE BILL 713 SENATE AUTHOR: Brown, et al.
EFFECTIVE: 4-15-81 HOUSE SPONSOR: McLeod

Under this act, the sheriff of any county bordering the Gulf of Mexico may organize reserve deputy sheriffs for marine safety and lifeguard functions. These reserve deputies are not authorized to carry firearms.

SENATE BILL 877 SENATE AUTHOR: Travis
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Keller

This act repeals an obsolete statute dating from 1941 dealing with county road administration in Dallas County.

SENATE BILL 1064 SENATE AUTHOR: Travis
EFFECTIVE: 5-28-81 HOUSE SPONSOR: Turner

The act eliminates the previous $16,000 maximum salary for the county engineer of Limestone County, thereby freeing the commissioners court to set that salary as it chooses.

SENATE BILL 1141 SENATE AUTHOR: Mengden
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Blythe

The act authorizes the commissioners court of a county greater than 2,200,000 in population to contract with its depository or other paying agent for the destruction of bonds and interest coupons issued and paid by the county. Based on the 1980 census, the act applies to Harris County.

GOVERNMENT--GENERAL

This chapter summarizes legislation that affects more than one level of government.

HOUSE BILL 36 HOUSE AUTHOR: Grubbs
EFFECTIVE: 8-31-81 SENATE SPONSOR: Farabee

House Bill 36 amends the Texas Disaster Act of 1975 and other statutory provisions to clarify further the powers and roles of state and local governments in regard to disaster prevention, preparedness, response, and recovery and to improve state and local emergency management operations. In addition, a state, local, or interjurisdictional emergency management plan may now provide that failure to comply with the plan is an offense, which may be punishable by a fine not to exceed $1,000 or confinement in jail not to exceed 180 days.

HOUSE BILL 268 HOUSE AUTHOR: Gary Thompson, et al.
EFFECTIVE: 5-28-81 SENATE SPONSOR: Blake

House Bill 268 amends the Interlocal Cooperation Act. It provides that local governments may enter into agreements for cooperative purchase of goods and services between and among themselves and with the state. The act is also expanded to include all units of local government, rather than just counties, and updates the language by changing all references to the Board of Control to the current State Purchasing and General Services Commission.

HOUSE BILL 391 HOUSE AUTHOR: Gary Thompson
EFFECTIVE: 8-31-81 SENATE SPONSOR: Jones

House Bill 391, the Uniform Grant and Contract Management Act of 1981, states that it is the policy of the state to promote the efficient use of public funds in local government and in programs requiring cooperation among local, state, and federal agencies. The act designates the governor's office as the state agency for uniform grant and contract management and directs it to develop uniform and concise language for any assurances local governments are required to make to state agencies as a condition for receipt of grant or contract funds. It requires the governor's office to compile and distribute to state agencies an official compilation of standard financial management conditions that are applicable to the administration of grants and contracts by local governments. Effective September 1, 1982, a state agency is required to adopt the standard financial management conditions and assurances applicable to local governments receiving financial assistance from

that agency. It also establishes procedures for state audits of grants and contracts to local governments.

HOUSE BILL 450 HOUSE AUTHOR: Presnal
EFFECTIVE: 6-12-81 SENATE SPONSOR: Caperton

House Bill 450 allows an incorporated city or town or a county to purchase equipment and supplies from a cooperative association to which one or more members of its governing body belong. The member or members of the governing body may not receive any pecuniary benefit from such a purchase beyond the expected, normal increase in dividends distributed generally to members of the cooperative association.

HOUSE BILL 629 HOUSE AUTHOR: Henderson
EFFECTIVE: 4-15-81 SENATE SPONSOR: Jones

The maximum rate of interest for any issue or series of public securities has been a net effective interest rate of 10 percent. This act increases the maximum rate of interest to 15 percent for any bonds, notes, or other obligations payable from taxes and revenue, which any public agency may be authorized to issue.

HOUSE BILL 803 HOUSE AUTHOR: Evans
EFFECTIVE: 5-20-81 SENATE SPONSOR: Harris

The Municipal Airports Act permits any two or more public agencies, municipalities, or political subdivisions to form a joint board to administer activities relating to airports, air navigation facilities, or airport hazards. House Bill 803 exempts such boards from the competitive bidding process when acquiring furniture, fixtures, or equipment with the proceeds of revenue bonds. Before dedicating bonds to this purpose, a rent agreement for the equipment must be drawn up between the board and a private entity, by which all proceeds from the rent are used toward retiring the bond debt. Bonds used for this purpose must include in their terms that they are payable only from rent revenues, not from tax revenues.

HOUSE BILL 1062 HOUSE AUTHOR: Hartung
EFFECTIVE: 8-31-81 SENATE SPONSOR: Traeger

This act authorizes a county commissioners court to direct the county treasurer to withdraw specified funds not required to pay obligations of the county or required to be kept on deposit, and invest those funds in direct debt securities of the United States. The governing body of a city is also authorized to issue the similar directive to the city treasurer.

HOUSE BILL 1074 HOUSE AUTHOR: Benedict
EFFECTIVE: 6-10-81 SENATE SPONSOR: Leedom

The Natural Resources Code is amended to provide that the following records are not public information: (1) information specifying the location of any site or item declared to be a state archeological landmark; (2) information concerning the nature of an activity covered by a permit or application for a permit for the salvage, restoration, or study of landmarks; and (3) details of a survey to locate state archeological landmarks.

HOUSE BILL 1090 HOUSE AUTHOR: Pierce, et al.
EFFECTIVE: 10-1-81 SENATE SPONSOR: Traeger

Hotels that collect a hotel occupancy tax for the state or city are permitted by this act to retain a percentage of the tax as reimbursement for the cost of collecting the tax.

HOUSE BILL 1208 HOUSE AUTHOR: Schlueter
EFFECTIVE: 6-16-81 SENATE SPONSOR: Traeger

House Bill 1208 specifies that government securities and any general and special obligations issued by a public agency shall be eligible and lawful security for all deposits of public funds of the State of Texas and any public agency.

HOUSE BILL 1814 HOUSE AUTHOR: Schoolcraft
EFFECTIVE: 6-15-81 SENATE SPONSOR: Traeger

Current law requires cities and counties to use competitive bidding procedures in all contracts where expenditures will exceed $3,000. The commissioners court or governing body may designate an administrative official to authorize changes involving $5,000 or less. This act allows the commissioners court of a county and the governing body of a city to authorize an administrative official to approve changes in contracts of $15,000 or less. The change orders concern county or city contracts for construction of public works or for purchase of materials, equipment, or supplies.

HOUSE BILL 1815 HOUSE AUTHOR: Pierce
EFFECTIVE: 8-31-81 SENATE SPONSOR: Farabee

House Bill 1815 directs governmental entities making contracts requiring retainage payments that secure contract performance and that are greater than five percent of the periodic contract payments, to deposit the retainage in an interest-bearing account. The requirement is for contracts of $400,000 or more, and the interest earned on the funds shall be paid to the prime contractor upon completion of the contract. The act also sets out exceptions.

HOUSE BILL 1922 HOUSE AUTHOR: Jackson, et al.
EFFECTIVE: 6-11-81 SENATE SPONSOR: Ogg

Previous law prohibited any political subdivision of the state from making official use of a federal decennial census until September 1 of the calendar year following the year in which the census was taken. House Bill 1922 amends that law to allow a political subdivision whose governing body is elected from single-member districts to recognize and act upon the new census for purposes of redistricting as of the date the governor officially receives the basic population tabulations from the U.S. Secretary of Commerce.

The only exception concerns statutes that require election of a governing body from single-member districts but which apply only to political subdivisions within a specified population range. Political subdivisions that become subject to such statutes must wait until September 1 to act upon the new census if it was not within the specified population range under the old census.

HOUSE BILL 2050 HOUSE AUTHOR: Hartung
EFFECTIVE: 6-17-81 SENATE SPONSOR: Brooks

House Bill 2050, the Bond Procedures Act of 1981, establishes a uniform procedure for the issuance of bonds and other obligations by public agencies and nonprofit corporations acting for public agencies. The act specifically states that it shall not be construed as granting original or independent power to any agency to issue bonds, but that the procedures set out shall be applicable to the issuance of bonds authorized elsewhere.

HOUSE BILL 2174 HOUSE AUTHOR: Polumbo
EFFECTIVE: 8-31-81 SENATE SPONSOR: Uribe

The act authorizes the state and an incorporated city or town, in providing liability insurance for peace officers and fire fighters using motor vehicles that they own or lease, to be self-insured for this purpose.

HOUSE BILL 2350 HOUSE AUTHOR: Cain
EFFECTIVE: 6-17-81 SENATE SPONSOR: McKnight

In 1979 the 66th Legislature created the Texas Housing Agency, authorized counties and cities to create public nonprofit housing finance corporations, and provided that both could issue bonds for housing assistance programs. The following year the U.S. Congress passed the federal Mortgage Subsidy Bond Act of 1980, which limits the dollar amount of tax-exempt housing bonds that may be issued each year in a state. The legislature of each state is expressly authorized to allocate this amount between state and local housing agencies. House Bill 2350 makes such an allocation, giving the Texas Housing Agency 30 percent of the amount for its exclusive use with the remaining 70 percent allocated jointly to

the agency and to local housing finance corporations. The Texas Housing Agency must exhaust its exclusive allocation before using any part of the joint allocation. It is authorized to make loans to mortgage lenders or to public agencies for the support of multifamily housing developments that will be occupied substantially by persons and families of low or moderate income. The Texas Housing Agency may target proceeds from its mortgage bonds to any area of the state. The act defines and provides for the official designation within a city of "economically depressed or blighted areas," which are eligible for mortgage subsidies. The act also allows for the creation of a housing finance corporation by more than one local government unit.

HOUSE BILL 2368 HOUSE AUTHOR: Salinas
EFFECTIVE: 6-17-81 SENATE SPONSOR: Traeger

This act prohibits counties and cities from making any contract calling for or requiring an expenditure or payment in an amount exceeding $5,000 out of a fund that would impose a liability on that county or city, without first submitting the proposed contract to competitive bids.

SENATE BILL 271 SENATE AUTHOR: Caperton
EFFECTIVE: 4-15-81 HOUSE SPONSOR: Bomer

Senate Bill 271 repeals a statute requiring the governing bodies of counties, hospital districts, and cities with a population of 10,000 or more to maintain uniform accounting systems delineating all expenditures for welfare assistance programs if they participate in such programs and to submit quarterly reports to the comptroller of public accounts.

SENATE BILL 462 SENATE AUTHOR: Glasgow
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Laney

State law authorizes a municipality to exercise regulatory authority over an airport that it has established or acquired either within or outside its boundaries. State law also provides for the joint operation of an airport by two or more public agencies through the creation of a joint board. This act includes airport hazard areas in the regulatory jurisdiction of municipalities and joint boards that operate airports.

SENATE BILL 483 SENATE AUTHOR: Farabee
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Laney

Senate Bill 483 amends various provisions of the Airport Zoning Act. The definition of airport is expanded to include airports that are used by the public to an extent that they fulfill an essential community purpose. Definitions of "obstruction," "runway," and "compatible land use" are added to the law.

The minimum population requirement for a political

subdivision to impose zoning regulations on an airport hazard area outside its limits is lowered from 600,000 inhabitants to 25,000. A provision is also added that specifies that a compatible land use regulation adopted under the act takes precedence over other regulations applicable to the area that may be in conflict.

SENATE BILL 608 SENATE AUTHOR: Traeger
EFFECTIVE: 5-28-81 HOUSE SPONSOR: Nowlin

The Certificate of Obligation Act of 1971 is amended to include the purchase of buildings as one of the authorized purposes for certificates of obligation issued by cities and counties.

SENATE BILL 858 SENATE AUTHOR: Caperton
EFFECTIVE: 5-13-81 HOUSE SPONSOR: Lewis

The act eliminates the requirement that counties, cities, towns, and villages file copies of their budgets with the state comptroller.

SENATE BILL 928 SENATE AUTHOR: Farabee
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Lewis

Texas has numerous "population bracket laws" that apply selectively to certain counties, cities, school districts, or other local governmental or geographical units, depending on the inclusion of the unit or a related unit within a specified population range. Generally, these laws are predicated on the population figures of the most recent federal census. Senate Bill 928 updates 144 population bracket laws to reflect changes between the 1970 and 1980 censuses. It expressly repeals another 95 population bracket laws that the legislature has judged to be obsolete. To the extent that any other law enacted by the 67th Legislature, Regular Session, conflicts with Senate Bill 928, the other law prevails, regardless of relative dates of enactment or relative effective dates.

SENATE BILL 1237 SENATE AUTHOR: Ogg
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Henderson

Senate Bill 1237 authorizes Harris, Webb, and El Paso counties to levy hotel occupancy taxes to finance public improvements and facilities and authorizes Houston and Galveston to increase city hotel occupancy taxes for the same purposes. The act provides that the counties, on the orders of the commissioners courts, may issue negotiable bonds to provide all or part of the revenue for the establishment, acquisition, purchase, construction, improvement, enlargement, equipment, and repair of public improvements, such as civic centers and stadiums that attract tourists to the area. The commissioners courts may also levy a hotel occupancy tax; for Houston hotels, the county tax may not exceed three percent until January 1, 1984, and may not exceed one

percent on or after that date; for other hotels in Harris, Webb, and El Paso counties, the tax may not exceed seven percent. The revenue from this tax may be used only for the acquisition of sites and construction and improvement of facilities for public buildings, such as civic centers; for the furnishing of facilities, personnel, and materials for conventions; and, in Webb and El Paso counties, for advertising and for attracting tourists and conventions. The act validates ordinances, hotel occupancy taxes, and revenue bonds adopted in the three counties prior to the act's passage and sets out requirements and procedures relating to administration of the bond and tax programs.

Senate Bill 1237 also amends an existing law (Article 1269j-4.1) relating to bonds and occupancy taxes for public improvements in cities, towns, and villages to make special provisions for Houston and Galveston. That statute allows cities to levy hotel occupancy taxes of a maximum of four percent of the room rates. Senate Bill 1237 provides that after December 31, 1983, Houston, by city ordinance, may raise that tax to six percent. The city may pledge all or part of the revenues from this hotel occupancy tax to the payment of revenue bonds and revenue refunding bonds authorized for construction of public improvements by Article 1269j-4.1. The statute requires other cities to set aside a portion of the tax revenues for advertising and promotion of tourism. Houston is additionally authorized to pledge any other revenues to the payment of the bonds issued for the establishment and repair of convention and similar recreational facilities. Senate Bill 1237 also describes additional requirements relating to Houston's responsibilities in levying the tax and utilizing the revenues.

In another article, the act authorizes the city of Galveston to levy, by city ordinance, a hotel occupancy tax of not more than seven percent of the consideration paid for a hotel room. The city may pledge not more than one percent of this tax toward payment of bonds issued to provide funds for public improvements. The act then sets out requirements for use of taxes that are set in excess of four percent of the hotel room charge, including advertising, beach patrol, and public beach cleaning.

GOVERNMENT--SPECIAL DISTRICTS

This chapter summarizes legislation related to water and navigation districts, hospital districts, and transportation districts. It excludes school districts, which are covered in the chapter on education. Some statutes apply generally to a certain type of district while others create, dissolve, or otherwise affect individual districts. In most cases, creation of newly authorized districts is contingent on a favorable confirmation election.

Water and Navigation Districts

This section includes water supply districts, water control and improvement districts, underground water conservation districts, municipal utility districts, river authorities, drainage districts, conservation and reclamation districts, and other water districts and authorities, as well as navigation districts and port authorities. The following laws are of general application.

HOUSE BILL 1853 HOUSE AUTHOR: Don Lee
EFFECTIVE: 6-15-81 SENATE SPONSOR: Uribe

House Bill 1853 establishes procedures for the addition of land to a drainage district on petition by a single landowner or by a specified number of landowners within a defined territory. In the case of a petition by several landowners, the governing board of the district has the option to include only part of the territory, and annexation of the proposed new territory is not final unless ratified in a district election and in a separate election held in the territory. Added territory must bear its pro rata share of the taxes and debt of the district. Conservation and reclamation districts created under the Texas Constitution may seek an agreement that the added land be taxed on a benefit rather than ad valorem basis, and on a uniform acreage basis or plan of definite annual payment.

SENATE BILL 146 SENATE AUTHOR: Mengden
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Watson

Senate Bill 146 governs the annexation by a home-rule city of a municipal utility district having a common boundary with the home-rule city and lying entirely within the extraterritorial jurisdiction of a single general-law city. It allows the home-rule city to annex the district's territory, notwithstanding ordinary prohibitions within the Municipal Annexation Act, if (1) the annexation is approved at an election by a majority of qualified

voters of the district and general-law city; (2) the annexation is completed before the first anniversary of the election; and (3) all the district's territory is annexed. The board of directors of the municipal utility district is authorized to order the election. The general-law city may not itself annex the municipal district while the election is pending or before the first anniversary of the election if the outcome is favorable. Any annexation by a home-rule city resulting from an election does not expand that city's extraterritorial jurisdiction.

HOUSE BILL 1101 HOUSE AUTHOR: Bruce Gibson
EFFECTIVE: 8-31-81 SENATE SPONSOR: Glasgow

This act amends the law relating to the election of the board of supervisors of a freshwater supply district. Initially elected supervisors are divided into two groups with the three receiving the most votes serving until the second regular election of supervisors and the two receiving the fewest votes serving until the first regular election. Subsequent supervisors are elected to staggered terms of two years. A district may elect supervisors by position. The act also provides that the district assessor and collector be elected every even-numbered year.

HOUSE BILL 1498 HOUSE AUTHOR: Collazo
EFFECTIVE: 8-31-81 SENATE SPONSOR: Blake

The act increases the compensation for directors of river authorities from $50 to $100 for each day of service.

HOUSE BILL 2004 HOUSE AUTHOR: Blythe
EFFECTIVE: 8-31-81 SENATE SPONSOR: Brooks

House Bill 2004 authorizes water districts to levy property taxes to retire bonds issued for fire-fighting purposes.

HOUSE BILL 2149 HOUSE AUTHOR: Craddick
EFFECTIVE: 6-16-81 SENATE SPONSOR: Ogg

The act authorizes the Texas Water Commission to approve bonds issued by a water district prior to the submission of plans and specifications for the financed improvements, provided that bond proceeds are deposited in escrow with a bank under conditions set by the commission. The proceeds may then be released to the district when the commission approves the plans and specifications.

SENATE BILL 782 SENATE AUTHOR: Brooks
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Geistweidt

Senate Bill 782 makes bonds and notes issued by water control and improvement districts eligible for investment by certain financial institutions, the state, and its political subdivisions, and eligible to secure the deposits of public funds of the state or its political subdivisions. This act also makes the addition of

land to a wa istrict by landowner's petition final the petition. This second provisi idating attempted land additions occur e.

SENATE BILL 114 R: Wilson, et al.
EFFECTIVE: 5-28 SPONSOR: Bock

This act authorizes any river authority engaged in the distribution and sale of electricity to the public to issue bonds, notes, or other obligations for any authorized purpose related to the generation, transmission, or distribution of electricity. The bonds, notes, or obligations may be (1) sold at a public or private sale; (2) exchanged for property provided an independent appraisal confirms that the property is of sufficient value; (3) exchanged for like amounts of other obligations of the authority; or (4) sold to the state or federal government or to agencies or corporations created by them.

The following laws create, authorize the creation of, or abolish individual districts.

HOUSE BILL 965 HOUSE AUTHOR: Hollowell
EFFECTIVE: 4-30-81 SENATE SPONSOR: McKnight

The act authorizes the creation of the Winnsboro-Quitman Water District pending a favorable election in either of those two cities. If only one city ratifies the district, the district's boundaries are reduced to the area of that one city.

HOUSE BILL 1311 HOUSE AUTHOR: Watson
EFFECTIVE: 6-16-81 SENATE SPONSOR: Mengden

The act authorizes creation of the La Porte Area Water Authority in a portion of Harris County.

HOUSE BILL 2300 HOUSE AUTHOR: Criss
EFFECTIVE: 6-15-81 SENATE SPONSOR: Brown

The act authorizes creation of the Dickinson Bayou Watershed Drainage District in a portion of Galveston County. Confirmation of this district would dissolve the boundaries of existing drainage districts including the Galveston County Drainage District No. 1.

HOUSE BILL 2330 HOUSE AUTHOR: Finnell
EFFECTIVE: 6-15-81 SENATE SPONSOR: Glasgow

House Bill 2330 authorizes creation of the Graham Water Supply District comprising the city of Graham in Young County.

HOUSE BILL 2381 HOUSE AUTHOR: Craddick
EFFECTIVE: 6-11-81 SENATE SPONSOR: Snelson

This act creates the Glasscock County Underground Water Conservation District.

HOUSE BILL 2401 HOUSE AUTHOR: Jones
EFFECTIVE: 6-11-81 SENATE SPONSOR: Jones

The act creates the Mid-Tex Regional Water Supply District in Coryell County. Land within the county owned by the federal government and land located in the Copperas Cove Independent School District is excluded from the water supply district's territory.

SENATE BILL 728 SENATE AUTHOR: Santiesteban
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Vowell

The act creates the Haciendas Del Norte Water Improvement District in a portion of El Paso County.

SENATE BILL 1161 SENATE AUTHOR: Uribe
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Don Lee

Senate Bill 1161 authorizes creation of the Southmost Regional Water Authority in a portion of Cameron County. Any city or district included in the authority may remove itself by majority vote of its governing body.

HOUSE BILL 1402 HOUSE AUTHOR: Pennington
EFFECTIVE: 6-10-81 SENATE SPONSOR: Brown

This act dissolves the Clear Creek Basin Authority.

SENATE BILL 108 SENATE AUTHOR: Blake
EFFECTIVE: 4-15-81 HOUSE SPONSOR: Brookshire

This act abolishes the Rayburn Municipal Utility District.

The following laws change the name of, modify the boundaries of, or otherwise affect individual existing districts.

HOUSE BILL 873 HOUSE AUTHOR: Berlanga, et al.
EFFECTIVE: 5-20-81 SENATE SPONSOR: Truan

This act changes the name of Nueces County Navigation District No. 1 to the Port of Corpus Christi Authority of Nueces County, Texas.

HOUSE BILL 1549 HOUSE AUTHOR: Patterson
EFFECTIVE: 6-18-81 SENATE SPONSOR: Howard

This act adds Lamar and Red River counties to the Red River Authority. It also adds Bowie County for the limited purpose of participation in the U.S. Army Corps of Engineers' Red River Bank Stabilization and Navigation Project. The act restructures the nine-member board of directors, dividing the authority into three

districts with three directors appointed from each district.

HOUSE BILL 1663 HOUSE AUTHOR: Benedict
EFFECTIVE: 4-30-81 SENATE SPONSOR: Brown

House Bill 1663 restates the boundaries of Brazoria County Conservation and Reclamation District Number Three and validates annexations to the district in 1958 and 1961 that did not conform to the existing statute. The act authorizes a bond election for flood control and drainage projects, pending approval of the projects by the Texas Department of Water Resources.

HOUSE BILL 1801 HOUSE AUTHOR: Jay Gibson, et al.
EFFECTIVE: 6-15-81 SENATE SPONSOR: Short

This act expands the Colorado River Municipal Water District to include the city of Snyder as well as the cities of Big Spring and Odessa, fixing the boundaries according to present city limits and providing a procedure to annex to the district any territory annexed by the three cities. The act significantly expands the district's power. It allows the district to provide, within a portion of the Colorado River basin, water and air pollution control facilities and waste disposal facilities. It also authorizes the district (1) to enter into contracts and issue bonds for these purposes, and (2) to enter into loan agreements, leases, or installment sales and acquire, lease, and sell property for water and waste management, reclamation of drainage systems, and establishment of parks and recreation facilities. The act increases compensation for the district's directors and allows the collection of fees and charges.

HOUSE BILL 2303 HOUSE AUTHOR: Glossbrenner
EFFECTIVE: 6-15-81 SENATE SPONSOR: Uribe

The act expands the boundaries of the Alice Water Authority to include all territory annexed to the city of Alice up to the beginning of 1981. It permits the authority to acquire wells, as well as land or interests in land needed for waterworks and transmission lines, either inside or outside the authority's boundaries. The act allows the authority to contract with the federal government, the state, or any public or private entity within the state for the purchase or sale of water. The authority may also exercise the powers of a regional waste disposal authority.

SENATE BILL 548 SENATE AUTHOR: Parker
EFFECTIVE: 4-15-81 HOUSE SPONSOR: Jerry Clark

Senate Bill 548 enlarges the boundaries of the Sabine Pass Port Authority. It also authorizes an election to determine whether outstanding bonds of the authority shall be assumed by the

enlarged authority and whether a maintenance tax shall be levied on all taxable property within the enlarged authority.

HOUSE BILL 2319 HOUSE AUTHOR: Price
EFFECTIVE: 6-15-81 SENATE SPONSOR: Parker

House Bill 2319 allows the registered voters of Jefferson County Drainage District No. 6 to petition to call an election to determine whether the district's board of commissioners should be elected rather than appointed by the commissioners court. The act prescribes procedures for the election and, if the change is approved, for the subsequent election of the commissioners. The act also modifies requirements related to bids, purchases, and contracts.

HOUSE BILL 2325 HOUSE AUTHOR: Burnett
EFFECTIVE: see below SENATE SPONSOR: Snelson

House Bill 2325 provides that directors of the Lipan Creek Flood Control District shall serve terms of four years, conditioned on approval of the constitutional amendment proposed by H.J.R. 77 allowing the legislature to set four-year terms for governing boards of districts of this type. The act takes effect December 1, 1982, if the voters approve the amendment in an election to be held November 2, 1982.

HOUSE BILL 2326 HOUSE AUTHOR: Burnett
EFFECTIVE: see below SENATE SPONSOR: Snelson

House Bill 2326 establishes four-year, staggered terms for the directors of the Tom Green County Water Control and Improvement District No. 1, effective December 1, 1982, but likewise conditioned on approval of the constitutional amendment proposed by H.J.R. 77.

HOUSE BILL 2327 HOUSE AUTHOR: Burnett
EFFECTIVE: see below SENATE SPONSOR: Snelson

House Bill 2327 provides that directors of the Willow Creek Water Control District shall serve staggered terms of four years, effective December 1, 1982, but likewise conditioned on approval of the constitutional amendment proposed by H.J.R. 77.

HOUSE BILL 2299 HOUSE AUTHOR: Bock
EFFECTIVE: 6-15-81 SENATE SPONSOR: Doggett

House Bill 2299 increases the compensation of the directors of the Plum Creek Conservation District from $25 to $30 per day, while simultaneously reducing the maximum they may receive per month from $325 to $200. The act also authorizes reimbursement of directors for mileage expense at the same rate as paid by the state to its employees.

HOUSE BILL 2305 HOUSE AUTHOR: Sharp
EFFECTIVE: 6-15-81 SENATE SPONSOR: Wilson

This act provides a car allowance of $25 to $35 per day for commissioners of drainage districts in Victoria County. The allowance is to be set by the commissioners court.

HOUSE BILL 2352 HOUSE AUTHOR: Henderson
EFFECTIVE: 6-11-81 SENATE SPONSOR: Mengden

This act authorizes compensation of $50 per day for attendance at a board meeting by directors of the Harris County Fresh Water Supply District No. 61.

SENATE BILL 201 SENATE AUTHOR: Short
EFFECTIVE: 4-15-81 HOUSE SPONSOR: Simpson

This act increases to not more than $50 the amount that is to be paid to directors of the Canadian River Municipal Water Authority for attendance at board meetings and for each day devoted to district business. This act also increases reimbursement for expenses for the board of directors of the authority.

HOUSE BILL 2195 HOUSE AUTHOR: Emmett
EFFECTIVE: 6-15-81 SENATE SPONSOR: Williams

House Bill 2195 allows the Baytown Area Water Authority to sell water outside its boundaries. It also deletes a previous requirement that cities or political subdivisions contracting with the authority conduct an election to authorize the contract.

HOUSE BILL 200 HOUSE AUTHOR: Whaley
EFFECTIVE: 6-12-81 SENATE SPONSOR: Sarpalius

The act authorizes the Green Belt Municipal and Industrial Water Authority to acquire, purchase, lease, and develop underground water rights up to 3,500 acre-feet per year in Donley, Hall, Childress, Hardeman, and Foard counties for emergency use.

SENATE BILL 73 SENATE AUTHOR: Traeger
EFFECTIVE: 8-31-81 HOUSE SPONSOR: McBee

Senate Bill 73 defines water diverted from the Rio Grande River through a gravity irrigation system of the Maverick County Water Control and Improvement District No. 1 as surplus water. For water accounting and reporting purposes, this water is not counted as part of the total amount that may be appropriated by the district under its water rights.

SENATE BILL 490 SENATE AUTHOR: Farabee
EFFECTIVE: 4-30-81 HOUSE SPONSOR: Buchanan

Senate Bill 490 authorizes the Red River Authority to generate electric power to operate its pumping stations and to manufacture gasohol to use in its operating equipment. The act

also amends provisions relating to accounting procedures and issuance of bonds.

SENATE BILL 862 SENATE AUTHOR: Travis
EFFECTIVE: 5-28-81 HOUSE SPONSOR: Turner

This act amends the law relating to the Bistone Municipal Water Supply District to confer additional powers related to drilling, storing, and pumping water. The district is also authorized to construct and acquire water wells.

HOUSE BILL 1069 HOUSE AUTHOR: Benedict
EFFECTIVE: 6-10-81 SENATE SPONSOR: Brown

This act authorizes the board of directors of the Brazos River Harbor Navigation District to designate a bank within the county as depository for the district.

HOUSE BILL 1072 HOUSE AUTHOR: Benedict
EFFECTIVE: 6-10-81 SENATE SPONSOR: Brown

This act authorizes the board of directors of the Brazos River Harbor Navigation District to designate a bank within the county as depository for the district.

SENATE BILL 22 SENATE AUTHOR: Traeger
EFFECTIVE: 4-15-81 HOUSE SPONSOR: Craddick

The act eliminates a restriction on the number of peace officers that can be appointed by self-liquidating navigation districts.

SENATE BILL 741 SENATE AUTHOR: Traeger
EFFECTIVE: 4-15-81 HOUSE SPONSOR: Von Dohlen

Senate Bill 741 applies to the San Antonio River Authority. It (1) amends obsolete language regarding election procedures and compensation of the authority's board of directors; (2) eliminates the necessity of publishing notice for wholesale sewerage contracts; (3) increases the dollar amount limit for those contracts that are subject to competitive bidding; (4) increases the monetary limit for contracts on which the executive committee of the board may act; and (5) removes limits and simplifies procedures for disposal of surplus property.

Hospital Districts

The 67th Legislature authorized the creation of three new hospital districts.

HOUSE BILL 1397 HOUSE AUTHOR: Von Dohlen
EFFECTIVE: see below SENATE SPONSOR: Wilson

This act authorizes the creation of the Goliad County Hospital District. The act takes effect June 12, 1981, except for Section 15 dealing with tax assessment and collection for tax years after 1981, which takes effect January 1, 1982. Section 14 dealing with tax assessment and collection in 1981 expires simultaneously with the effective date of Section 15.

SENATE BILL 1194 SENATE AUTHOR: Caperton
EFFECTIVE: 5-29-81 HOUSE SPONSOR: Browder

This act authorizes the creation of the Trinity Memorial Hospital District in a portion of Trinity County.

SENATE BILL 1209 SENATE AUTHOR: Brown
EFFECTIVE: 5-27-81 HOUSE SPONSOR: Sharp

This act authorizes the creation of the Calhoun County Hospital District.

The following acts amend laws dealing with various existing hospital districts.

HOUSE BILL 2127 HOUSE AUTHOR: Gilley
EFFECTIVE: see below SENATE SPONSOR: McKnight

House Bill 2127 authorizes the board of directors of the Greenville Hospital District to order one or more elections (1) to determine whether the district shall be expanded to include the portion of the Greenville Independent School District not previously included in the hospital district, or optionally (2) to determine whether the district shall be expanded to encompass all of Hunt County, in which case the name of the district would be changed to the Hunt Memorial Hospital District. The act provides, simultaneously with either of these elections, for the election of a new board of directors for the expanded district, who shall take office provided that the expansion is approved. If the district is expanded to include all of Hunt County, the new board of directors may provide medical facilities in the city of Commerce and in other areas of the county. This act takes effect June 15, 1981, except for Section 3 dealing with the Hunt Memorial Hospital District, which takes effect if and when the countywide expansion is approved.

HOUSE BILL 2371 HOUSE AUTHOR: Hanna
EFFECTIVE: 6-15-81 SENATE SPONSOR: Glasgow

The act provides for the assumption by the Cisco Hospital District of obligations of the Cisco Hospital Authority in exchange for the authority's transfer to the district of the E. L. Graham Memorial Hospital and surrounding land. The district's board of directors is given the power to lease a district hospital to be operated by the lessee or to delegate management authority over a district hospital.

HOUSE BILL 286 HOUSE AUTHOR: McBee
EFFECTIVE: 8-31-81 SENATE SPONSOR: Traeger

House Bill 286 allows a vacancy on the board of directors of the Maverick County Hospital District to be filled for the unexpired term by a unanimous vote of the remaining directors. It also allows the board to borrow funds on an emergency basis at a rate of not more than 10 percent per annum. The funds may be secured by unpledged revenues of the district, certain taxes of the district, or bonds of the district that have been authorized but not sold.

HOUSE BILL 373 HOUSE AUTHOR: Patterson
EFFECTIVE: 5-20-81 SENATE SPONSOR: Howard

House Bill 373 allows qualified voters of the Titus County Hospital District to petition to call an election to determine whether the district's board of managers should be elected by voters rather than appointed by the commissioners court. The act prescribes procedures for the election and, if the change is approved, for the subsequent election of the managers. The act also authorizes the board to employ a tax assessor and collector, but only on approval of the county commissioners court in the event that the board remains an appointive body. An elected board would levy taxes, issue and sell bonds, and exercise other powers relating to the district that were exercised previously by the commissioners court.

HOUSE BILL 1542 HOUSE AUTHOR: Von Dohlen
EFFECTIVE: 6-10-81 SENATE SPONSOR: Wilson

The act amends the deadline for filing candidate petitions for places on the board of directors of Karnes County Hospital District. The new deadline is 30 days prior to the election, compared to 10 days under the previous law.

HOUSE BILL 1622 HOUSE AUTHOR: Von Dohlen
EFFECTIVE: 6-15-81 SENATE SPONSOR: Truan

House Bill 1622 modifies election procedures for the board of directors of the Refugio County Memorial Hospital District, so that directors are elected by place. The act removes certain

restrictions on investment of reserves. It allows the board to spend district funds to recruit physicians and to provide scholarships or loans for county residents seeking education in health care fields. The act also allows the board to borrow funds on an emergency basis at a rate of not more than 10 percent per annum. The funds are to be secured by unpledged revenues of the district, certain taxes of the district, or bonds of the district that have been authorized but not sold.

HOUSE BILL 2315 HOUSE AUTHOR: Coody
EFFECTIVE: 6-11-81 SENATE SPONSOR: Glasgow

The act authorizes the Commissioners Court of Parker County to order an election of directors of the Parker County Hospital District. It authorizes the commissioners court to make certain determinations relating to the initial election of directors, and it establishes procedures for the election. The act also establishes procedures relating to subsequent elections of directors.

HOUSE BILL 2339 HOUSE AUTHOR: Tow
EFFECTIVE: 8-31-81 SENATE SPONSOR: Caperton

House Bill 2339 directs that the three at-large candidates for the seven-member board of directors of the Montgomery County Hospital District run by position. The act changes the date for election of directors to the first Saturday in April of each year and provides for runoff elections if necessary. It allows a concurrence of a majority of the directors present at a directors' meeting, rather than four members under previous law, to be sufficient in passing on district business. The act places certain restrictions on leasing of district land. It also validates certain elections, proceedings, and actions of the district.

HOUSE BILL 2347 HOUSE AUTHOR: DeLay
EFFECTIVE: 8-31-81 SENATE SPONSOR: Brown

The act changes the annual election date for directors of the West Columbia-Damon Hospital District to the first Saturday in April.

SENATE BILL 74 SENATE AUTHOR: Traeger
EFFECTIVE: 3-24-81 HOUSE SPONSOR: Reynolds

The act amends election procedures for the board of directors of the Wilson County Memorial Hospital District and validates prior elections.

HOUSE BILL 969 HOUSE AUTHOR: Hollowell
EFFECTIVE: 6-11-81 SENATE SPONSOR: McKnight

This act eliminates a $5,000 limit on the annual compensation of the Wood County Central Hospital District. The board of directors of the district may fix the amount of compensation at a level not greater than one percent of the total tax collected.

Transportation Districts and Authorities

HOUSE BILL 1822 HOUSE AUTHOR: Simpson
EFFECTIVE: 6-15-81 SENATE SPONSOR: Short

Rail transportation systems in certain areas of Texas are threatened by railroad bankruptcies and abandonment proceedings, portending discontinuance of rail services with consequent adverse effects on the transportation of agricultural products. This act authorizes county commissioners courts in eligible counties to create a rural rail transportation district to acquire and operate a rail system within the district's boundaries. A district may be created in two or more contiguous counties, each county of which contains a rail line that is in the process of being abandoned or that carries less than a specified amount of rail freight. The district would be governed by a board of directors appointed by the commissioners courts of the participating counties, and would have various necessary powers including the right of eminent domain and the right to issue bonds and notes.

SENATE BILL 205 SENATE AUTHOR: Harris, et al.
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Semos

In 1979, the 66th Legislature authorized creation of a regional transportation authority in a region that, based on population bracket specifications, was effectively restricted to the Dallas-Fort Worth standard metropolitan statistical area. So far, no authority has been created. This act amends the enabling statute to allow more choice and flexibility to cities and unincorporated areas that may or may not decide to participate. It makes optional a city's participation in the initial planning and confirmation election and allows a nonparticipating city to join at a later date. The act conditions the authority's exercise of eminent domain, making it subject to approval by the governing body of an affected city or by the county commissioners court having jurisdiction over an affected unincorporated area. It requires that the annual budget proposed by the executive committee of the authority be submitted to the governing bodies of all cities within the authority at least 30 days prior to the budget's adoption. Finally the act allows Arlington to establish a subregional transportation authority. Previously only Grand Prairie had this

power.

SENATE BILL 425
EFFECTIVE: 8-31-81

SENATE AUTHOR: Santiesteban
HOUSE SPONSOR: Polk

This act amends an existing population bracket law to allow the creation and operation of mass transit authorities in the Austin and El Paso metropolitan areas, pending confirmation elections in either or both areas. A separate population bracket provision, which applies in effect to all such mass transit authorities except that in the Houston metropolitan area, requires approval by certain units of local government of rates, fares, tolls, charges, and rents established by an authority.

Sunset Legislation

The Texas Sunset Act, passed by the 65th Legislature in 1977, provides for the cyclical review of specified state agencies and advisory committees and for their automatic termination unless continued by law. The legislature reviews six groups of agencies on a staggered basis over a 12-year interval, with a different group subject to review each biennium. If an agency is reauthorized, its life is extended for twelve years, after which the agency is again subject to review. The legislature may create, merge, modify, or abolish agencies at any time, however, without regard to the sunset cycle.

Twenty-eight agencies were scheduled for renewal or expiration in 1981. The 67th Legislature, Regular Session, renewed 22 of those agencies until 1993. The legislature did not introduce legislation for two agencies, the Board of Tuberculosis Nurse Examiners and the Commission for the Texas Civil Air Patrol, meaning that both expire September 1, 1981. The legislature in its regular session introduced but did not pass legislation for two other agencies, the Texas State Board of Medical Examiners and the Texas State Board of Examiners in Social Psychotherapy. The former was eventually renewed by the 1st called session and is covered in the chapter on that session, but the latter failed to be renewed in either session and consequently expires September 1, 1981. The legislature in its regular session expressly abolished two other agencies, the Fleet Admiral Chester W. Nimitz Memorial Naval Museum Commission and the State Board of Library Examiners, transferring their duties to the Texas Parks and Wildlife Department and the Texas State Library and Archives Commission, respectively.

Sunset renewal legislation passed in 1981 contains several standard provisions that apply, with a few exceptions, to reauthorized agencies. Most agency governing bodies, particularly the occupational regulatory boards, gain up to three public members. Qualifications for public members require that neither they nor their spouses be licensees of the agency, be employed by or participate in the management of a business regulated by the agency, or have more than a 10 percent interest in such a business. No member, public or otherwise, may be an officer, employee, or paid consultant of a trade association in the regulated occupation or industry. The same prohibition applies to certain relatives of the board member and to employees of the agency. A registered lobbyist may not serve as a board member or general counsel to the agency. Board members can be removed if they violate these

restrictions, if they do not have or fail to maintain any statutory qualifications, or if they fail to attend at least half the board's regularly scheduled meetings during a year, not counting meetings prior to their appointment. A board action is not invalidated, however, simply because it was taken while there were appropriate grounds for a member's removal. Board members are to be appointed without regard to race, creed, sex, religion, or national origin. They are entitled to per diem and transportation expenses as provided in the general appropriations act.

Sunset renewal legislation passed in 1981 typically makes an agency expressly subject to the Open Meetings Act and to the Administrative Procedure and Texas Register Act, particularly in the latter case with regard to rulemaking and to disciplining of licensees. Most reauthorized agencies' rules are subject to potential repeal by the appropriate standing committees of both houses of the legislature. Agency rules may not unreasonably restrict advertising or competitive bidding by licensees. Other generally standard provisions prescribe fees to be charged by the agency, prescribe procedures to be followed in examining occupational license applicants, prescribe procedures for renewal and criteria for suspension of licenses, require the agency to distribute consumer information describing the agency's functions, require the agency to keep a file on complaints, direct the agency to develop a career ladder program and a performance evaluation system to be used in awarding employee merit pay, make the agency subject to an annual audit by the state auditor, and require the agency to file an annual report accounting for its use of funds.

HOUSE BILL 1628 HOUSE AUTHOR: Von Dohlen
EFFECTIVE: see below SENATE SPONSOR: Doggett

The Texas Pharmacy Act renews the Texas State Board of Pharmacy. It completely rewrites state law governing pharmacists and pharmacies. The act expands the state board from six to nine members with the inclusion of another pharmacist and two public members. The act focuses particularly on measures to ensure the proper handling and use of controlled substances and dangerous drugs. It directs a pharmacist to substitute less expensive generic drugs for brand-name drugs whenever possible unless the prescribing physician or patient chooses otherwise. The pharmacist must inform the patient of the substitution. The act establishes four classes of pharmacy licenses according to the type of drugs dispensed, in addition to the occupational license that each pharmacist must obtain. It does not require an annual audit by the state auditor and does not provide for legislative repeal of agency rules. The act allows the board to convene in executive session for discussions concerning disciplinary actions, and it exempts investigative files from the Open Records Act. The act takes

effect September 1, 1981, except for the provisions concerning generic drugs, which take effect January 1, 1982.

SENATE BILL 335 SENATE AUTHOR: Williams, et al.
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Crawford

Senate Bill 335 renews the State Board of Dental Examiners, increasing its size from 9 to 12 with the addition of 3 public members. It limits members to one six-year term, except for those holding office May 1, 1981, who may be appointed to one additional term. The act continues the Dental Hygiene Advisory Committee but abolishes the Dental Laboratory Advisory Board. Dentists are authorized to take case histories and perform physical evaluations pursuant to admitting patients to hospitals for the practice of dentistry, but they are not entitled to automatic membership on the hospital medical staff or to the automatic exercise of related clinical privileges. The act specifies duties that dental hygienists and dental assistants are permitted to perform.

SENATE BILL 753 SENATE AUTHOR: Glasgow
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Bock

Senate Bill 753 renews the nine-member Texas Board of Chiropractic Examiners, maintaining its present size, but providing that three appointees be public members. Besides the various standard renewal provisions, the act requires a chiropractor to display a sign at his or her place of business indicating the board's name, address, and telephone number.

SENATE BILL 866 SENATE AUTHOR: Jones
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Khoury

The act renews the Texas State Board of Podiatry Examiners, increasing its size from six to nine with the addition of three public members. The board is authorized to contract with the Texas State Board of Medical Examiners for provision of necessary administrative services; consequently, the act contains no requirements related to career ladder programs, performance evaluations, or merit pay for staff. The board's main administrative office must be in Austin, however. Throughout the enabling statute, the act replaces the term "chiropody" with the term "podiatry." The act requires that podiatrists display in their offices signs containing the board's name, address, and telephone number.

SENATE BILL 575 SENATE AUTHOR: Brooks, et al.
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Washington

Senate Bill 575 renews the Board of Nurse Examiners, increasing its size from six to nine with the addition of three public members. The act authorizes the board to recommend to the Texas State Board of Medical Examiners the adoption of rules

governing the delegation of certain medical functions to licensed nurses. The act requires a licensed registered nurse who is on duty to wear an insignia so identifying herself or himself. The act does not require a career development program for the board's staff but does require performance evaluations to be used in awarding merit pay. It requires an annual audit by the state auditor but not the filing of an annual report accounting for the board's use of funds.

SENATE BILL 827 SENATE AUTHOR: Glasgow
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Robnett

The act renews the Board of Vocational Nurse Examiners, increasing its size from 9 to 12 and providing for the inclusion of 2 public members. The act does not require development of a career program for board employees, although it does require performance evaluations that are to be used in awarding merit pay. The act repeals provisions prohibiting union membership. It does not require an annual audit by the state auditor. The board may retain outside legal counsel, but only if the attorney general has certified that the attorney general's office cannot perform requested legal services.

SENATE BILL 750 SENATE AUTHOR: Brooks, et al.
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Washington

The act renews the nine-member Texas Board of Physical Therapy Examiners, maintaining its present size but providing that three appointees be public members. Besides the various standard renewal provisions, the act requires that written contracts for services of licensed physical therapists must contain the board's name, address, and telephone number.

SENATE BILL 109 SENATE AUTHOR: Doggett
EFFECTIVE: see below HOUSE SPONSOR: Coody

Senate Bill 109 renews the Texas Optometry Board, adding three public members for a total of nine. Public members are prohibited from having business connections not only with the optometry profession, but with health-care services in general. Of the six optometrist members, three must be affiliated with the Texas Optometric Association; the other three, with the Texas Association of Optometrists. Excluding service prior to 1981, no member may serve on the board longer than 12 years. Effective January 31, 1983, the act allows the board to issue substantive rules, but only if the attorney general has given advance approval as to their validity. Other sections of the law take effect August 31, 1981. The act requires an optometrist to issue to examined patients a prescription, bill, or receipt containing the optometrist's license number and name. It contains numerous provisions designed to prevent the undue influence of optometrists

by manufacturers, wholesalers, or retailers promoting ophthalmic goods.

SENATE BILL 604 SENATE AUTHOR: Doggett
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Coleman

Senate Bill 604 renews the nine-member Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids, maintaining its present size, but requiring that two appointees be public members. The act requires fitters and dispensers to seek specified minimal information about a customer's hearing problems, and it directs the board to establish guidelines guaranteeing a 30-day trial on every purchase of a hearing aid. Fitters and dispensers must display a sign notifying customers of the board's name, address, and telephone number. The board may establish guidelines for the training of temporary permit holders. The act does not require the filing of an annual report on the board's use of funds.

SENATE BILL 359 SENATE AUTHOR: Brooks
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Bock

The act renews the Texas State Board of Examiners of Psychologists, increasing the membership from six to nine with the addition of a psychological associate and two public members. It gives the board the power to order corrective advertising if a psychologist has engaged in false, misleading, or deceptive advertising. In order that complaints may be properly forwarded, the act requires that psychologists' offices must prominently display signs containing the name, address, and telephone number of the board. It does not provide for legislative repeal of rules, for an annual audit by the state auditor, or for the filing of an annual report on use of board funds.

SENATE BILL 232 SENATE AUTHOR: Howard
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Uher

The Veterinary Licensing Act, as amended by Senate Bill 232, renews the State Board of Veterinary Medical Examiners, adding two public members and increasing the board's size from six to nine. The act requires veterinarians to keep records regarding the handling of controlled substances.

SENATE BILL 402 SENATE AUTHOR: Harris
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Bock

The Texas Engineering Practice Act, as amended by Senate Bill 402, renews the State Board of Registration for Professional Engineers and increases its size from six to nine with the addition of three public members. The board by majority vote may limit the participation of public members in the evaluation of license applications unless the evaluation takes place at an official board

meeting.

SENATE BILL 851 SENATE AUTHOR: Doggett, et al.
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Evans

The Plumbing License Law of 1947, as amended by this act, renews the Texas State Board of Plumbing Examiners, increasing the board's size from six to nine and providing for the inclusion of two public members. It establishes a reciprocal exemption allowing licensed irrigators and installers of irrigation systems to perform plumbing work without a plumber's license and allowing plumbers to install and work on a lawn irrigation system without an irrigator's or installer's license. Plumbing work performed by a licensed LP gas installer is likewise exempted from the requirement of a plumber's license. The board's issuance of a plumber's license confers no authority related to the installation, exchange, service, or repair of residential water treatment systems, certification for which must be obtained from the commissioner of health. The act prescribes civil penalties of $50-$1,000 per day per violation for persons violating its provisions. The board may also seek to enjoin violations of the act or of board rules. The act requires that plumbing contracts contain the board's name, address, and telephone number. It does not require the filing of an annual report accounting for the board's use of funds.

SENATE BILL 441 SENATE AUTHOR: Doggett
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Bock

The act renews the six-member Polygraph Examiners Board, maintaining the board's present size but requiring that two appointees be public members. It authorizes the board to contract with the Department of Public Safety to perform its various administrative functions; consequently, there are no provisions dealing with career ladder programs, performance evaluation, or merit pay. The act contains detailed specifications designed to ensure the confidentiality of information disclosed in the course of a polygraph examination. Written contracts for polygraph examinations must contain the name, address, and telephone number of the board.

SENATE BILL 592 SENATE AUTHOR: Brooks, et al.
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Henderson

The act renews the Texas Board of Private Investigators and Private Security Agencies, retaining its present eight members but adding language related to qualifications and prohibited trade interests. The act makes it unlawful for a commissioned security officer to carry a handgun unless (1) the handgun is in plain view, (2) the security officer wears a distinctive uniform so identifying himself or herself, and (3) the officer is on security duty or is in transit to or from such duty. Licensed security agencies must

display a sign with the name, address, and telephone number of the board. Written contracts for security services must contain this information as well. The board must submit an annual report on its use of funds, but the act contains no provision for an annual audit by the state auditor, nor does it contain any provision regarding legislative repeal of rules.

SENATE BILL 915 SENATE AUTHOR: Traeger
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Buchanan

The act renews the nine-member Texas Water Well Drillers Board, replacing three ex officio members with three public members. The term "water well" is redefined to clarify that the board's regulatory authority extends to exploratory wells. Since the board's administrative functions are carried out by the Texas Department of Water Resources, there are no provisions related to career ladder programs, performance evaluations, or merit pay. Also, there is no provision for legislative repeal of board rules. Copies of well logs must contain the board's name, address, and telephone number.

SENATE BILL 403 SENATE AUTHOR: McKnight
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Laney

Senate Bill 403 renews the Texas Aeronautics Commission, which certifies and regulates intrastate air carriers but is not an occupational licensing agency. Membership of the commission remains the same as before, but the act adds language prohibiting business-related conflicts of interest among members. The act increases the commission's authority by allowing it to issue and administer rules related to air safety. In addition, it directs the commission to implement an aviation facilities development program pursuant to a statewide airport system. Under grant contracts, prior to the commission's final payment of its share of project costs, a local government sponsor must enact an airport hazard zoning ordinance. The act makes the refusal, suspension, or revocation of certificates subject to procedures of the Administrative Procedure and Texas Register Act, and it generally includes other standard renewal provisions except for that requiring the distribution of consumer information about the commission.

HOUSE BILL 2081 HOUSE AUTHOR: Ceverha
EFFECTIVE: 9-1-81 SENATE SPONSOR: Harris

The act renews the Adjutant General's Department with very few changes from previous law. It authorizes the adjutant general to establish reasonable fees to support administration of the department and provides that grants, gifts, donations, and funds other than military unit funds be deposited in the state treasury and credited to the general revenue fund. The standard renewal

provisions cited at the beginning of this section do not apply to the department.

SENATE BILL 298 SENATE AUTHOR: Williams
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Gary Thompson

The act renews the Veterans Affairs Commission of the State of Texas, increasing the membership from five to six. At least four members must have been honorably discharged from active military service, and at least one must be a disabled veteran. Lobbyists for veterans associations may not serve. Members may be removed if they violate this prohibition, fail to maintain other statutory qualifications, or fail to attend a sufficient number of meetings. The act includes most standard renewal provisions other than those applicable solely to occupational regulatory agencies.

SENATE BILL 383 SENATE AUTHOR: McKnight, et al.
EFFECTIVE: 6-18-81 HOUSE SPONSOR: Presnal

The act continues the Real Estate Research Center and Real Estate Research Advisory Committee, which are part of The Texas A&M University System. It retains the existing membership of the committee, including three public members, but adds language specifying that public members may not be licensed real estate brokers nor have a financial interest in real estate brokerage other than as consumers. Failure to meet these qualifications warrants their removal. Each member of the committee must file a financial statement as required of other selected state officials. The act contains provisions regarding per diem expenses of the committee, application of the Open Meetings Act and the Administrative Procedure and Texas Register Act, distribution of consumer information about the center, performance of an annual audit by the state auditor, and filing of an annual report accounting for the center's use of funds.

SENATE BILL 486 SENATE AUTHOR: Harris
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Maloney

The act renews the Texas Amusement Machine Commission, maintaining its present membership of three appointive members and three ex officio members. The act requires that written contracts between a licensed owner and an operator must contain the name, address, and telephone number of the commission. It incorporates other standard renewal provisions except for those applicable only to occupational regulatory boards, those related to legislative repeal of rules, and those requiring a career ladder program.

SENATE BILL 1166 SENATE AUTHOR: Traeger, et al.
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Ceverha

The act renews the Texas National Guard Armory Board, increasing its membership from three to six by the inclusion of three public members who are not actively serving in the national guard. Registered lobbyists may not serve as members or as general counsel to the board. Members may be removed if they fail to attend the requisite number of meetings. The act eliminates the interest rate ceiling on the board's bonds and requires that the board select trustees on the basis of written competitive bids. The act contains provisions on per diem and transportation expenses of board members, application of the Open Meetings Act and the Administrative Procedure and Texas Register Act, implementation of career ladder programs and of performance evaluations to be used in awarding merit pay, legislative repeal of rules, and performance of an annual audit by the state auditor.

SENATE BILL 337 SENATE AUTHOR: Doggett
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Ceverha

The State Board of Library Examiners has been responsible for issuing certificates of qualification for persons seeking the office of county librarian. With this act, the board is abolished and its functions transferred to the Texas State Library and Archives Commission. The act specifies educational requirements for permanent certification as county librarian, consisting of either graduation from a library school accredited by the American Library Association or graduation with a master's degree in library science from an academically accredited institution of higher education.

HOUSE BILL 478 HOUSE AUTHOR: Ceverha
EFFECTIVE: 9-1-81 SENATE SPONSOR: Snelson

The Fleet Admiral Chester W. Nimitz Memorial Naval Museum Commission's duties have consisted of operating a museum in the admiral's hometown of Fredericksburg. The act abolishes the commission and transfers its duties to the Texas Parks and Wildlife Department.

State Agencies and Departments

This section presents other legislation applicable to state agencies generally or to selected agencies individually, unless the legislation deals with a topic having its own separate chapter. State government undergoes continual change, with each successive legislature witnessing the creation, abolition, or replacement of numerous state agencies. Since legislation of this type is spread

out among several chapters, convenience warrants a recapitulation of major reorganizational changes in Texas state government. The appendix contains a table listing those state agencies and advisory bodies that were established, discontinued, renamed, or otherwise significantly affected as a result of legislation enacted during the regular and 1st called sessions. Committees or other bodies created by resolution are omitted, as are agencies that were merely renewed following 1981 sunset review and agencies for which the primary change is limited to the composition of the agency's governing body or of its staff.

HOUSE BILL 959 HOUSE AUTHOR: Von Dohlen, et al.

EFFECTIVE: 9-1-81 SENATE SPONSOR: Doggett

House Bill 959 expands procedural requirements associated with rulemaking by state agencies and gives agencies an additional enforcement tool regarding its rules. In proposing a rule in the Texas Register, an agency must not only cite the statutory authority for the rule, as was previously required, but must also include a concise explanation of the statute and certify that the proposed rule has been reviewed by legal counsel for conformity with the statute. In addition, an agency proposing a rule must include specific cost and benefit contents within its attached fiscal note. In finally adopting a rule, an agency must repeat the new requirements except for those related to fiscal notes. It must also include a reasoned justification of the rule, including a summary of comments received from interested parties and a statement, if applicable, of why it disagrees with the comments. A proposed rule is automatically withdrawn six months after publication if by that time the agency has failed to adopt or withdraw it. An agency is authorized to request the attorney general to bring suit in district court against persons violating its rules, decisions, or orders.

SENATE BILL 988 SENATE AUTHOR: Richards

EFFECTIVE: 9-1-81 HOUSE SPONSOR: Delco

Senate Bill 988 abolishes the Merit System Council, a cooperative council of state agencies that are required by federal law to have a merit system of personnel administration. In place of the predecessor council, which operated without statutory authority as a division of the Texas Employment Commission, the act creates the Texas Merit System Council as an independent state agency. The new council is composed of six members appointed by the governor with the advice and consent of the senate. It has an interagency advisory committee composed of one representative from each participating agency.

HOUSE BILL 542 HOUSE AUTHOR: Bock
EFFECTIVE: 9-1-81 SENATE SPONSOR: Howard

House Bill 542 modifies the composition of the Sunset Advisory Commission and its staff. It adds to the commission two public members, one appointed by the lieutenant governor and the other by the speaker of the house. Both public members serve two-year terms. The four senate and four house members continue to serve four-year terms, but the act establishes a system by which the chairmanship and vice-chairmanship alternate every two years between the senate and house members. The act removes the responsibility of the Legislative Budget Board to serve as staff for the commission, and it instead requires the commission to employ an executive director who must employ additional staff using funds appropriated by the legislature. The act changes certain deadlines related to commission appointments and to the biennial review of agencies subject to the Texas Sunset Act.

HOUSE BILL 1183 HOUSE AUTHOR: Schlueter
EFFECTIVE: 6-12-81 SENATE SPONSOR: Meier

House Bill 1183 authorizes the State Purchasing and General Services Commission to delegate to state agencies purchasing authority for amounts greater than $500 and authorizes the commission to allow an agency to dispense with competitive bidding for amounts greater than $100.

HOUSE BILL 1335 HOUSE AUTHOR: Hanna
EFFECTIVE: 9-1-81 SENATE SPONSOR: Glasgow

House Bill 1335 provides that state agencies, in planning the construction of new state buildings, must consider the feasibility of incorporating into the building's design solar energy devices to be used for purposes of space heating, cooling, water heating, and interior lighting. If solar devices for a particular function are less expensive than conventional energy systems, they are to be incorporated. The act is administered by the State Purchasing and General Services Commission, except for institutions of higher education and certain other state agencies, who administer it themselves.

HOUSE BILL 1463 HOUSE AUTHOR: Presnal
EFFECTIVE: 9-1-81 SENATE SPONSOR: Howard

The act applies to all state agencies in the executive and judicial branches of government, including institutions of higher education, the supreme court, state appeals courts, and the State Bar of Texas. It creates a seven-member Automated Information Systems Advisory Council consisting of two appointees of the speaker of the house, two appointees of the lieutenant governor, and three appointees of the governor, including one who is designated by the governor as chair. Each member is required to

have specified experience or expertise regarding automated information systems but may not have an interest in any state contract or bid for such systems nor be employed by the state as a computer consultant.

The council is authorized to adopt guidelines to aid affected agencies in making economical use of automated information systems or related equipment or services. It is directed to undertake a review of proposed purchases of computer systems, equipment, or services above $20,000; of proposed leases above $1,000 a month; and of proposed major conversions. The council's review, limited to 60 days, is to be followed by the filing of a report with the governor, lieutenant governor, speaker of the house, State Purchasing and General Services Commission, and state auditor, stating whether the proposed action conforms to the council's guidelines. In the absence of a report, agencies after the 60-day deadline may proceed with the proposal. The council is obligated to file with the legislature a biennial report about the council's activities.

The State Purchasing and General Services Commission and the state auditor's systems division retain certain functions related to automated information systems in state government. The former still makes awards for purchases and leases, although it must wait until the advisory council has filed its review. The latter compiles current information on computer systems in state government, and it regularly audits affected agencies' use of computer systems, equipment, and services.

HOUSE BILL 1623 HOUSE AUTHOR: Davis
EFFECTIVE: 9-1-81 SENATE SPONSOR: Meier

The State Funds Reform Act of 1981 applies to all executive-branch state agencies except for (1) agencies subject to sunset review in 1981, (2) institutions of higher education, and (3) affiliate departments and offices subject to the budgetary control of either the Finance Commission of Texas or the Credit Union Commission of Texas. It establishes a uniform system for deposit of collected funds, providing that funds received by an agency be deposited in the state treasury, credited to particular accounts, and subject to appropriation only for authorized purposes. Certain funds pledged to repayment of debts or held in trust or escrow are exempt, including special funds given in trust to the Texas State Library and Archives Commission. The act outlines procedures to be used by the Finance Commission of Texas in filing with the governor and Legislative Budget Board copies of the budgets for its affiliate departments and offices.

HOUSE BILL 36 HOUSE AUTHOR: Grubbs
EFFECTIVE: 8-31-81 SENATE SPONSOR: Farabee

House Bill 36 changes the names of the Disaster Emergency Services Council and the governor's Division of Disaster Emergency Services to the Emergency Management Council and Division of Emergency Management, respectively. The act makes minor changes in state and local organizational arrangements for coping with disasters and emergencies. It requires local and interjurisdictional emergency management plans to include provision for certain economic stabilization methods and security measures in the event of a disaster. Failure to comply with a plan may be made an offense punishable by a fine of up to $1,000 or confinement in jail for up to 180 days.

HOUSE BILL 1345 HOUSE AUTHOR: Laney
EFFECTIVE: 9-1-81 SENATE SPONSOR: Glasgow

House Bill 1345 expands the program for state agency purchases of goods and services produced by blind persons to include the purchase of goods and services produced by other severely disabled persons. The Texas Committee on Purchases of Blind-Made Products is reorganized as the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons, with the addition of a twelfth committee member who is conversant with employment problems of severely disabled persons other than the blind. One change from prior law is that the new committee's regulations must be approved by the State Commission for the Blind and the Texas Rehabilitation Commission.

HOUSE BILL 1681 HOUSE AUTHOR: Vowell
EFFECTIVE: 9-1-81 SENATE SPONSOR: Mengden

The act creates a five-member Crime Stoppers Advisory Council within the criminal justice division of the office of the governor. Members are appointed by the governor with the advice and consent of the senate. The council's duties consist of encouraging and assisting local crime stoppers programs. Reports of criminal activity communicated to the council or to a local program are not admissible in court and may only be compelled to be produced in court by order of the state supreme court.

HOUSE BILL 1986 HOUSE AUTHOR: Semos
EFFECTIVE: 9-1-81 SENATE SPONSOR: Doggett

The act provides for the construction and operation of the Texas Sesquicentennial Museum. It creates a nine-member Texas Sesquicentennial Museum Board, appointed by the governor with the advice and consent of the senate, to administer the museum. The act also sets up a sesquicentennial museum fund supported by the allocation of certain cigarette taxes.

SENATE BILL 464 SENATE AUTHOR: Blake
EFFECTIVE: 6-16-81 HOUSE SPONSOR: Semos

The act adds to the Texas 1986 Sesquicentennial Commission two additional ex officio members, the executive heads of the East Texas Historical Association and the Panhandle-Plains Historical Museum. The former is to be reimbursed for expenses from commission funds; the latter, from museum funds.

SENATE BILL 514 SENATE AUTHOR: Brooks
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Ceverha

This act reestablishes the Battleship Texas Commission, which the 66th Legislature failed to renew following sunset review in 1979.

HOUSE BILL 169 HOUSE AUTHOR: Anita Hill
EFFECTIVE: 8-31-81 SENATE SPONSOR: Doggett

House Bill 169 provides that a person receiving over $200 in a calendar quarter as compensation or reimbursement for lobbying must register with the secretary of state. Under previous law, any receipt of money for lobbying required registration. Enforcement of the lobby registration act is extended to the secretary of state. Following proper notice and subsequent failure of a lobbyist to file required documents, the secretary of state is directed to file a sworn complaint of the violation with the appropriate prosecuting attorney. Any other person may also file with the prosecuting attorney a written sworn statement alleging a violation.

HOUSE BILL 228 HOUSE AUTHOR: Semos
EFFECTIVE: 6-12-81 SENATE SPONSOR: Leedom

The Metric System Advisory Council has been required to meet four times annually in Austin. This act directs the council to hold two of its meetings in Austin and two meetings in other locations.

HOUSE BILL 1210 HOUSE AUTHOR: Wallace
EFFECTIVE: 9-1-81 SENATE SPONSOR: Santiesteban

Under this act, the state treasurer is authorized to coin and sell gold alloy medals commemorating the Texas sesquicentennial. The medals, to be designed via a contest conducted by the Texas 1986 Sesquicentennial Commission, are exempt from state and local sales taxes.

HOUSE BILL 1479 HOUSE AUTHOR: Criss
EFFECTIVE: 8-31-81 SENATE SPONSOR: Brown

The act authorizes the governor to appoint a sufficient number of pilots for the mouth of the Brazos River and from two to four pilots for Matagorda and Lavaca Bays from Pass Cavallo to

Indianola and Lavaca.

HOUSE BILL 1582 HOUSE AUTHOR: Bock
EFFECTIVE: 9-1-81 SENATE SPONSOR: Santiesteban

The act changes the fees that the commissioner of the General Land Office may charge for various documents and services.

HOUSE BILL 2174 HOUSE AUTHOR: Polumbo
EFFECTIVE: 8-31-81 SENATE SPONSOR: Uribe

The act authorizes the state to provide liability insurance for peace officers and fire fighters related to their use of motor vehicles owned or leased by the state, and it authorizes the state to be self-insured for this purpose.

HOUSE BILL 2350 HOUSE AUTHOR: Cain
EFFECTIVE: 6-17-81 SENATE SPONSOR: McKnight

In 1979 the 66th Legislature created the Texas Housing Agency, authorized counties and cities to create public nonprofit housing finance corporations, and provided that both could issue bonds for housing assistance programs. The following year the U.S. Congress passed the federal Mortgage Subsidy Bond Act of 1980, which limits the dollar amount of tax-exempt housing bonds that may be issued each year in a state. The legislature of each state is expressly authorized to allocate this amount between state and local housing agencies. House Bill 2350 makes such an allocation, giving the Texas Housing Agency 30 percent of the amount for its exclusive use with the remaining 70 percent allocated jointly to the agency and to local housing finance corporations. The Texas Housing Agency must exhaust its exclusive allocation before using any part of the joint allocation. It is authorized to make loans to mortgage lenders or to public agencies for the support of multifamily housing developments that will be occupied substantially by persons and families of low to moderate income. The Texas Housing Agency may target proceeds from its mortgage bonds to any area of the state. The act defines and provides for the official designation within a city of "economically depressed or blighted areas," which are eligible for mortgage subsidies. The act also allows for the creation of a housing finance corporation by more than one local government unit.

SENATE BILL 6 SENATE AUTHOR: Brooks
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Washington

The act directs the Texas Commission for the Deaf to establish and administer a program to place telecommunications devices for the deaf in selected state agencies. The State Purchasing and General Services Commission is to help in establishing specifications for such devices and is responsible for their purchase, lease, rent, or other acquisition. The Texas

Commission for the Deaf is to bear the cost for the program out of its legislative appropriations or may accept grants, donations, or gifts. Telecommunications devices in the possession of other state agencies are to be transferred to the Texas Commission for the Deaf.

SENATE BILL 11 SENATE AUTHOR: Doggett
EFFECTIVE: 4-30-81 HOUSE SPONSOR: Semos

Under this act, the Texas Historical Commission is authorized to provide matching grants to assist the preservation of structures and of collections of small history museums, provided that the structures and collections are significant in Texas or American history, architecture, archeology, or culture. Structures, to be eligible, must have been designated as historic places or landmarks or must qualify for such designation.

SENATE BILL 49 SENATE AUTHOR: Brooks
EFFECTIVE: 4-1-81 HOUSE SPONSOR: Peveto

Senate Bill 49 transfers from the comptroller of public accounts to the state auditor the responsibility to perform periodic audits of state funds appropriated to the Central Education Agency for purposes of adult apprenticeship training.

SENATE BILL 93 SENATE AUTHOR: Truan
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Price

This act authorizes state departments and agencies that receive federal grant funds for a foster grandparent program to spend such funds as required by the grant to insure the person and property of the foster grandparents.

SENATE BILL 389 SENATE AUTHOR: Jones
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Davis

The act revises the financial accounting and appropriation system for the Railroad Commission of Texas, transferring money deposited in the commission's operating fund to the general revenue fund and with two exceptions directing all future fees and taxes collected by the commission to the general revenue fund. The two exceptions consist of railroad commission fees and taxes allocated to the state highway fund and those related to surface mining allocated to a special land reclamation fund. The comptroller is authorized to establish a set of revenue-source and expenditure accounts within that fund. The act also deletes references to several obsolete, specialized funds of the railroad commission that had previously been consolidated within its operating fund.

SENATE BILL 671 SENATE AUTHOR: Jones
EFFECTIVE: 8-31-81 HOUSE SPONSOR: McFarland

The act removes statutory inconsistencies related to the office of the assistant secretary of state, known formerly as the chief clerk to the secretary of state. Also, it eliminates a requirement that the assistant be an attorney. The act also deletes outdated compensation provisions.

SENATE BILL 1128 SENATE AUTHOR: Jones
EFFECTIVE: 6-11-81 HOUSE SPONSOR: Khoury

The act provides that fees deposited into the state treasury by the secretary of state are refundable if they are not due the state or exceed the amount due the state.

HEALTH

HOUSE BILL 2129 HOUSE AUTHOR: Shaw, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Williams

This act provides a means for the Texas Department of Health to accumulate information about veterans who have been exposed to chemical defoliants or herbicides or other causative agents and authorizes reports on the current research findings of the effects of such exposure. Under this act, veterans who may have been injured because of contact with chemical defoliants or herbicides are entitled to class action representation by the attorney general in a suit for release of information relating to exposure to such chemicals. The act also authorizes the Texas Department of Health and the health science centers and other medical facilities of The University of Texas to provide assistance to these veterans.

SENATE BILL 811 SENATE AUTHOR: Andujar
EFFECTIVE: 1-1-82 HOUSE SPONSOR: London

Animal rabies is a severe problem in Texas; this state led the nation in the number of reported cases of rabies in 1980. Senate Bill 811 amends present statutes concerning rabies to establish the Rabies Control Act of 1981. Administered by the Texas Board of Health with the cooperation of municipal and city governments, this act incorporates some of the old statutes while strengthening the program with new requirements. As in earlier law, the Rabies Control Act of 1981 provides for reports of exposure to rabies, quarantine of animals, and vaccination of dogs and cats. In addition, the act also adds some definitions and requires the use of modified live virus rabies vaccine, the registration of dogs and cats by municipal and county governments, the restraining of dogs and cats, impoundment, the disposition of stray animals, and the quarantine of an area. It also sets standards for animal shelters and increases penalties for violations of this act. The act repeals provisions authorizing county commissioners courts to take certain action for rabies control and provides that counties and local governments can either adopt provisions of this act or establish programs equal or more stringent.

HOUSE BILL 199 HOUSE AUTHOR: Green, et al.
EFFECTIVE: 8-31-81 SENATE SPONSOR: Brooks

The manufacture, distribution, sale, prescription, and use of dimethyl sulfoxide (DMSO) is regulated by this act. It provides that a hospital or health care facility may not forbid or restrict the use of a drug prescribed or administered by a licensed physician having staff privileges at that hospital or facility under certain conditions. House Bill 199 also authorizes the manufacture and sale of DMSO for human use and sets out penalties and labeling requirements for DMSO not approved for human use.

HOUSE BILL 254 HOUSE AUTHOR: Benedict, et al.
EFFECTIVE: See below SENATE SPONSOR: Brooks

House Bill 254 expands the list of medical equipment and devices exempt from taxation and allows exemptions for vehicles used for, rather than only used by, orthopedically handicapped persons. The section of the bill relating to medical devices takes effect October 1, 1981, and the section relating to vehicles used by handicapped persons takes effect September 1, 1981.

HOUSE BILL 1628 HOUSE AUTHOR: Von Dohlen
EFFECTIVE: see below SENATE SPONSOR: Doggett

House Bill 1628 renews the Texas State Board of Pharmacy, which was scheduled for termination in 1981 under the sunset provision of its enabling statute. The act also extensively revises state law governing pharmacists and pharmacies. It directs a pharmacist to substitute less expensive generic drugs for brand-name drugs whenever possible unless the prescribing physician or patient chooses otherwise. The pharmacist must inform the patient of the substitute. The act takes effect September 1, 1981, except for the provisions concerning generic drugs, which take effect January 1, 1982.

HOUSE BILL 1685 HOUSE AUTHOR: Madla, et al.
EFFECTIVE: 8-31-81 SENATE SPONSOR: Traeger

The Texas Department of Health is authorized by this act to establish an epilepsy program to provide diagnostic services, treatment, and support to eligible persons who have epilepsy.

HOUSE BILL 1774 HOUSE AUTHOR: London
EFFECTIVE: 6-12-81 SENATE SPONSOR: Brooks

The act amends the Texas Health Maintenance Organization Act, clarifying certain definitions and expands existing law which requires health maintenance organizations to furnish surety bonds to provide protection against insolvency. It also applies certain

existing law relating to the duties and responsibilities of the State Board of Insurance to health maintenance organizations.

HOUSE BILL 1999 HOUSE AUTHOR: Keller
EFFECTIVE: 8-31-81 SENATE SPONSOR: Uribe

This act authorizes the Texas Department of Health to pay the premiums to maintain Medicare coverage for certain classes of persons with end-stage renal disease. It clarifies the patient reimbursement obligation and permits the Texas Department of Health to waive the "last dollar" requirement when its enforcement might cause a conflict with other state or federal laws or regulations and deny services to eligible end-stage renal disease patients. It also permits the department to modify, suspend, or terminate benefits for good cause.

HOUSE BILL 2264 HOUSE AUTHOR: Von Dohlen
EFFECTIVE: 8-31-81 SENATE SPONSOR: Vale

State agencies are permitted to promulgate a Code of Professional Responsibility to regulate the conduct of employees of those agencies who inspect and survey health care facilities. The act authorizes each agency to establish procedures for the receipt and investigation of complaints of code violations.

SENATE BILL 89 SENATE AUTHOR: Brooks, et al.
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Lewis

Senate Bill 89 authorizes the state to provide grants to certain medical schools of up to $15,000 a year per physician for certain resident physicians in training at those schools. The schools covered by the act are those in The University of Texas System and the Texas Tech University Health Sciences Center, The Texas A&M University Medical Program, the Texas College of Osteopathic Medicine, and the Baylor College of Medicine. Priority consideration concerning receipt of the grants is to be given applicants who demonstrate a willingness to practice in medically underserved areas of Texas. The act provides guidelines relating to medical specialty to be practiced by the resident and to funding procedures and specifies that the 67th Legislature shall appropriate no funds for the legislation but may authorize the use of federal block grant funds.

SENATE BILL 170 SENATE AUTHOR: Brooks
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Collazo

The Adult Day Care Act is amended by Senate Bill 170 to include adult day care for elderly or handicapped persons with functional impairments. It extends the time the Texas Department

of Health has to investigate a complaint from 10 days to 30 days, and provides that the legislature may appropriate the money received under this act for administering this act. It also repeals the requirement for a certificate of need or exemption.

SENATE BILL 191 SENATE AUTHOR: Brooks
EFFECTIVE: see below HOUSE SPONSOR: Wilson

The Texas Health Planning and Development Act is amended by this act to reflect 1979 federal amendments to the National Health Planning and Resources Development Act of 1974. Senate Bill 191 describes projects that require certificates of need from the Texas Health Facilities Commission and sets out other projects that require committee review. It also repeals a section of the Texas Health Planning and Development Act in recognition that federal regulations do not require such reviews. The effective date for this act is September 1, 1981, except when the act applies to Class B home health agencies for which the effective date is January 1, 1982.

SENATE BILL 257 SENATE AUTHOR: Richards
EFFECTIVE: 8-31-81 HOUSE SPONSOR: London

The act provides for stricter confidentiality requirements relating to information and records on known or suspected cases of sexually transmissible diseases. It specifies the circumstances under which such information may be released and prohibits examination of records of sexually transmissible diseases in court proceedings without the consent of the patient.

SENATE BILL 277 SENATE AUTHOR: Truan
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Gonzales

Senate Bill 277 expands the definition of local health authority under the Texas Tuberculosis Code and requires a report summarizing the clinical and appropriate radiologic or laboratory evidence that the person no longer has tuberculosis in an infectious or contagious state before a certificate of good health can be issued.

SENATE BILL 291 SENATE AUTHOR: Caperton
EFFECTIVE: 9-1-82 HOUSE SPONSOR: Cofer

The act sets standards for animal shelters, allows the Texas Board of Health to prescribe standards and charge fees for the training of animal shelter personnel, sets up local advisory committees in every county, city, town, or village with an animal shelter and a population of more than 75,000, and prohibits certain methods of animal extermination.

SENATE BILL 292 SENATE AUTHOR: Richards
EFFECTIVE: 1-1-82 HOUSE SPONSOR: Madla

The fees charged by the Texas Department of Health for issuing certified copies of birth and death certificates are increased by this act. The fee for searching the files even if a record is not found and a certified copy is not made is also increased.

SENATE BILL 345 SENATE AUTHOR: Caperton
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Turner

This act directs the state registrar in the Texas Department of Health to issue corrected or completed birth certificates, when requested, correcting errors concerning sex, color, or race. The completed certificate would be in lieu of amending certificates allowed for other corrections. It also repeals the statute requiring amended or duplicate birth certificates for certain mistakes relating to race on the original certificates.

SENATE BILL 394 SENATE AUTHOR: Farabee, et al.
EFFECTIVE: 1-1-82 HOUSE SPONSOR: Grubbs

This act provides for instances when a controlled substance may be administered without an official written prescription of a practitioner. It also sets out the triplicate prescription program requirements which are administered by the Texas Department of Public Safety. Under this program, each prescription form used to prescribe a controlled substance must be serially numbered and in triplicate and must contain certain information. The pharmacist retains one copy for a set period of time, and the Texas Department of Public Safety retains one copy where it will be available to certain state agencies as well as to officers of the DPS to use for drug-related criminal investigatory or evidentiary purposes. Safeguards have been incorporated into this act to limit improper access to this information and to provide a deadline on the removal of identities from the system. The act sets a penalty for the unauthorized disclosure of this information, and unless reenacted before December 31, 1985, this act will expire January 1, 1986.

SENATE BILL 424 SENATE AUTHOR: Santiesteban
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Grubbs

The Texas Department of Health is required by this act to provide dental services to eligible participants as part of its Crippled Children's Program, as well as medical and rehabilitative services previously required.

SENATE BILL 625 SENATE AUTHOR: Brooks
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Nowlin

The act provides that members of the Texas Board of Health Dental Advisory Committee may receive reimbursement for expenses incurred while performing duties. It also authorizes the Texas Department of Health to fund the operating costs of the committee and authorizes the committee to conduct a study of the supply and demand for dental services within Texas.

SENATE BILL 766 SENATE AUTHOR: Ogg
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Nabers

Under current law, hospital authorities and certain other public bodies are authorized to issue tax-exempt bonds to finance hospitals operated by nonprofit corporations. Because interest on such bonds is exempt from federal income tax, the cost of such borrowings is generally two percent to four percent less per year than the cost of conventional financing. Many privately operated community hospitals are not organized under the state's general nonprofit corporation act and are therefore currently ineligible for such a financing program. This act, which is known as the Health Facilities Development Act, authorizes cities, counties, and hospital districts to incorporate, regulate, administer, fund, and dissolve nonprofit health development corporations. These corporations have the power to provide, expand, and improve health facilities for the purpose of improving the adequacy, cost, and accessibility of health care, research, and education within the state. The act also declares health facilities development corporations as charitable organizations and exempts them from all state and municipal taxation and provides for the creation of public corporations authorized to issue bonds on behalf of cities, counties, and hospital districts.

SENATE BILL 812 SENATE AUTHOR: Brooks
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Gonzales

This act exempts training and rehabilitation facilities operated within the jurisdiction of state and federal governmental agencies and certified through the standards of those agencies from the inspection, licensing, and other regulatory activities of the Texas Department of Health. In certain instances, the act authorizes the Texas Department of Health to allow licensed facilities to operate under the standard of a lesser licensing category. It also exempts maternity care institutions from certain inspection, hearing, and grading requirements.

SENATE BILL 814 SENATE AUTHOR: Mauzy
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Cain

Under this act, medical malpractice coverage is provided for medical students or staff of The University of Texas and Texas A&M Systems, Texas Tech University School of Medicine, and Texas College of Osteopathic Medicine who are appointed full-time or part-time to the faculty and who either devote their total professional service to such appointment or provide services to patients by assignment from the department chairman.

SENATE BILL 823 SENATE AUTHOR: Doggett
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Lanny Hall

This act provides that children under 21 years of age who have neurofibromatosis are eligible for physical restoration services for crippled children provided by the Texas Department of Health.

SENATE BILL 828 SENATE AUTHOR: Andujar
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Keller

The definition under present statute relating to physical restoration services provided by the Texas Department of Health for crippled children is expanded by this act to include children with neurological defects or deformities. It adds dental services to the list of rehabilitative services and provides that an eligible participant can receive reimbursement for dental care. It also allows individuals to receive benefits created by the establishment of a city or county hospital, a joint city-county hospital, a county hospital authority, or a hospital district along with benefits under this act.

SENATE BILL 904 SENATE AUTHOR: Uribe
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Oliveira

Senate Bill 904 establishes a time limit for filing death certificates in this state. Certificates must be filed no later than the 10th day after the date of death.

SENATE BILL 1067 SENATE AUTHOR: Santiesteban, et al.
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Coleman

This act authorizes the governing body of an incorporated city or town, a hospital district, the commissioners court of a county, and the governing bodies of county hospitals and hospital authorities to sell, lease, or close the hospitals they operate. Voter approval is required if qualified voters request such an election through petition.

HUMAN SERVICES

HOUSE BILL 447 HOUSE AUTHOR: Gerald Hill
EFFECTIVE: 8-31-81 SENATE SPONSOR: Brooks

House Bill 447 removes the requirement that to be qualified for appointment as commissioner of human resources, a person must have been a resident of Texas for at least 10 years prior to the appointment. It also more specifically defines "elected state officer" in the provision prohibiting the commissioner from having served as a state official.

HOUSE BILL 512 HOUSE AUTHOR: Willis
EFFECTIVE: 8-31-81 SENATE SPONSOR: Brooks

House Bill 512 rewords a section of the Human Resources Code relating to definitions of hard-to-place children for the purpose of the adoption services and subsidy program of the Texas Department of Human Resources. Children may be considered hard to place if they: (1) are three years of age or older; (2) have a handicapping condition or are difficult to place because of race or language; or (3) are members of a sibling group that should be placed together. Under previous law, children had to fall either under both categories (1) and (2) or under both categories (1) and (3).

HOUSE BILL 518 HOUSE AUTHOR: Crawford
EFFECTIVE: 8-31-81 SENATE SPONSOR: Uribe

House Bill 518 allows the Texas Department of Human Resources to prepay an agency or facility for expenses incurred under programs authorized by the Social Security Act. Current reimbursement time for such services is generally about 45 days, but the delay may be as much as 120 days. Many small nonprofit organizations face severe financial hardships when such a delay is experienced.

HOUSE BILL 622 HOUSE AUTHOR: Polk
EFFECTIVE: 9-1-81 SENATE SPONSOR: Snelson

House Bill 622 directs each state agency that provides human services to develop a volunteer program and to use volunteer services whenever feasible. The act also sets out volunteer program requirements and guidelines.

HOUSE BILL 796 HOUSE AUTHOR: Ware, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Andujar

Under House Bill 796, construction of a housing project may not be approved by a housing authority or by any political subdivision unless the commissioners of the housing authority hold a public meeting about the proposed project prior to approval of the construction site. The act provides for additional public notice of such meetings and sets out specifications relating both to notice and to hearings.

HOUSE BILL 1112 HOUSE AUTHOR: Washington
EFFECTIVE: 9-1-81 SENATE SPONSOR: Brooks

House Bill 1112 authorizes the creation of the Texas Department on Aging and the Texas Board on Aging to take the place of the Governor's Committee on Aging. The act sets out guidelines and procedures relating to a citizens advisory council, divisions of the department, personnel, merit system, budget, and authority to expend funds. It directs the department to conduct studies and make recommendations to the governor and legislature.

HOUSE BILL 1297 HOUSE AUTHOR: Denton
EFFECTIVE: 8-31-81 SENATE SPONSOR: Uribe

House Bill 1297 amends the Family Code by changing the name of the State Department of Public Welfare to the Texas Department of Human Resources in order to conform to legislation passed in 1977.

HOUSE BILL 1334 HOUSE AUTHOR: Polk, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Brooks

The act directs the Texas Department of Human Resources to contract for services with shelter centers that provide access to shelter and services to victims of family violence; the department's funds are to be used to expand existing services. The act sets out guidelines for contract bids and specifications, guarantees confidentiality of information received from the shelter centers, and provides directions relating to funding for the programs. A pilot program with similar purposes enacted by the 66th Legislature and to be in effect until August, 1983, is repealed.

HOUSE BILL 1828 HOUSE AUTHOR: Matt Garcia
EFFECTIVE: 8-31-81 SENATE SPONSOR: Traeger

Certain provisions of the Texas Community Development Act of 1975 were not in compliance with federal guidelines. House Bill 1828 sets up the mechanism by which municipalities may deal with present and future federal community development regulations and be

eligible to receive federal assistance.

SENATE BILL 85 SENATE AUTHOR: Truan
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Glossbrenner

The act authorizes the Texas Department of Community Affairs to assist communities in providing programs for children and youth and sets out the department's powers in relation to the programs. Political subdivisions are encouraged to cooperate with the department in effectuating provisions of the act. The Texas Commission on Services to Children and Youth is abolished.

SENATE BILL 173 SENATE AUTHOR: Mengden, et al.
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Keller

Senate Bill 173 adds an exemption to the Child Care Licensing Act. It exempts an educational facility that is integral to and inseparable from its sponsoring religious organization. Neither the facility nor the religious organization may provide custodial care for more than two hours per day, and the facility must offer educational programs for children age five or above. The act provides that a person operating such a facility may apply to the Texas Department of Human Resources for a license under the act. A facility must operate under the act to receive federal or state funds. The act also provides that the exemptions do not affect the authority of local, regional, or state health department officials, the state fire marshal, or local fire prevention officials to inspect child-care facilities. Texas Youth Council facilities and facilities providing services only for the youth council are exempted from certification requirements of the Department of Human Resources.

SENATE BILL 471 SENATE AUTHOR: Snelson
EFFECTIVE: 6-16-81 HOUSE SPONSOR: Nabers

The act removes the criterion of termination of the parent-child relationship for eligibility for the foster care payment program administered by the Texas Department of Human Resources. The intent of foster care programs is to provide temporary care in anticipation of the eventual return of the child to the parent, and the previous language was contradictory to this purpose.

SENATE BILL 630 SENATE AUTHOR: Snelson
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Blanton

Senate Bill 630 establishes the Interagency Council on Early Childhood Intervention Services and sets out guidelines for grant funding for programs that provide services to developmentally delayed children under three years of age. The council is

directed to develop and implement a state plan for early childhood intervention services that includes programs for public awareness, identifying eligible children, and providing appropriate services. Membership on the council includes an appointee of the governor and a representative of the Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, the Texas Department of Human Resources, and the Texas Education Agency. The agencies will share the costs of operating the council. The act amends the Texas Education Code and the Texas Mental Health and Mental Retardation Act to provide for early childhood intervention programs and for grant funds from TEA and TDMHMR. The act also includes provisions to include children under the age of 21, rather than between the ages of 3 and 21, in the Education for the Visually Handicapped plan and in the Regional Day Schools for the Deaf programs; it redefines crippled children to include children with neurological defects; and it repeals current law relating to responsiveness to special needs of blind and deaf children.

SENATE BILL 730 SENATE AUTHOR: Wilson
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Kubiak

The act requires the Texas Commission on Alcoholism to develop and maintain a coordinated system of community-based programs designed to prevent and treat victims of alcohol addiction or abuse. It also directs the state treasurer to transfer $4 million per fiscal year from the general revenue fund to the commission for the purpose of financing community-based programs. Current federal funding for such programs is being phased out.

SENATE BILL 890 SENATE AUTHOR: Farabee
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Gavin

The act raises the amount of the child support service fee for the Wichita County Family Court Services Department from $1 to $1.50.

SENATE BILL 905 SENATE AUTHOR: Uribe
EFFECTIVE: 6-12-81 HOUSE SPONSOR: Don Lee

The act requires housing authorities that are planning to merge to publish a 30-day notice of intent in a newspaper of general national circulation. It provides that if no objections are received before the 31st day after publication of the notice, consent from unknown obligees will be considered granted. Previous law has required that all parties to contracts, bonds, notes, and other obligations of the housing authorities agree to the merger, but it has made no provisions for contacting holders of bearer bonds for which the names and addresses of the holders are not registered.

SENATE BILL 1087 SENATE AUTHOR: Uribe
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Evans

The act directs the Texas Department of Human Resources to investigate reports that elderly persons are suffering from abuse, exploitation, or neglect and authorizes the department to provide or contract for protective services for the elderly persons involved. Guidelines relating to the investigations are set out and certain persons participating in the investigations are granted immunity from civil and criminal liability. The act also establishes guidelines relating to voluntary and court-ordered protective services, confidentiality, and objection to medical treatment. On September 1, 1983, the responsibilities set out in this act are transferred to the Department on Aging.

Deaf, Blind, and Disabled

HOUSE BILL 1109 HOUSE AUTHOR: Shaw, et al.
EFFECTIVE: 8-31-81 SENATE SPONSOR: Brooks

House Bill 1109 adds the definition of "hearing ear dog" to the Human Resources Code. It extends the rights and responsibilities of blind persons with dog guides to deaf persons who use dog guides. These include the right to equal housing accommodations and the responsibility for any damage done by the dog. Persons falsely representing a dog as trained for auditory awareness are guilty of a misdemeanor offense.

HOUSE BILL 2173 HOUSE AUTHOR: Terral Smith
EFFECTIVE: 8-31-81 SENATE SPONSOR: Doggett

House Bill 2173 officially sanctions the use of alternative forms of testing for handicapped adults to determine abilities for job positions in business, government, and industry and to determine educational levels. The purpose is to ensure that the tests measure the individual's abilities and do not emphasize disabilities that may not interfere with actual job performance.

SENATE BILL 6 SENATE AUTHOR: Brooks
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Washington

The act requires the Texas Commission for the Deaf to establish a program for the placement and use of telecommunication devices for the deaf in selected state agencies. Devices, such as teletypewriters, are currently being used by agencies providing regular services to the deaf. Under the act, the commission is

directed to consult with the State Purchasing and General Services Commission to consider specifications for devices to be acquired by the commission. It is also directed to develop training and evaluation programs relating to use of the equipment.

SENATE BILL 14 SENATE AUTHOR: Doggett
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Delco

Senate Bill 14 requires the State Department of Highways and Public Transportation to provide identification cards for temporarily disabled persons to allow them to park in spaces designated for the disabled. The act expands the definition of disabled for the purpose of identifying persons eligible for special parking privileges and includes the blind in the definition. The act also sets out provisions relating to the identification cards, designation of spaces for the disabled, and fines for failing to comply with the requirements.

SENATE BILL 52 SENATE AUTHOR: Brooks
EFFECTIVE: 5-14-81 HOUSE SPONSOR: Washington

Prior law prohibited the Texas Commission for the Deaf from providing to deaf persons services that have been previously designated as the responsibilities of other agencies. Senate Bill 52 removes the restrictive language and states that the commission shall provide interpreter services, informational and referral services, advocacy services, services to elderly deaf persons, training in basic life skills and job-seeking skills, and individual and family counseling. It also authorizes the commission to conduct interpreter training and certification programs and to develop guidelines and standards for training interpreters for the deaf. The number of members on the Technical Advisory Council for Planning and Operation, an interagency planning council for the coordination of services to the deaf, and on the board for evaluation of interpreters is increased.

SENATE BILL 57 SENATE AUTHOR: Doggett
EFFECTIVE: 5-13-81 HOUSE SPONSOR: Washington

Senate Bill 57 transfers the authority for outdoor training programs for the deaf from the Texas Education Agency to the Texas Commission for the Deaf. The commission is directed to select students from each regional day school program for the deaf, students from the Texas School for the Deaf, and other deaf children to attend the programs. It may contract with private entities to provide the recreation programs.

SENATE BILL 320 SENATE AUTHOR: Parker
EFFECTIVE: 6-15-81 HOUSE SPONSOR: Washington

The act directs the Texas Commission for the Deaf to conduct a statewide survey of the deaf-blind multihandicapped persons in the state to determine their number, location, accommodations, and current services. The commission is also directed to establish as many as four pilot programs to help deaf-blind multihandicapped individuals attain self-sufficiency and independent living and to provide respite care. Unless continued by the legislature, the programs will expire September 1, 1985.

SENATE BILL 489 SENATE AUTHOR: Brooks, et al.
EFFECTIVE: 4-15-81 HOUSE SPONSOR: Lanny Hall

The Texas Department of Health provides physical restoration services for persons with cystic fibrosis, children with cancer, and crippled children. Statutes, however, authorize these services only for individuals who have no person or entity able to care for them. A 1980 attorney general's opinion found that current law does not allow the department's Division of Crippled Children's Services to reimburse local public hospitals for expenses incurred in treating crippled children. The act amends the law to add benefits available from city and county hospitals, joint city-county hospitals, county hospital authorities, and hospital districts to a list of exemptions and provides that benefits and programs from these entities do not prevent the child or crippled person from receiving the department's services.

SENATE BILL 597 SENATE AUTHOR: Andujar
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Jones

The Texas Commission for the Blind recently established a permanent loan fund for the purchase of technological aids by employed blind persons, but it lacked express statutory authority to collect interest on loans. Senate Bill 597 provides for the establishment of a program to make loans to finance the purchase of technological aids for visually handicapped persons and allows for interest on the loans not to exceed 10 percent a year. The act also delegates rulemaking authority relating to the program to the director of the commission.

SENATE BILL 1061 SENATE AUTHOR: Kothmann
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Terral Smith

The act directs the State Department of Highways and Public Transportation to set a minimum width requirement for parking spaces specifically designated for the disabled. Political subdivisions or private property owners who designate spaces for the disabled must post signs conforming to the department's

specifications, and the spaces designated must conform to the width requirements.

INSURANCE

A legislative action of significant interest to the general public is the enactment of a law providing for mandatory automobile liability insurance (House Bill 197). This law takes effect January 1, 1982. Other notable pieces of legislation raise the amount of group term life insurance that an individual can purchase (Senate Bill 351), extend group accident and health insurance to former employees and members of associations and their families (Senate Bill 482), establish rate guidelines for loans on new life insurance policies (Senate Bill 784), and provide a homeowners insurance premium reduction for persons installing certain security devices on doors and windows (House Bill 764). Among insurers, carriers, and agents, an act of major interest is that amending the annual tax on gross premiums (House Bill 2014).

Automobile Insurance

HOUSE BILL 197 HOUSE AUTHOR: Green
EFFECTIVE: 1-1-82 SENATE SPONSOR: Ogg

House Bill 197 prohibits a person from driving a motor vehicle in Texas without automobile liability insurance coverage in at least a minimal amount defined by law necessary to provide proof of financial responsibility. The act is enforced by the Department of Public Safety (DPS). It exempts: (1) vehicles owned by the federal government, by the State of Texas, by political subdivisions of the state, or by motor-bus carriers regulated by the Railroad Commission of Texas; (2) vehicles for which a $25,000 bond or certificate of deposit is on file with DPS; (3) certain vehicles that are self-insured; (4) vehicles that are both registered to and operated by nonresidents of Texas, unless those vehicles are operated primarily within Texas; and (5) implements of husbandry.

By January 1, 1982, a motor vehicle owner or operator in the state is required, as a condition of driving, to furnish information concerning proof of financial responsibility on the request of any law enforcement officer, DPS agent, or person involved in an accident with the owner or operator. Failure to maintain financial responsibility is a Class C misdemeanor punishable by a fine of not less than $75. Subsequent offenses are Class B misdemeanors punishable by fines of not less than $200. A conviction carries a suspension of the defendant's driver's license and motor vehicle registration unless he or she establishes and

maintains proof of financial responsibility for five years following the conviction. Insurance companies, when notified of an accident, must respond to DPS only if the owner or operator involved does not have a liability policy.

HOUSE BILL 1451 HOUSE AUTHOR: Simpson
EFFECTIVE: 1-1-82 SENATE SPONSOR: Jones

The act allows an automobile insurer to deliver a certificate of insurance in lieu of an entire policy. The State Board of Insurance is authorized to prescribe the form of the certificate. The certificate, which serves as evidence that the holder is insured under the identified policy form, is subject to all limitations, conditions, and other provisions of the actual policy. When a certificate is issued in lieu of an entire policy, the insurer must furnish the insured with an approved outline summarizing the policy's coverage. The insured may at any time request an actual copy of the insurer's applicable policy form.

HOUSE BILL 1625 HOUSE AUTHOR: Wolens
EFFECTIVE: 8-31-81 SENATE SPONSOR: Farabee

State law allows an applicant for automobile insurance to reject coverage against uninsured or underinsured motorists. This act requires that the insured must reject this coverage in writing.

SENATE BILL 339 SENATE AUTHOR: Blake
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Don Lee

State law requires that all policies of automobile liability insurance issued in Texas must contain personal injury protection coverage, unless the applicant rejects the coverage in writing. This act removes a related requirement that necessitated a rejection in writing each time the policy was renewed.

Life, Accident, and Health Insurance

SENATE BILL 351 SENATE AUTHOR: Traeger
EFFECTIVE: 4-30-81 HOUSE SPONSOR: Simpson

This act raises the maximum amount of group term life insurance that an individual can purchase. A person earning $25,000 a year or less may purchase coverage of up to $100,000, compared to a previous maximum of $50,000. A person earning more than $25,000 a year may purchase coverage of up to four times his or her annual salary without limit, compared to a previous maximum of twice the salary with an upper limit of $100,000.

SENATE BILL 482 SENATE AUTHOR: Glasgow
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Gavin

Senate Bill 482 amends state law relating to group accident and health insurance to permit coverage of former employees or members, spouses and former spouses, and dependents who were previously insured.

SENATE BILL 784 SENATE AUTHOR: Harris
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Simpson

Senate Bill 784 establishes guidelines governing interest rates and periodic adjustment of interest rates on life insurance policy loans. It applies only to life insurance policies issued after August 31, 1981. Policies shall provide either for a maximum interest rate of 10 percent or for a maximum adjustable interest rate of 15 percent. The adjustable rate is to be based on corporate bond yield monthly averages or on the rate used to compute the cash surrender value of the policy plus one percent, whichever is higher. The insurer must notify the policyholder of the initial rate of interest at the time of the loan in the case of a cash loan, or as soon as it is reasonably practical in the case of a premium loan. The insurer must give the policyholder 30 days' advance notice of any increase in the interest rate.

HOUSE BILL 1856 HOUSE AUTHOR: Gavin
EFFECTIVE: 1-1-82 SENATE SPONSOR: Sarpalius

This act amends state law relating to group accident and health insurance to require that associations to be covered by such insurance be in active existence for at least two years before the insurance is offered. The amendment is intended to eliminate spurious associations formed solely for the purpose of purchasing group health insurance. Many of these associations have provided unreliable coverage to consumers.

SENATE BILL 17 SENATE AUTHOR: Harris
EFFECTIVE: 3-20-81 HOUSE SPONSOR: Crawford

Under previous law, foreign or domestic life insurance companies could make loans to college students provided that the loan not exceed $1,500 per academic year nor $7,500 in the aggregate, and provided that the principal amount be insured by the federal government under the Higher Education Act of 1965. Senate Bill 17 eliminates the dollar amount restrictions on these loans. Also, the act authorizes these loans to be insured alternatively by the Texas Guaranteed Student Loan Corporation. Finally, the act authorizes assignment or transfer to other lenders of loans guaranteed by the student loan corporation, and continued guarantee of such loans by the corporation, provided that subsequent holders comply with other requirements of state insurance law.

SENATE BILL 738 SENATE AUTHOR: Jones
EFFECTIVE: 1-1-82 HOUSE SPONSOR: Gavin

Senate Bill 738 establishes statutory requirements for discontinuance and replacement of group and group-type accident and health insurance. If a policy or contract is automatically discontinued following a grace period allowed for payment of premiums or charges, the carrier or entity responsible for making payments is liable for claims for covered losses incurred before the end of the grace period. The act requires that the carrier in discontinuing the policy or contract must request the group policyholder or other entity responsible for making payments to notify covered employees of the date of discontinuance. Policies must contain a reasonable provision for extension of benefits in the event of a covered employee's total disability at the time the policy or contract is discontinued. The act also specifies requirements for situations in which the existing carrier is replaced by a succeeding carrier.

SENATE BILL 807 SENATE AUTHOR: Jones
EFFECTIVE: 6-17-81 HOUSE SPONSOR: Saunders

This act allows life and disability contracts issued by fraternal benefit societies to be valued on the same mortality and interest standards as those issued by other life, health, and accident insurers under the state's Standard Valuation Law.

SENATE BILL 913 SENATE AUTHOR: Harris
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Simpson

This act amends the Texas Insurance Code to permit more current mortality and interest bases to be used in the computation of reserves, nonforfeiture benefits, and cash surrender values for new life insurance policies issued after August 31, 1981. Other amendments allow more current mortality and interest bases to be used in the computation of reserves for new annuity and pure endowment contracts issued after the act's effective date.

SENATE BILL 986 SENATE AUTHOR: Sarpalius
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Gavin

Senate Bill 986 amends current law relating to approval by the State Board of Insurance of policy forms used in the writing of life, health, and accident insurance. It requires that, for approval, policies containing coordination of benefits provisions must provide the order of benefit determination for insured dependent children.

HOUSE BILL 2012 HOUSE AUTHOR: Gavin
EFFECTIVE: 5-20-81 SENATE SPONSOR: Sarpalius

State law protects life, accident, health, and hospital insurance holders against an insurer's failure to perform its obligations, creating an association of insurers to guarantee payment and continue coverage. This act makes two minor amendments to that law. It places a $300,000 aggregate limitation on contractual obligations under annuity contracts issued to the same contract holder. Also, it amends the definition of "premiums" to include annuity considerations collected from persons residing or domiciled in Texas.

HOUSE BILL 2198 HOUSE AUTHOR: Ashley Smith
EFFECTIVE: 8-31-81 SENATE SPONSOR: Parker

The act makes two minor amendments to state law governing credit life and credit accident and health insurance. It gives the insurer, upon accepting insurance, 45 days from the date the debt is incurred to deliver the policy or certificate to the debtor. Previous law had prescribed a deadline of 30 days. Also, in the event of termination of the insurance or indebtedness prior to the scheduled maturity date, the insurer is relieved from refunding any premium in an amount less than $3. Previous law had prescribed as nonrefundable any amount less than $1.

HOUSE BILL 2388 HOUSE AUTHOR: Messer
EFFECTIVE: 8-31-81 SENATE SPONSOR: Jones

House Bill 2388 authorizes the State Board of Insurance to adopt a presumptive premium rate for credit life and credit accident and health insurance. This rate is presumed to be reasonable, subject to change via a contested-case hearing. The insurance commissioner is authorized to approve certain group policies of credit life or credit accident and health insurance if the schedules of premium rates for the policies do not exceed the presumptive rate established by the board. The act extends from 30 to 60 days the time the commissioner has to review and, if necessary, disapprove policies, certificates of insurance, notices of proposed insurance, applications for insurance, and endorsements and riders filed with him.

Another provision of the act conflicts with House Bill 2198. This provision releases the insurer, in the event of termination of the insurance or indebtedness prior to the scheduled maturity date, from refunding any amount less than $5. House Bill 2198 stipulates $3; previous law set the limit at $1.

Insurers, Carriers, and Agents

HOUSE BILL 2014 HOUSE AUTHOR: Davis
EFFECTIVE: 1-1-82 SENATE SPONSOR: Harris

Insurance carriers, other than specifically designated insurers and other than certain specifically designated coverage of certain insurers, pay to the insurance commissioner an annual tax equal to a percentage of their gross premium receipts. The tax rate is dependent on the percentage of admitted assets that are invested in Texas securities. The act (1) amends language to clarify the administration of the tax; (2) allows the imposition of interest on delinquent taxes; (3) establishes venue for collection of delinquent taxes; (4) imposes penalties for failure to file returns or pay taxes; and (5) allows the State Board of Insurance to examine certain books and records. The act also amends the tax rate, as follows:

Old Tax		New Tax	
Investment in Texas (%)	Rate (%)	Investment in Texas (%)	Rate (%)
less than 75	3.85		
75 to 80	3.025		
80 to 85	2.75	less than 85	3.5
85 to 88	2.2		
88 to 90	1.65	85 to 90	2.4
greater than 90	1.1	greater than 90	1.2

HOUSE BILL 857 HOUSE AUTHOR: Gavin
EFFECTIVE: 8-31-81 SENATE SPONSOR: Jones

House Bill 857 provides that bank officials, shareholders, and employees acting as agents on credit life, health, and accident insurance written to insure a credit transaction may assign to the bank itself any commissions received for these services. Such assignment is in some cases necessary to comply with rules and regulations of federal banking authorities. A separate section of the act provides for the licensing of agents who represent authorized life insurance companies domiciled in Texas and who write insurance exclusively in foreign countries or territories on a United States military installation or with United States military personnel.

HOUSE BILL 858 HOUSE AUTHOR: Gavin
EFFECTIVE: 8-31-81 SENATE SPONSOR: Glasgow

This act amends the state law prohibiting the officers and directors of a life insurance company from having a pecuniary interest in any transaction, loan, purchase, or sale connected with the company. Two similar but more comprehensive statutes passed in 1971, dealing with (1) conflicts of interest applicable to all insurance company officials and (2) regulation of insurance holding companies, allow these persons to engage in otherwise prohibited

transactions if the commissioner of insurance grants approval. House Bill 858 amends the prohibition relating to officers and directors of a life insurance company to be consistent with the two 1971 statutes. That is, such officers or directors may have a pecuniary interest in those transactions authorized under the 1971 statutes if the commissioner of insurance approves. The act also repeals a second provision which was redundant.

HOUSE BILL 859 HOUSE AUTHOR: Gavin
EFFECTIVE: 8-31-81 SENATE SPONSOR: Harris

The state's Asset Protection Act prohibits an insurance company from pledging or otherwise encumbering more than 10 percent of its reserve assets. This act excludes from those provisions certain reinsurance reserve assets, provided that certain conditions are met including the assurance of access by the insurance commissioner to examine any of the assets, reinsurance agreements, or deposit arrangements.

HOUSE BILL 870 HOUSE AUTHOR: Simpson
EFFECTIVE: 6-16-81 SENATE SPONSOR: Glasgow

The act increases the amount of funds life insurance companies may invest in improved income-producing commercial and industrial real property to 15 percent of admitted assets, with not more than 5 percent of admitted assets invested in any one property. Under previous law, the allowable investment figures were 7-1/2 percent and 3 percent, respectively.

HOUSE BILL 900 HOUSE AUTHOR: Blythe, et al.
EFFECTIVE: 8-31-81 SENATE SPONSOR: Travis

The act requires that an insurance premium finance company entering into a premium finance agreement with an insured person notify the appropriate insurer within 30 days after the premium finance company receives the agreement. If the finance company cancels the insurance contract, the insurer need return unearned premiums directly to the premium finance company within 60 days only if the company has notified the insurer previously. If not, the insurer may satisfy its legal obligations by returning the unearned premiums through the insurance agent or agencies writing the agreement. When unearned premiums are returned directly to the premium finance company, however, the insurer may deduct unearned commissions due from the agent to the premium finance company if the insurer notifies the agent that such commissions should be returned to the premium finance company. The agent then has 120 days to return these commissions to the finance company; otherwise, the insurer is liable for doing so.

HOUSE BILL 941 HOUSE AUTHOR: Henderson
EFFECTIVE: 5-20-81 SENATE SPONSOR: Harris

The Insurance Code provides procedures for licensing of insurance agents in general, and it provides separate procedures for licensing local recording agents and solicitors. This act provides that agents and solicitors of county mutual insurance companies may be licensed according to any of these procedures. Previous law referred only to their general licensing as insurance agents.

HOUSE BILL 1093 HOUSE AUTHOR: Davis
EFFECTIVE: 5-20-81 SENATE SPONSOR: Travis

Texas law requires general casualty insurance companies to deposit $50,000 security with the state treasurer upon being granted a charter by the State Board of Insurance. House Bill 1093 exempts a foreign casualty insurer from depositing the security if the foreign casualty insurer has made a similar deposit in another state so as to secure equally all policyholders of the company.

HOUSE BILL 1412 HOUSE AUTHOR: Green
EFFECTIVE: 5-20-81 SENATE SPONSOR: Howard

This act gives the State Board of Insurance the discretion, with respect to an insurer's violation of state insurance law or board regulations, to order any of three optional sanctions in lieu of revoking a license, permit, certificate, or other authorization. It may order a temporary suspension of the authorization for a period of up to a year, it may order the holder of the authorization to cease and desist from the activity found to be in violation, or it may order the holder of the authorization to pay a fine of up to $10,000. Under previous law, the only optional sanction was a fine.

HOUSE BILL 1727 HOUSE AUTHOR: Saunders
EFFECTIVE: 9-1-81 SENATE SPONSOR: Glasgow

Under previous state law, county mutual insurance companies were exempt from all laws regulating insurance except those specifically mentioned in Chapter 17 of the Insurance Code. This act amends that law to make county mutual insurance companies subject to any statute the scope or purpose of which is applicable to them. The act expressly makes county mutual insurers subject to specific statutes including the Unfair Competition and Unfair Practices Act.

HOUSE BILL 1785 HOUSE AUTHOR: Bill Clark
EFFECTIVE: 1-1-82 SENATE SPONSOR: Parker

Life, accident, and health insurance companies pay to the State Board of Insurance an annual tax equal to a percentage of their gross premiums. This act excludes from gross premium receipts the amount of premiums paid on group life, accident, and health policies in which the group covered by the policy consists

of a single nonprofit trust established to provide coverage primarily for municipal employees in Texas.

HOUSE BILL 1789 HOUSE AUTHOR: Don Lee
EFFECTIVE: 5-20-81 SENATE SPONSOR: Uribe

House Bill 1789 requires that books, accounts, and records kept by a licensed insurance premium finance company be kept in enough detail to enable the State Board of Insurance to determine if the company has complied with the Insurance Code and with the board's rules and regulations. The act extends the period these materials must be retained from two to four years.

SENATE BILL 745 SENATE AUTHOR: Jones
EFFECTIVE: 6-15-81 HOUSE SPONSOR: Simpson

This act prohibits a firm or corporation licensed as managing general agent for an insurance company or carrier from being owned either wholly or partially by a state bank, national bank, bank holding company, or bank subsidiary. The act authorizes an exception where ownership existed as of June 1, 1981, and continues afterwards. It authorizes another exception for a specific instance in which a bank or subsidiary has on July 15, 1981, sought prior approval of ownership from the governmental agency having regulatory authority over it.

SENATE BILL 910 SENATE AUTHOR: Travis
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Wolens

The act increases the maximum interest rate that a mutual insurance company may pay on loans to the company by certain persons from 10 percent per annum to 20 percent.

Miscellaneous

HOUSE BILL 764 HOUSE AUTHOR: Craddick, et al.
EFFECTIVE: 6-17-81 SENATE SPONSOR: Travis

House Bill 764 entitles persons to obtain reductions in homeowners insurance premiums by complying with certain security standards related to use of locking devices on doors and windows. Persons desiring such a premium reduction must apply to the Texas Crime Prevention Institute, which will conduct an inspection and issue an appropriate certificate. The certificate is valid for three years and may be renewed. The State Board of Insurance is responsible for establishing the amount of premium reduction. The act describes the qualifications for an inspector, who must be a county or city employee and must be certified by the institute following a minimum of 20 hours of classroom instruction.

HOUSE BILL 1377 HOUSE AUTHOR: Henderson
EFFECTIVE: 6-17-81 SENATE SPONSOR: Harris

This act extends the life of the medical liability joint underwriting association created by the 64th Legislature in 1975. The association is extended to December 31, 1983, with provision for disbursement of its funds upon dissolution. The act also provides for the coverage of new categories of health care providers, based on a determination by the State Board of Insurance that medical liability insurance is not available.

HOUSE BILL 1786 HOUSE AUTHOR: Bill Clark
EFFECTIVE: 6-11-81 SENATE SPONSOR: McKnight

A state law passed in 1963 permitted municipalities to provide group insurance for their employees and to pay all or a portion of the premiums from local funds, but prohibited them from paying from local funds any portion of the premiums for dependents covered by the group program. The act removes the prohibition, enabling incorporated cities, towns, and villages to pay premiums for dependent coverage.

HOUSE BILL 2062 HOUSE AUTHOR: Simpson
EFFECTIVE: 6-11-81 SENATE SPONSOR: Farabee

The act allows the State Board of Insurance to adopt summary procedures enabling it to handle expeditiously routine matters that are voluminous, repetitive, noncontroversial, and of limited public interest. The board may establish notice procedures different from those mandated by the Administrative Procedure and Texas Register Act (APTRA), providing for a minimum of five days' notice and for notice to involved parties of any proposed negative action. The board may delegate its authority in such matters to its staff. Persons affected by an action of the State Board of Insurance retain the right to have the action reviewed in full accordance with the procedures of APTRA.

SENATE BILL 93 SENATE AUTHOR: Truan
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Price

Senate Bill 93 authorizes state departments and agencies that receive federal grant funds for a foster grandparent program to spend such funds to insure the person and property of the foster grandparents as required by the grant.

SENATE BILL 726 SENATE AUTHOR: Doggett
EFFECTIVE: 1-1-82 HOUSE SPONSOR: Don Lee

This act directs the State Board of Insurance to establish, with respect to medicare supplement policies: (1) specific standards for provisions to be contained in such policies; (2) minimum standards for benefits; and (3) minimum standards for loss ratios. It requires that an outline of coverage be delivered to

the applicant with the medicare supplement policy and directs the board to prescribe the form and content of the outline. The board may also prescribe the form and content of informational brochures in order to improve buyers' ability to understand medicare and select appropriate supplemental policies. Where a medicare supplement policy is issued as a result of a direct-response solicitation, the delivered policy must instruct the applicant of his or her right to refuse the policy within 30 days if dissatisfied and to thereby obtain a refund for the premium. Policies not issued pursuant to direct-response solicitations must contain a similar notice, the free examination period in such case being 10 days rather than 30 days.

SENATE BILL 736 SENATE AUTHOR: Williams
EFFECTIVE: 5-14-81 HOUSE SPONSOR: Washington

Under the laws relating to mutual assessment companies in the Insurance Code, certain insurance associations are exempted from obtaining a certificate of authority as a condition of engaging in the insurance business in the state. In order to receive the exemption, an association must qualify according to several criteria. The act eliminates one of these qualifications, which had required that the association's monthly operating expenses not exceed $1,000.

SENATE BILL 918 SENATE AUTHOR: Glasgow
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Ashley Smith

This act renumbers and redesignates various sections of the Insurance Code to eliminate duplicate citations.

SENATE BILL 1013 SENATE AUTHOR: Meier
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Saunders

Nonprofit legal services corporations provide insurance coverage for certain prepaid legal services. This act adds the Unfair Claims Settlement Practices Act to the list of statutes that are specifically applicable to nonprofit legal service corporations.

LABOR

General Legislation

HOUSE BILL 487 HOUSE AUTHOR: Tony Garcia
EFFECTIVE: 8-31-81 SENATE SPONSOR: Truan

The act prohibits an employer of agricultural laborers, other than an employer engaged in the operation of a greenhouse or nursery, to require an employee to use a hoe that has a handle less than four feet in length in performing agricultural labor in commercial farming operations. The penalty for the offense is a Class C misdemeanor.

HOUSE BILL 539 HOUSE AUTHOR: Criss
EFFECTIVE: 1-1-82 SENATE SPONSOR: Brown

The purpose of this act is to ensure that no child be employed in an occupation or in a manner that is detrimental to the child's safety, health, or well-being. With certain exceptions, an employer commits an offense if he or she employs a child under 14 years of age. The act gives rulemaking authority to the commissioner of labor and standards, establishes permissible hours of employment for a child 14 or 15 years of age, allows a hardship to be declared in the cases of some individuals so that the hours provisions do not apply, authorizes inspections of work places, provides for declaring some occupations to be hazardous, provides for issuing certificates of age, and establishes exemptions to the act. An offense under the act is a Class C misdemeanor.

HOUSE BILL 933 HOUSE AUTHOR: Henderson
EFFECTIVE: 6-10-81 SENATE SPONSOR: Richards

The act amends existing law to provide that a governmental employer may designate in writing to the Texas Employment Commission an address for mail service. The mailing of notice of claims, determinations, or other decisions by the commission to the designated address constitutes due notice to the governmental employer.

HOUSE BILL 2089 HOUSE AUTHOR: Laney
EFFECTIVE: 8-31-81 SENATE SPONSOR: Blake

The act amends existing law to exclude from licensing requirements for labor agents any farm labor contractor registered under the Farm Labor Contractor Registration Act of 1963.

Workers' Compensation

SENATE BILL 332 SENATE AUTHOR: Mauzy
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Criss

The jurisdiction of the Industrial Accident Board over claims under voluntary workers' compensation insurance policies is clarified by this act. It provides that a claim for compensation under insurance provided by an employer not subject to the law is subject to the jurisdiction of the board.

SENATE BILL 344 SENATE AUTHOR: Mauzy
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Bill Clark

Political subdivisions are permitted by this act to provide workers' compensation insurance for volunteers, including fire fighters, policemen, and emergency medical personnel.

SENATE BILL 1055 SENATE AUTHOR: Grant Jones
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Messer

The act amends existing law to provide a definition of "rejected risk" for purposes of the Texas Workers' Compensation Assigned Risk Pool.

HOUSE BILL 324 HOUSE AUTHOR: Criss, et al.
EFFECTIVE: 6-18-81 SENATE SPONSOR: Mauzy

The existing law is amended to allow an insurer to pay workers' compensation benefits for the life of an employee who has sustained certain injuries that are totally and permanently incapacitating. Previously the period of compensation could not be greater than 401 weeks from the date of injury. Attorney's fees are not allowed in a case involving lifetime benefits if the association admits liability while the case is pending before the Industrial Accident Board and makes payments. Lifetime benefits to the employee may be paid in lump sum only in a case of a bona fide dispute as to liability of the association.

HOUSE BILL 921 HOUSE AUTHOR: Criss
EFFECTIVE: 8-31-81 SENATE SPONSOR: Mauzy

The special workers' compensation acts for Texas A&M University, The University of Texas, state employees, employees of other political subdivisions, and employees of the Texas Highway Department are brought to accord with the general workers' compensation program presently provided.

HOUSE BILL 1420 HOUSE AUTHOR: Nabers
EFFECTIVE: 1-1-82 SENATE SPONSOR: Grant Jones

The existing law is amended to authorize the Texas Workers' Compensation Assigned Risk Pool to endorse its policies to provide coverage for an insured's out-of-state operations.

Unemployment Benefits

SENATE BILL 2 SENATE AUTHOR: Blake
EFFECTIVE: 3-20-81 HOUSE SPONSOR: Messer

The existing law is amended to mandate that a claimant for unemployment benefits be disqualified until he or she has returned to work and has either worked for at least six weeks or has earned wages at least equal to six times his or her weekly benefit amount if the commission finds that the claimant: (1) has left his or her last work voluntarily without good cause connected with his or her work; (2) has been discharged for misconduct connected with his or her last work; or (3) during his or her current benefit year has failed, without good cause, to apply for available, suitable work when so directed by the commission, to accept suitable work when offered him or her, or to return to his or her customary self-employment when so directed by the commission. This procedure removes the Texas Employment Commission's discretionary authority to establish the disqualification period.

SENATE BILL 1096 SENATE AUTHOR: Caperton
EFFECTIVE: 5-13-81 HOUSE SPONSOR: Jackson

This act brings the Texas Unemployment Compensation Act into conformity with certain federal requirements. The act states conditions under which an individual is ineligible for payment of extended benefits.

MENTAL HEALTH AND MENTAL RETARDATION

SENATE BILL 71 SENATE AUTHOR: Blake
EFFECTIVE: 2-19-81 HOUSE SPONSOR: Willis

The General Appropriations Act passed by the 66th Legislature in 1979 appropriated funds to the Texas Department of Mental Health and Mental Retardation for supplemental residential services to be provided at Rusk State Hospital for mentally retarded juvenile offenders. The department plans to transfer these residential services to the Dallas-Fort Worth area. Senate Bill 71 allows the previously appropriated funds to be spent for the original purposes at locations other than Rusk State Hospital.

SENATE BILL 152 SENATE AUTHOR: Farabee
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Crawford

The Texas Department of Mental Health and Mental Retardation is required to keep information relating to persons receiving treatment from the department confidential. Senate Bill 152 authorizes the department and community mental health and mental retardation centers to exchange client records without the consent of the client.

SENATE BILL 154 SENATE AUTHOR: Farabee
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Laney

The attorney general has ruled that, under existing law, community mental health and mental retardation centers are prohibited from purchasing real property. Senate Bill 154 expressly authorizes the centers to purchase or lease real and personal property.

SENATE BILL 303 SENATE AUTHOR: Truan
EFFECTIVE: 5-29-81 HOUSE SPONSOR: Jerry Clark

Current law requires the Texas Department of Mental Health and Mental Retardation to obtain the written approval of three physicians for medical work on residents when parental or guardian consent cannot be obtained, and the department has also applied this standard to dental work. Senate Bill 303 modernizes the language of the existing law and adds a new section directing the department to provide dental services to persons admitted to its care and, in the event that necessary consent for dental services cannot be obtained from parents or guardians, requiring the approval of one dentist and two physicians.

SENATE BILL 791 SENATE AUTHOR: Brooks
EFFECTIVE: see below HOUSE SPONSOR: Grubbs

The act recognizes that a variety of alternatives exist for serving the mentally disabled; that, when possible, mentally ill and mentally retarded persons should be treated in their communities; and that a continuity should exist in services received by each individual. Community centers are directed to provide effective alternatives to large residential facilities, including screening services and continuing care services for persons referred to them by a state facility. Grants from the Texas Department of Mental Health and Mental Retardation to centers or other facilities are authorized, and the first priority for use of these grant funds is to provide services for individuals who face significant risk of placement in a state facility. When an application for temporary hospitalization is filed with a court, facilities designated by the commissioner of the department are to file recommendations for the most appropriate treatment for the proposed patient with the court before the date set for the hearing. Before the furlough or discharge from a state mental hospital of a patient who may need continuing care, the head of the hospital is directed to consult with the patient in developing a plan for continuing care and to deliver the plan to the appropriate community center or facility. Sections of the act relating to recommendations for treatment for persons making application for temporary hospitalization and to plans for continuing care take effect on January 1, 1982; the other portions take effect September 1, 1981.

PARKS AND WILDLIFE

General Legislation

HOUSE BILL 267 HOUSE AUTHOR: Agnich
EFFECTIVE: 4-30-81 SENATE SPONSOR: Leedom

The definition of game birds and migratory game birds is expanded by this act, and feral rock doves are added to the list of birds that may be destroyed at any time along with their nests and eggs.

HOUSE BILL 556 HOUSE AUTHOR: Tow
EFFECTIVE: 8-31-81 SENATE SPONSOR: Caperton

The act allows Texas A&M University to release grass carp into Lake Conroe in Montgomery and Walker counties for research purposes until September 1, 1987.

HOUSE BILL 910 HOUSE AUTHOR: Sharp
EFFECTIVE: 6-10-81 SENATE SPONSOR: Brown

The Parks and Wildlife Department is authorized by this act to issue permits for control of predators from aircraft in Aransas, Calhoun, Jim Wells, and Victoria counties.

HOUSE BILL 1189 HOUSE AUTHOR: Salinas
EFFECTIVE: 6-17-81 SENATE SPONSOR: Short

The act permits goods made from an endangered species to be possessed, sold, distributed, offered, or advertised for sale if the goods were made from fish or wildlife lawfully taken in another state and if the person presents documented evidence to the Parks and Wildlife Department to substantiate that fact.

HOUSE BILL 1421 HOUSE AUTHOR: Lewis
EFFECTIVE: 8-31-81 SENATE SPONSOR: Mengden

An operation game thief fund is created by this act. The fund will be administered by a six-member committee that will make reward payments to persons who provide information leading to the arrest and conviction of game law violators.

HOUSE BILL 1831 HOUSE AUTHOR: McBee
EFFECTIVE: 9-1-81 SENATE SPONSOR: Santiesteban

The Texas Parks and Wildlife Department is authorized by this act to manage fur-bearing animals on a statewide basis. It requires the department to conduct scientific studies to develop

biological and ecological data on fur-bearing animals and prohibits the sale, purchase, or possession of a fur-bearing animal except under certain conditions. It requires certain licenses, sets fees for those licenses, and sets penalties for violations of this act. The act also restricts the purchase of a pelt or carcass of a fur-bearing animal. It provides that the Uniform Wildlife Regulatory Act does not apply to fur-bearing animals, and repeals certain sections of the Parks and Wildlife Code.

HOUSE BILL 1882 HOUSE AUTHOR: Bill Clark
EFFECTIVE: 9-1-81 SENATE SPONSOR: McKnight

The act deletes the requirement for bird banding by commercial game bird breeders and requires such breeders to issue a written document indicating various identifications when selling live game birds. It requires any person who sells dead, pen-raised game birds to either stamp the carcass or place the bird in a container that is identified similarly.

HOUSE BILL 2001 HOUSE AUTHOR: Henderson
EFFECTIVE: 8-31-81 SENATE SPONSOR: Richards

The act authorizes a constable or deputy constable to apply for a warrant to seize an animal believed to be cruelly treated.

HOUSE BILL 2102 HOUSE AUTHOR: Danburg, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Santiesteban

The compilation of a statewide list of endangered, threatened, or protected native plant species is authorized by this act. The act prohibits the taking of these plants for commercial purposes from public land or from private land without the landowner's written consent. It also outlines the permissible activities of the Parks and Wildlife Department in regard to these plants and provides penalties for violations of this act.

SENATE BILL 418 SENATE AUTHOR: Parker
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Collazo

The Parks and Wildlife Department is allowed by this act to regulate the taking, possession, and sale of an alligator or any part of an alligator. It requires that the Parks and Wildlife Department conduct scientific studies of alligators to develop biological and ecological data and provides that a license is required to hunt or buy an alligator. It also sets fees for these licenses, and provides penalties for violations of this act. The Uniform Wildlife Regulatory Act no longer applies to the taking of alligators.

SENATE BILL 291 SENATE AUTHOR: Caperton
EFFECTIVE: 9-1-82 HOUSE SPONSOR: Cofer

The act sets standards for animal shelters, allows the Texas Board of Health to prescribe standards and charge fees for the training of animal shelter personnel, sets up local advisory committees in a county, city, town, or village with an animal shelter, and prohibits certain methods of animal extermination.

SENATE BILL 476 SENATE AUTHOR: Truan
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Staniswalis

Under this act, a person is required to have a valid license to operate a circus, carnival, or zoo. It also regulates the licensing procedure and provides penalties for violations.

State Parks and Museums

HOUSE BILL 478 HOUSE AUTHOR: Ceverha
EFFECTIVE: 9-1-81 SENATE SPONSOR: Snelson

The Fleet Admiral Chester W. Nimitz Memorial Naval Museum Commission is abolished by this act, and the museum is placed under the jurisdiction of the Parks and Wildlife Department.

HOUSE BILL 1434 HOUSE AUTHOR: Bock
EFFECTIVE: 6-16-81 SENATE SPONSOR: Santiesteban

The Parks and Wildlife Department is authorized by this act to lease state park land for grazing or farming and to set standards for the administration of this act.

HOUSE BILL 2313 HOUSE AUTHOR: Reynolds
EFFECTIVE: 8-31-81 SENATE SPONSOR: Truan

The act creates a game sanctuary from state-owned land area and water in the Aransas and Poesta rivers in Bee County and prohibits any person from possessing, shooting, or hunting with a firearm, bow and arrow, or crossbow in the game sanctuary.

SENATE BILL 771 SENATE AUTHOR: Kothmann
EFFECTIVE: 4-30-81 HOUSE SPONSOR: Adkisson

The act designates certain state-owned land in Bexar County to be set aside for inclusion in the "San Antonio Missions Historical Park" and gives the Parks and Wildlife Department power to deed this property to the United States to establish, operate, and maintain that property as a national historical park.

SENATE BILL 1273 SENATE AUTHOR: Santiesteban
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Coleman

The act sets the boundaries of the Franklin Mountains State Park, provides for the exclusion of certain land from that park, and authorizes the Parks and Wildlife Department to acquire the land.

Commercial Fishing

HOUSE BILL 401 HOUSE AUTHOR: Gonzales
EFFECTIVE: 8-31-81 SENATE SPONSOR: Truan

Licensed commercial bait-shrimp boat operators are prohibited by this act from selling or unloading shrimp at any time except to a bona fide bait-shrimp dealer or a sports fisherman. The act repeals the requirement that the sports fisherman be operating a boat in inside water.

HOUSE BILL 430 HOUSE AUTHOR: Florence, et al.
EFFECTIVE: 6-10-81 SENATE SPONSOR: Blake

The act narrows the definition of a commercial finfish fisherman to be a person who catches only finfish from the tidal waters of this state for pay or for the purpose of sale, barter, or exchange.

HOUSE BILL 693 HOUSE AUTHOR: Browder
EFFECTIVE: 8-31-81 SENATE SPONSOR: Santiesteban

Under this act, wholesale fish dealers may only purchase freshwater fish for resale from a licensed commercial fisherman, and retail fish dealers may only purchase freshwater fish for resale from a licensed wholesale fish dealer or a licensed commercial fisherman.

HOUSE BILL 961 HOUSE AUTHOR: Sharp
EFFECTIVE: 8-31-81 SENATE SPONSOR: Brown

The act places a count size requirement on fresh shrimp caught in major bays from August 15 through October 31 of each year and eliminates count size requirements from November 1 through December 15. It also designates a specific net mesh size to be used from November 1 through December 15 of each year.

HOUSE BILL 1000 HOUSE AUTHOR: Schlueter
EFFECTIVE: 9-1-81 SENATE SPONSOR: Harris

The act amends various sections of the Parks and Wildlife Code to prohibit the purchase, sale, and possession or transportation for the purpose of sale of redfish and speckled sea trout. It allows the importation of redfish or speckled sea trout if certain licensing and labeling requirements are met. Daily catch and retention limits for noncommercial fishing of redfish and speckled sea trout are set for those counties that have not adopted the Uniform Wildlife Regulatory Act, and proclamations issued under that act by the Parks and Wildlife Commission may not exceed those limits. Permissible fishing methods are altered, and the possession of certain headed or tailed finfish is prohibited. The Parks and Wildlife Commission is authorized to adopt rules providing for the marketing of redfish and speckled sea trout, and the department is required to conduct studies on finfish. The Parks and Wildlife Commission is also given the authority to regulate the commercial use of redfish and speckled sea trout and these regulations prevail over the prohibition in other sections of the Parks and Wildlife Code.

HOUSE BILL 1367 HOUSE AUTHOR: Von Dohlen
EFFECTIVE: 8-31-81 SENATE SPONSOR: Mengden

The Parks and Wildlife Code is amended by this act to prohibit licensed commercial bait-shrimp boat operators from catching, possessing, having on board a boat, unloading, or attempting to unload more than 200 pounds of shrimp per boat per day. During the period from November 15 through August 15, 50 percent of the bait shrimp must be kept alive on board the boat taking the shrimp. The act also repeals the labeling requirement for frozen bait shrimp.

SENATE BILL 250 SENATE AUTHOR: Farabee
EFFECTIVE: 4-15-81 HOUSE SPONSOR: Heatly

Licensed bait dealers who take finfish for bait only are not required to obtain a commercial finfish fisherman's license under this act.

SENATE BILL 276 SENATE AUTHOR: Wilson, et al.
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Schlueter

The act provides that certain persons with a menhaden boat license are not required to obtain a general commercial fisherman's license or a commercial finfish fisherman's license. The act raises the license fee for a menhaden boat license. It also prohibits the manufacture, sale, or possession of an

electricity-producing device designed to shock fish and provides penalties for violation of that section.

SENATE BILL 749 SENATE AUTHOR: Parker
EFFECTIVE: 5-6-81 HOUSE SPONSOR: Criss

The Texas Coastal and Marine Council is required by the act to conduct studies on shrimp, concentrating on facts affecting the status of the bay shrimp industry. It also places temporary restrictions on persons who can hold a commercial bay shrimp boat license or a commercial bait-shrimp boat license.

SENATE BILL 796 SENATE AUTHOR: Williams
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Watson

Under this act, commercial oyster dredge licenses and sports oyster dredge licenses may only be issued from August 1 through August 31. It also regulates the size and number of oyster dredges and the culling of oysters.

SENATE BILL 865 SENATE AUTHOR: Vale
EFFECTIVE: 6-12-81 HOUSE SPONSOR: Benedict

The act provides penalties for catching shrimp in outside water out of season and also requires commercial shrimp boat operators to display the documentation number or registration number when operating in outside water from June 1 through July 15.

SENATE BILL 1033 SENATE AUTHOR: Truan
EFFECTIVE: 5-25-81 HOUSE SPONSOR: Benedict

The act provides that minimum size regulations do not apply to shrimp taken from outside water when the Gulf of Mexico Fishery Management Council's Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico is in effect and when this plan restricts the taking of shrimp to conform with the Texas closed Gulf season.

Hunting and Fishing

HOUSE BILL 214 HOUSE AUTHOR: Delco, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Wilson

Under this act, Texas residents under 17 years old and those 65 years old or older are not required to have a fishing license. Nonresidents under 17 years old and nonresidents 65 years old or older are not required to have a fishing license if their state grants a similar exemption to Texas residents. The act increases the resident and nonresident fishing license fees, provides for the

issuance of a temporary sportfishing license to any Texas resident wanting to fish for sport in public water, and extends the validity of that license from 3 to 14 days.

HOUSE BILL 1435 HOUSE AUTHOR: Bock
EFFECTIVE: 8-31-81 SENATE SPONSOR: Santiesteban

The act provides penalties for hunting from vehicles, hunting at night, and selling and purchasing protected birds and animals.

HOUSE BILL 1480 HOUSE AUTHOR: Polumbo
EFFECTIVE: 8-31-81 SENATE SPONSOR: Mengden

An individual is required by this act to obtain the written consent of the landowner before hunting birds or animals with a firearm on the landowner's property in counties with populations of 2,000,000 or more.

HOUSE BILL 1694 HOUSE AUTHOR: Geistweidt
EFFECTIVE: 8-31-81 SENATE SPONSOR: Snelson

The act prohibits nonresidents from hunting certain wild animals in the state and from hunting wild elk in certain Texas counties without a general nonresident hunting license. It specifies the counties in which wild elk is a game animal and also provides that a person with a game breeder's license may sell or breed elk in those counties. The act requires an elk permit for hunting elk in those counties and allows the Parks and Wildlife Commission to issue proclamations concerning the taking of elk.

HOUSE BILL 2382 HOUSE AUTHOR: Geistweidt
EFFECTIVE: 6-11-81 SENATE SPONSOR: Snelson

Current law prohibits the catching or possession of certain kinds of fish in Gillespie County for the purpose of sale. The act amends that law to allow perch and bream to be caught or possessed for the purpose of sale.

SENATE BILL 18 SENATE AUTHOR: Parker
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Collazo

The Parks and Wildlife Commission is authorized by this act to provide an open season for recreational hunting in Sea Rim State Park.

SENATE BILL 709 SENATE AUTHOR: Wilson
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Criss

Under this act a person is required to have a waterfowl stamp as well as a hunting license to hunt waterfowl. It also sets the fee for a waterfowl stamp, provides for the disposition and use of

the stamp fee, and establishes a penalty for violation of this act.

Uniform Wildlife Regulatory Act

HOUSE BILL 471 HOUSE AUTHOR: Haley
EFFECTIVE: 6-10-81 SENATE SPONSOR: Blake

The Uniform Wildlife Regulatory Act gives the Parks and Wildlife Commission power to regulate wildlife resources by proclamation. Each county in Texas has the option of adopting the act, and if adopted, the commission can regulate everything concerning wildlife resources in that county except their sale. This act provides that the Uniform Wildlife Regulatory Act applies to the wildlife resources in Shelby County.

HOUSE BILL 1543 HOUSE AUTHOR: Von Dohlen
EFFECTIVE: 5-20-81 SENATE SPONSOR: Wilson

This act provides that the Uniform Wildlife Regulatory Act applies to fish and other aquatic life in Coleto Creek Reservoir in Goliad County.

HOUSE BILL 2295 HOUSE AUTHOR: Berlanga
EFFECTIVE: 6-15-81 SENATE SPONSOR: Truan

This act provides that the Uniform Wildlife Regulatory Act applies to the wildlife resources in Nueces County except shrimp and oysters.

HOUSE BILL 2379 HOUSE AUTHOR: Florence
EFFECTIVE: 6-11-81 SENATE SPONSOR: Howard

This act provides that the Uniform Wildlife Regulatory Act applies to the wildlife resources in Morris County.

HOUSE BILL 576 HOUSE AUTHOR: Peveto, et al.
EFFECTIVE: 5-20-81 SENATE SPONSOR: Parker

Under this act, crayfish are exempt from the Uniform Wildlife Regulatory Act and the license chapter and the nongame species chapter of the Parks and Wildlife Code.

HOUSE BILL 716 HOUSE AUTHOR: Glossbrenner
EFFECTIVE: 6-10-81 SENATE SPONSOR: Traeger

The section of the Parks and Wildlife Code which provides that the Uniform Wildlife Regulatory Act does not apply to antlerless deer in Duval County is repealed by this act.

SENATE BILL 381 SENATE AUTHOR: Wilson
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Schlueter

The Parks and Wildlife Commission is allowed under this act to regulate the possession or catching of wildlife resources under the Uniform Wildlife Regulatory Act.

Local Game Laws

HOUSE BILL 1540 HOUSE AUTHOR: Reynolds
EFFECTIVE: 6-10-81 SENATE SPONSOR: Traeger

Persons in Dimmit County are prohibited under this act from hunting an animal or bird with the aid of a headlight, hunting lamp, or other artificial device.

HOUSE BILL 1931 HOUSE AUTHOR: Turner
EFFECTIVE: 8-31-81 SENATE SPONSOR: Blake

The act prohibits the hunting of wild deer north of U.S. Highway 84 in Cherokee County except during the open season for the taking of deer beginning on November 16 and extending through December 31 of each year.

HOUSE BILL 2292 HOUSE AUTHOR: Watson
EFFECTIVE: 8-31-81 SENATE SPONSOR: Parker

Wild deer may be hunted in Chambers County under this act within a set boundary only during the open season set by the Parks and Wildlife Commission.

HOUSE BILL 2293 HOUSE AUTHOR: Geistweidt
EFFECTIVE: 8-31-81 SENATE SPONSOR: Snelson

Penalties are set by this act for hunting or possessing exotic animals in Kerr County.

HOUSE BILL 2297 HOUSE AUTHOR: Florence
EFFECTIVE: 8-31-81 SENATE SPONSOR: Howard

The Parks and Wildlife Code is amended by this act to prohibit any person from taking more than two spike deer during a calendar year in Marion County.

HOUSE BILL 2306 HOUSE AUTHOR: Geistweidt
EFFECTIVE: 8-31-81 SENATE SPONSOR: Snelson

The act defines exotic animals and prohibits a person on a public road or the right-of-way of a public road in Real County from hunting exotic animals. It also prohibits persons from

hunting exotic animals on the land of another without the owner's express permission to hunt exotic animals, prohibits certain persons from possessing the carcass of an exotic animal, and provides penalties for violation of this act.

HOUSE BILL 2308 HOUSE AUTHOR: Florence
EFFECTIVE: 8-31-81 SENATE SPONSOR: Howard

The Parks and Wildlife Code is amended by this act to permit bows and arrows to be used to hunt wild deer in Marion County during the open season beginning on October 25 and extending through October 31.

HOUSE BILL 2309 HOUSE AUTHOR: Florence
EFFECTIVE: 8-31-81 SENATE SPONSOR: Snelson

The act provides that a person may hunt wild deer in Cass County with a bow and arrow during the open season beginning on October 25 and extending through October 31.

HOUSE BILL 2329 HOUSE AUTHOR: Reynolds
EFFECTIVE: 6-17-81 SENATE SPONSOR: Traeger

The act regulates deer and javelina hunting in McMullen County by: (1) setting the bag limit for buck and antlerless deer; (2) providing for the issuance of antlerless deer permits; (3) requiring a Parks and Wildlife Department study of deer in that county; and (4) allowing the hunting of javelinas at any time.

HOUSE BILL 2334 HOUSE AUTHOR: Florence
EFFECTIVE: 8-31-81 SENATE SPONSOR: Snelson

The act sets the open season for hunting deer in Marion County from November 16 through November 25 and from December 26 through December 31.

HOUSE BILL 2346 HOUSE AUTHOR: Florence
EFFECTIVE: 8-31-81 SENATE SPONSOR: Snelson

The act sets the open season for deer hunting in Cass County from November 16 through November 25 and from December 26 through December 31.

HOUSE BILL 2372 HOUSE AUTHOR: Glossbrenner
EFFECTIVE: 6-17-81 SENATE SPONSOR: Traeger

The act sets the open season on buck deer in Jim Hogg County to begin on the second Saturday in November and extend through December 31. Buck deer is defined to include spike deer.

HOUSE BILL 2375 HOUSE AUTHOR: Schlueter
EFFECTIVE: 8-31-81 SENATE SPONSOR: Wilson

The act permits a person to hunt wild birds on the water of Stillhouse Hollow Reservoir in Bell County or on land that is owned by the federal government and is adjacent to Stillhouse Hollow Reservoir during the open season only if he uses a shotgun and is at least 600 feet from the nearest private property line when he shoots the gun. The act prohibits a person from hunting wild animals in that area.

HOUSE BILL 2380 HOUSE AUTHOR: Florence
EFFECTIVE: 8-31-81 SENATE SPONSOR: Howard

The Parks and Wildlife Code is amended by this act to require the section that prohibits wild turkey hunting in Marion County to expire on September 1, 1985.

SENATE BILL 168 SENATE AUTHOR: Farabee
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Heatly

The quail season in Kent, Knox, and Stonewall counties is set by this act to extend from December 1 of one year to January 31 of the following year. It also provides penalties for violation of this act.

PROPERTY INTERESTS

Landlord-Tenant

HOUSE BILL 22 — HOUSE AUTHOR: Wright, et al.
EFFECTIVE: 6-15-81 — SENATE SPONSOR: Meier

Under the act, a landlord may terminate a lease after giving notice, if the tenant used the property in the commission of any public indecency offense specified in Chapter 43 of the Penal Code and was convicted of the offense.

HOUSE BILL 979 — HOUSE AUTHOR: McLeod, et al.
EFFECTIVE: 9-1-81 — SENATE SPONSOR: Brown

This act allows a tenant to require a landlord to install locks on windows and doors on rented residential property. The tenant is not required to pay costs related to the installation of devices when the existing security devices are inadequate. The tenant is given a cause of action for the landlord's failure to comply, and the landlord is protected from frivolous suits.

HOUSE BILL 2046 — HOUSE AUTHOR: Robnett, et al.
EFFECTIVE: 9-1-81 — SENATE SPONSOR: Brooks

All residential rental properties constructed after September 1, 1981, are required by this act to have smoke detectors in them when they are rented. All rental properties constructed before that date are required to have smoke detectors installed by September 1, 1984. The act specifies the duties and remedies of both the landlord and the tenant.

HOUSE BILL 2168 — HOUSE AUTHOR: Danburg, et al.
EFFECTIVE: 9-1-81 — SENATE SPONSOR: Santiesteban

A landlord has the duty under the act to supply a tenant with the names and addresses of the owners and managers of the property rented by the tenant. The act provides civil penalties for failure to comply and protects landlords from harassment. The definition of "landlord" in the law pertaining to security deposits is changed to conform to the distinction between landlord and manager made by this law.

Real Property

HOUSE BILL 189 HOUSE AUTHOR: Jackson
EFFECTIVE: 5-1-82 SENATE SPONSOR: O. H. Harris

This act exempts nonprofit homeowners' association corporations from payment of franchise tax. The associations that are included under the act are associations of owner-controlled condominiums or residential real estate developments.

HOUSE BILL 196 HOUSE AUTHOR: McBee
EFFECTIVE: 1-1-82 SENATE SPONSOR: Howard

A deed or other conveyance of real property must now contain the mailing address of each grantee of the property either in the conveyance or in an attached document. If the conveyance does not include the mailing addresses, it may be filed only with payment of $25 or twice the statutory filing fee, whichever is greater.

HOUSE BILL 640 HOUSE AUTHOR: Evans
EFFECTIVE: 8-31-81 SENATE SPONSOR: Meier

The act provides for a nonprofit cemetery corporation to petition for and obtain reversion of the title of an abandoned unoccupied cemetery lot for which perpetual care has not been provided. Reversion of the title is contingent upon a court decree that the lot has been abandoned. If the lot is not maintained or maintenance assessments are not paid for 10 consecutive years, a presumption of abandonment is established.

HOUSE BILL 838 HOUSE AUTHOR: Craddick
EFFECTIVE: 8-31-81 SENATE SPONSOR: Snelson

The act allows the land commissioner to cancel an existing patent on request of all parties owning property under the patent and to issue a corrected patent where the existing patent does not conform to the original pattern for the block or the system of surveys.

HOUSE BILL 1589 HOUSE AUTHOR: Clayton
EFFECTIVE: 8-31-81 SENATE SPONSOR: Ogg

This act authorizes counties with a population of 50,000 or less to acquire an interest in private roads through purchase, condemnation, written dedication, or adverse possession. The county's interest must be recorded.

SENATE BILL 478 SENATE AUTHOR: Travis
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Keller

Under this act, persons who inspect improvements to real property under earnest money contracts must register with, pay a fee to, and file a bond with the Texas Real Estate Commission. A contract with a real estate inspector must give notice of remedies

under the Deceptive Trade Practices Act. Violation of the act is established as a misdemeanor.

SENATE BILL 767 SENATE AUTHOR: Farabee, et al.
EFFECTIVE: 4-22-81 HOUSE SPONSOR: Davis

This act authorizes a city planning commission to approve a replat or resubdivision of real property under certain circumstances even though the previous plat was not vacated. The replat or resubdivision may then be recorded and deemed to be valid.

SENATE BILL 987 SENATE AUTHOR: Sarpalius
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Simpson

This act provides for the correction of certain surveys and patents for real property in Castro and Randall counties.

Miscellaneous

HOUSE BILL 1570 HOUSE AUTHOR: Semos
EFFECTIVE: 9-1-81 SENATE SPONSOR: McKnight

Under previous law, traveler's checks would escheat to the state seven years after abandonment by or death or disappearance of the owner. This act amends that law by providing that traveler's checks may not escheat to the state because of the absence of the owner or because of a presumption of the death of or abandonment by the owner until 15 years after the owner last showed interest in them. The act also changes the form of the report of the personal property inventory of a deceased or missing person.

SENATE BILL 308 SENATE AUTHOR: Traeger, et al.
EFFECTIVE: 5-7-81 HOUSE SPONSOR: Nowlin

This act, known as the Regulation of Invention Development Services Act, provides some protection for the owners of intangible personal property in the form of inventions. It establishes minimum requirements for invention development service contracts, provides civil remedies for violation of the act, requires that the invention developer make periodic progress reports to the customer, and requires that invention development service companies maintain financial responsibility by filing a bond or other security with the secretary of state.

SENATE BILL 653 SENATE AUTHOR: Doggett
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Pierce

For the recovery of overdue rent, this act provides for the attachment and enforcement of a lien on personal property stored at a self-service storage facility. Procedures for seizure, redemption, notice, and sale of the property are specified.

PROPERTY TAXATION

HOUSE BILL 505 HOUSE AUTHOR: Finnell
EFFECTIVE: 1-1-82 SENATE SPONSOR: Harris

The act repeals the limitation that leased airport facilities must be used by or servicing "certified air carriers" to qualify for exemption from property tax under the public use provisions.

HOUSE BILL 685 HOUSE AUTHOR: Wieting
EFFECTIVE: 5-28-81 SENATE SPONSOR: Brown

The act amends existing law that provides for service of process on the comptroller of public accounts in certain civil actions against nonresidents on matters concerning property taxation. It substitutes, for purposes of service of process, the executive director of the State Property Tax Board.

HOUSE BILL 885 HOUSE AUTHOR: Maloney, et al.
EFFECTIVE: 6-17-81 SENATE SPONSOR: Wilson

The act extends the exemption application deadline for persons entitled to the $5,000 residence homestead exemption and for elderly and disabled persons entitled to the $10,000 residence homestead exemption provided by Sections 1 and 2, Article 7150.5, Revised Civil Statutes of Texas, 1925, as they existed on December 31, 1979, for the 1979 tax year. The deadline for making application is extended to April 1, 1982.

HOUSE BILL 911 HOUSE AUTHOR: McBee, et al.
EFFECTIVE: 1-1-82 SENATE SPONSOR: Farabee

The act amends the Property Tax Code to define farm products and include livestock and poultry. Farm products in the hands of the producer on January 1 of the tax year are exempt from property taxation for that year.

HOUSE BILL 1155 HOUSE AUTHOR: Schlueter
EFFECTIVE: 9-1-81 SENATE SPONSOR: Wilson

The act amends the Property Tax Code by requiring records and reports of certain movements of mobile homes for property tax purposes. Any person who moves a mobile home within the state is required to make record of the move on a form prescribed by the State Property Tax Board. That person is also required to file a report of the movement with the appropriate property tax office. If a person knowingly fails to make, keep, or report the movement of a mobile home as provided by this act, the person is liable to the state for a civil penalty not exceeding $200 for each failure.

HOUSE BILL 1462 HOUSE AUTHOR: DeLay
EFFECTIVE: 6-15-81 SENATE SPONSOR: Richards

The act postpones the delinquency date of property taxes collected for the 1980 tax year in counties with a population of more than 50,000 if the tax bills were mailed after January 31, 1981. If the county tax assessor-collector for a county mailed the tax bills for taxes imposed for the 1980 tax year after January 31, 1981, the delinquency date for those taxes is postponed to the first day of the next month that provides at least 21 days after the date of mailing. The act expires on December 31, 1981.

HOUSE BILL 2189 HOUSE AUTHOR: Criss
EFFECTIVE: 10-1-81 SENATE SPONSOR: Ogg

The act amends the Texas Assessors Registration and Professional Certification Act, enacted in 1977. The act amends the Registration and Professional Certification Act to reflect single appraisal of property by appraisal districts as required by the Property Tax Code, enacted in 1979. In accomplishing this, the act changes the definitions of persons required to register with the Board of Tax Assessor Examiners. The act also lowers the age requirement for registered Texas assessors from 21 years of age to 18 years of age.

HOUSE BILL 2333 HOUSE AUTHOR: Schlueter
EFFECTIVE: 8-31-81 SENATE SPONSOR: Wilson

The act amends existing law relating to the content of notices of reappraised values for property tax purposes. The revised notice includes statements on the market or productivity values and assessed values for both the current and preceding years, the amount of taxes imposed in the preceding year, the effective tax rate that will not increase total tax revenues and its implications on revenues and taxes, the notice and hearing requirements for tax rates that increase total tax revenues, and the preceding year's tax rate and current year's tax liability at that rate.

SENATE BILL 970 SENATE AUTHOR: Glasgow
EFFECTIVE: 1-1-82 HOUSE SPONSOR: Finnell

The act adds a provision to the Property Tax Code relating to the appraisal and taxation of privately owned airport property restricted to use by the public and to certain penalties. "Airport property" is defined by the act as real property that is designed to be used or is used for airport purposes, including the landing, parking, shelter, or takeoff of aircraft and the accommodation of individuals engaged in the operation, maintenance, or navigation of aircraft or of aircraft passengers in connection with their use of aircraft or of airport property. "Public access airport property" means privately owned airport property that is regularly used by

the public for or regularly provides services to the public in connection with airport purposes. Under the act, owners of public access airport property may have that property appraised on the basis of its value as public access airport property if the property is properly restricted (according to the act) in use for a term of at least 10 years. Penalties are imposed on airport property on expiration of the use restrictions and for use as other than public access airport property before expiration of the use restrictions.

An extensive revision of the Property Tax Code was enacted by the 67th Legislature during the 1st called session. See the section on enactments of the called session for a summary of this legislation.

PUBLIC EMPLOYEES

General Legislation

SENATE BILL 172 SENATE AUTHOR: Doggett
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Nabers

Federal law requires state officials and employees responsible for the expenditure of substantial amounts of funds under the state Medicaid plan to comply with federal conflict-of-interest provisions. Senate Bill 172 adds a section to the state's Human Resources Code to restrict current board members and commissioners, their business partners, and former board members and commissioners of the Texas Department of Human Resources from participating in certain activities relating to the medical assistance program.

SENATE BILL 189 SENATE AUTHOR: Doggett, et al.
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Nabers

Senate Bill 189 provides that officers and employees of the Texas Department of Human Resources are subject to all applicable federal restrictions on political activities. Previous law had prohibited these persons from participating in any political activities.

SENATE BILL 235 SENATE AUTHOR: Wilson
EFFECTIVE: 3-11-81 HOUSE SPONSOR: Lewis

Senate Bill 235 provides an additional exemption to the state's nepotism law. It allows the confirmation of appointment of persons nominated for state positions when no person related to the appointee within the prohibited degree was a member of or candidate for the legislature. It also authorizes the confirmation of reappointments to any subsequent consecutive terms.

SENATE BILL 240 SENATE AUTHOR: Mauzy
EFFECTIVE: 4-15-81 HOUSE SPONSOR: Washington

Senate Bill 240 extends for the first time to state employees working outside the state coverage under unemployment and workers' compensation programs. The act authorizes the Texas Employment Commission and the Industrial Accident Board to execute reciprocal agreements with other states and the District of Columbia to provide that employees of the state or district working in the other state or district be considered for unemployment or workers' compensation purposes as if they were working in the state or district that employs them. If the agencies cannot make an agreement with a particular state or district, the agencies are authorized to obtain coverage and make employer contributions under

laws of the state or district, but are directed to assume obligation for payments directly if permitted by law of the state or district. The act also provides that state employees working outside the state are subject to the same employment benefits and restrictions as other employees of the state.

SENATE BILL 547 SENATE AUTHOR: Ogg
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Gaston

The act allows certain employees of the secretary of state to administer oaths, affidavits, and affirmations relating to records required by the Texas Election Code.

SENATE BILL 988 SENATE AUTHOR: Richards
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Delco

Senate Bill 988 establishes the Texas Merit System Council and abolishes the Merit System Council of the Texas Employment Commission. It also provides that a state agency required by federal law or regulations to have a merit system of personnel administration shall use the services of the council.

HOUSE BILL 3 HOUSE AUTHOR: Clayton, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Short

The act creates the Public Servant Standards of Conduct Advisory Committee. The committee will (1) study the application of state laws relating to the conduct of public servants; (2) adopt and publish interpretative guidelines; and (3) report to the legislature any recommendations concerning the revision of these laws. The committee is to be abolished August 31, 1983.

HOUSE BILL 824 HOUSE AUTHOR: Messer
EFFECTIVE: 8-31-81 SENATE SPONSOR: Doggett

The State Employee Bonding Act, enacted in 1959, prescribes uniform standards for obtaining bond protection against loss resulting from the misdeeds and omissions of state officers and employees. The act authorizes bonds covering specified positions in an agency and bonds covering all positions in an agency. In addition to regular bond coverage, the act previously authorized additional bond coverage for specified positions. House Bill 824 removes the restriction that any additional bond coverage apply only to specified positions, thereby increasing the amount of bond coverage that may be obtained. Bond coverage in excess of certain limits remains subject, however, to approval of the state auditor.

HOUSE BILL 1995 HOUSE AUTHOR: Crawford
EFFECTIVE: 9-1-81 SENATE SPONSOR: Traeger

The act includes within the coverage of the state employees uniform group insurance benefits program persons who have participated in the optional retirement program for employees of institutions of higher education, whose last state employment was with the Coordinating Board, Texas College and University System,

and who either would have been eligible for service retirement under the Teacher Retirement System of Texas had they not chosen participation in the optional retirement program or are disabled.

HOUSE BILL 2176 HOUSE AUTHOR: Hartung
EFFECTIVE: 8-31-81 SENATE SPONSOR: Doggett

State law provides that persons requesting to see financial statements and affidavits filed with the secretary of state under the statute relating to standards of conduct of state officers and employees must register their names, addresses, and affiliation with the secretary of state's office. Previously that office was directed to keep the information for two years. House Bill 2176 provides that the information must be kept only during the one-year period following the filing of the financial statement or affidavit.

HOUSE BILL 2264 HOUSE AUTHOR: Von Dohlen
EFFECTIVE: 8-31-81 SENATE SPONSOR: Vale

House Bill 2264 directs state agencies that inspect and survey health care facilities to promulgate a code of professional responsibility to regulate the conduct of employees who carry out the inspections and surveys. The act also sets out certain requirements for the code.

Holidays

Legal holidays in Texas are enumerated in Article 4591, Vernon's Texas Civil Statutes. The general appropriations act of the 67th Legislature (House Bill 656) states that holidays for state employees are those listed in Article 4591. The act also specifies that each state agency shall have on hand enough personnel to operate during all but nine holidays. An employee who works on a holiday will be allowed compensatory time off at a later time. The nine holidays on which agencies are not required to have a contingent of employees on duty are New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving holidays, and Christmas holidays. State employees are also entitled to vacation or leave time on the Friday immediately following the fourth Thursday in November and on December 24 and 26.

HOUSE BILL 2340 HOUSE AUTHOR: Presnal
EFFECTIVE: 9-1-81 SENATE SPONSOR: Snelson

This act amends the Texas Education Code to permit the governing body of an institution of higher education to establish the holiday schedule for the institution. The number of holidays established by a governing body, however, may not exceed the number of holidays on which an employee of a state agency is entitled by

law to a day off.

Compensation

SENATE BILLS 1 and 3 SENATE AUTHOR: Doggett, et al.
EFFECTIVE: 1-30-81 HOUSE SPONSOR: Gerald Hill

Senate Bill 1 authorizes an emergency increase in compensation for state employees with a minimum amount of $50 per month or 5.1 percent of the monthly compensation rate that was in effect on January 1, 1981, whichever is greater. The act also details funding procedures and sources for the pay increase. The emergency pay increase expires September 1, 1981.

The passage of legislation granting cost-of-living adjustments to state employees requires the appropriation of necessary funds to finance the increase. Senate Bill 3 appropriates from the general revenue fund and special funds the funds to finance the authorized increase in compensation of state employees for the period ending August 31, 1981.

SENATE BILL 94 SENATE AUTHOR: Truan
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Price

The act amends existing law by eliminating the requirement that the number and salaries of community mental health and mental retardation center employees be approved by local establishing agencies and requiring instead the approval of the commissioner of the Texas Department of Mental Health and Mental Retardation.

SENATE BILL 118 SENATE AUTHOR: Harris
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Schlueter

Currently a state governmental body may make deductions from compensation paid to an officer or employee of the governmental body. This act prohibits any deduction from the compensation paid to an officer or employee of a state governmental body whose compensation is paid from state funds unless the deduction is authorized by law. A governmental body affected, as defined by the act, is: (1) a board, commission, department, office, or other agency that is in the executive branch of state government and that was created by the constitution or a statute of the state, including an institution of higher education; (2) the legislature or a legislative agency; or (3) the Supreme Court, the Court of Criminal Appeals, a court of civil appeals, or the State Bar of Texas or another state judicial agency.

HOUSE BILL 118 HOUSE AUTHOR: Willis
EFFECTIVE: 9-1-81 SENATE SPONSOR: McKnight

Currently all commissioned law enforcement personnel of the Department of Public Safety, State Purchasing and General Services Commission, Texas Alcoholic Beverage Commission, Texas Parks and

Wildlife Department, peace officers with institutions of higher learning, and law enforcement personnel with the Texas Department of Corrections are entitled to receive hazardous duty pay of $5 per month for each year of service up to and including 30 years of service. This act expands the law to include all commissioned security officers of the state treasury. It also increases the amount of hazardous duty pay from $5 a month to $6 a month in fiscal year 1982 and $7 a month commencing in fiscal year 1983 and thereafter for each year of service up to and including 30 years in service.

HOUSE BILL 889 HOUSE AUTHOR: Gerald Hill, et al.
EFFECTIVE: 8-31-81 SENATE SPONSOR: Doggett

The comptroller of public accounts is granted authority under this act to establish and operate an electronic funds transfer system for the direct deposit of state employees' salaries. It allows the transfer of employees' gross state salaries less specified deductions directly into their accounts in financial institutions.

HOUSE BILL 957 HOUSE AUTHOR: Willis, et al.
EFFECTIVE: 8-31-81 SENATE SPONSOR: Jones

Under this act, members of state boards and commissions who are entitled by law to per diem relating to the member's service on the board or commission receive the amount of per diem prescribed by the general appropriations act.

HOUSE BILL 1369 HOUSE AUTHOR: Delco
EFFECTIVE: 9-1-81 SENATE SPONSOR: Doggett

The act amends existing law to allow payment twice a month, of compensation to certain employees of the Texas Department of Mental Health and Mental Retardation, State Department of Highways and Public Transportation, Texas Department of Human Resources, and Texas Employment Commission. Any other state agency designated by the comptroller and meeting the specified criteria may also participate in the program.

HOUSE BILL 1559 HOUSE AUTHOR: Clayton, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Jones

The 65th Legislature provided for the state to pay its employees' social security contributions except any amount that is in excess of 5.85 percent of wages to $16,500 in any calendar year. The 1977 amendments by Congress to the Federal Insurance Contribution Act provide for increases in the rate of contribution (employer and employee) and in the wage base. This act grants discretionary authority to the legislature to adjust payment of the social security contributions for state employees. The legislature is authorized to provide in the general appropriations act for payment of the employee tax imposed by the Federal Insurance

Contribution Act above the limitations set by the current Texas statute of 5.85 percent on the first $16,500 in any calendar year. If the legislature provides for payments in excess of the amounts required, a state employee is then obligated to pay only the difference between that amount and the amount required by federal law.

The legislature may also now provide in the general appropriations act for the state to pay state-paid judges' contributions imposed by the Federal Insurance Contribution Act at any rate and on any amount of state-paid compensation that it considers appropriate.

The comptroller of public accounts may prorate the state's projected contribution to each employee over the portion of the calendar year that the employee's salary is subject to the Federal Insurance Contribution Act to equalize monthly contributions from the employee during the portion of the year that the salary continues to be subject to FICA taxes.

Retirement and Benefit Programs

SENATE BILL 58 — SENATE AUTHOR: Doggett, et al.
EFFECTIVE: 2-13-81 — HOUSE SPONSOR: Gerald Hill

The act provides a 5.1 percent increase in monthly benefits, effective with payments for February, 1981, for most annuitants of the Employees Retirement System of Texas. It also made an appropriation for that purpose from the general revenue fund to the system.

SENATE BILL 101 — SENATE AUTHOR: Jones
EFFECTIVE: 4-23-81 — HOUSE SPONSOR: Rains

Senate Bill 101 authorizes the Employees Retirement System of Texas to increase the benefits for certain annuitants of the system on the first day of each fiscal year in an amount as appropriated by the legislature. This act provides a continuing authorization for such increases and removes the necessity for the legislature to pass enabling legislation during each session that an increase is approved. The act also authorizes the legislature to appropriate money from the general revenue fund to pay the costs of increasing the annuities.

SENATE BILL 209 — SENATE AUTHOR: Snelson, et al.
EFFECTIVE: 2-13-81 — HOUSE SPONSOR: Terral Smith

The act increased, beginning with payments for February, 1981, benefits for most annuitants of the Teacher Retirement System of Texas by 5.1 percent. It made an appropriation for that purpose from the general revenue fund to the teacher retirement system.

SENATE BILL 322 SENATE AUTHOR: Farabee, et al.
EFFECTIVE: 5-7-81 HOUSE SPONSOR: Atkinson

The act increased benefits for certain annuitants of the Teacher Retirement System of Texas. The increases range from 21 percent for those receiving benefits for retirement or death before September 1, 1963, to 2 percent for those receiving benefits for retirement or death between May 31, 1977, and August 31, 1979. It made an appropriation for that purpose from the general revenue fund.

SENATE BILL 323 SENATE AUTHOR: Farabee, et al.
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Atkinson

This act makes several changes in the administration of the Teacher Retirement System of Texas. Standard benefits are based on average compensation multiplied by a percentage for each year of service as a member of the system. The act changes the computation of average compensation from an average of the five highest years of compensation to an average of the three highest years. The act also excludes certain types of payments, such as fringe benefits, from being considered compensation for purposes of the retirement system, changes the fees required to be paid to the system to establish or reestablish certain kinds of service, provides a method for a retiree to revoke his or her retirement within 45 days of retiring, changes the waiting period required before a retiree who resumes public employment can reinstate membership from five to two years, and establishes a system of annual income reporting by disability retirees.

SENATE BILL 331 SENATE AUTHOR: Traeger
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Crawford

The Texas State College and University Employees Uniform Insurance Benefits Act is amended to require the administrative council to require each carrier bidding on group insurance coverage for Texas college employees to identify its administrative costs and to enumerate what services will be rendered in exchange for those administrative costs. Employees and retirees are permitted to participate in health maintenance organizations. Premiums on policies and contracts with HMO's established under the act will be exempt from state taxes.

SENATE BILL 446 SENATE AUTHOR: Traeger
EFFECTIVE: 1-1-82 HOUSE SPONSOR: Pierce

Senate Bill 446 makes many changes in the law governing the Texas Municipal Retirement System, including changes in system membership, credits, benefits, funding, and administration.

The changes in membership preclude membership by a person employed by the Texas Municipal League as a lobbyist and extend membership to an elected or appointed municipal officer, if the municipality of which the person is an officer either elects to include officers in the system or begins participation in the

system on or after January 1, 1982.

Participating municipalities are given the authority for the first time to permit their members to claim credit for active duty military service performed during a time of war. The act also increases the frequency with which municipalities may increase the amounts of service credits allowed their members.

One significant change in benefits permits a member retiring for disability to choose among a range of benefit plans instead of taking a standard benefit. Another provides a new formula, based in part on a federal consumer price index, for determining increases in benefits paid to annuitants of the system. The act also provides for cessation of disability benefits for a disability retiree who becomes gainfully employed and liberalizes eligibility for service retirement at age 50 with at least 25 years of service to include service with all municipalities that have elected to provide that option. Prior law required all service to be with the municipality employing the member at the time of application for retirement.

A change in funding requires municipalities to meet a uniform standard of actuarial soundness before adopting optional benefits or other programs and replaces a group of differing standards for particular options.

Finally, the act consolidates two funds used to account for municipality contributions and raises the interest rate credited to certain accounts within the system.

SENATE BILL 485 SENATE AUTHOR: Blake
EFFECTIVE: 5-13-81 HOUSE SPONSOR: Lewis

Several changes are made in the law governing the Texas County and District Retirement System by Senate Bill 485. It permits units of government participating in the retirement system to provide standard and optional disability retirement benefits and benefits for in-service and postretirement deaths. It also changes certain interest rates, authorizes persons not required to become members because of age to apply for membership, authorizes the board of trustees to construct a building, and provides for an automatic vacancy on the board if a member misses four consecutive meetings.

SENATE BILL 537 SENATE AUTHOR: Wilson
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Heatly

The act increases benefits based on retirements from the Judicial Retirement System of Texas of judges who retired before September 1, 1967, from 50 to 60 percent of the state salary being paid a judge of the same classification.

SENATE BILL 588 SENATE AUTHOR: Traeger
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Blythe

Each public retirement system is required under this act to register with the State Pension Review Board and the Legislative Budget Board. The act also requires the systems to submit semiannual reports and provides a mechanism for enforcing the requirements.

SENATE BILL 589 SENATE AUTHOR: Traeger
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Blythe

Senate Bill 589 requires each public retirement system to provide summaries of system benefits and of procedures for claiming or choosing benefits, summaries of any significant changes in the system, statements of contributions and payments, and summaries of the financial condition of the system to members of the system periodically or at specified times. The act also provides that such information shall be available to the public, and it sets out procedures for enforcing the requirements.

SENATE BILL 919 SENATE AUTHOR: Howard
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Atkinson

This act changes the procedures for investment of funds of the Teacher Retirement System of Texas. Under the act, the system may contract with one or more commercial banks to serve as custodians of the system's cash or securities and may authorize the banks to invest the cash and to lend the securities subject to certain requirements. The act also permits the system to select persons to hold and invest funds of the system without using the system's name.

SENATE BILL 1116 SENATE AUTHOR: Ogg
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Blythe

The act makes several changes in the law governing the municipal retirement system in Houston. It establishes a new category of eligibility requirements and benefits for all persons employed for the first time after September 1, 1981, and for other members who elect coverage under the group. Among other changes, the act provides a new procedure for determining city contribution rates, repeals restrictions on fund investments, requires actuarial valuations every three instead of every five years, and suspends pension payments to retirees holding elective city offices.

HOUSE BILL 13 HOUSE AUTHOR: Carlyle Smith, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Traeger

House Bill 13 requires that in certain municipal retirement and death benefit programs instituted after August 31, 1981, both participating officers and employees and the municipality shall make contributions to the program during each payroll period. It sets a ratio for municipal contributions to aggregate employee

contributions and provides that the level of benefits may never exceed the amount actuarially determined for the system to be financially sound.

HOUSE BILL 28 HOUSE AUTHOR: Haley
EFFECTIVE: see below SENATE SPONSOR: Blake

The act entitles persons retiring under the teacher retirement system to be paid for up to 60 days of accrued sick leave. The pay will be equal to the amount per day that the district is reimbursed from the Texas Education Agency for the first 30 days of sick leave accrued and half that for the next 30 days. The act also provides that if a school district provides sick leave for other employees, the district may pay those employees for accrued sick leave when they leave the employment of the district. The act takes effect with the 1981-1982 school year.

HOUSE BILL 306 HOUSE AUTHOR: Hudson
EFFECTIVE: 8-31-81 SENATE SPONSOR: Brooks

The State Board of Trustees of the Employees Retirement System of Texas is directed by this act to survey state employees about their desire for a dental insurance program. The survey will elicit information about types and costs of a program. The results are to be reported to the 68th Legislature.

HOUSE BILL 521 HOUSE AUTHOR: Benedict
EFFECTIVE: 9-1-81 SENATE SPONSOR: Parker

The act amends existing law to permit persons who meet certain criteria to purchase credit in the Employees Retirement System of Texas for service performed before September 1, 1980, for a county child welfare board.

HOUSE BILL 1907 HOUSE AUTHOR: Leonard
EFFECTIVE: 6-15-81 SENATE SPONSOR: Meier

House Bill 1907 increases the maximum amount that certain cities may require members of retirement, disability, and death benefit systems to contribute to the systems from 7-1/2 percent of annual compensation to 10 percent. It also increases the amount that a city may contribute for each member.

HOUSE BILL 1932 HOUSE AUTHOR: Blythe
EFFECTIVE: 9-1-81 SENATE SPONSOR: Snelson

House Bill 1932 is part of the statutory revision program established by Article 5429b-2, Vernon's Texas Civil Statutes, under which the legislative council submits drafts of permanent statute law by subject to the legislature for approval. The act restates without substantive change the law governing the Employees Retirement System of Texas, the Teacher Retirement System of Texas, the Judicial Retirement System of Texas, the Texas Municipal Retirement System, the Texas County and District Retirement System, the State Pension Review Board, and the optional retirement program

for institutions of higher education. The act also includes a restatement of various general laws providing administrative requirements for bodies operating retirement systems.

HOUSE BILL 1934 HOUSE AUTHOR: Blythe
EFFECTIVE: 8-31-81 SENATE SPONSOR: Traeger

The governing body of a public retirement system is required by this act to file with the State Pension Review Board a copy of each annual financial report and each actuarial study. Each actuarial study is to be made at least once every three years.

HOUSE BILL 1719 HOUSE AUTHOR: Crawford
EFFECTIVE: 6-11-81 SENATE SPONSOR: Parker

The act amends existing law to allow certain health- or education-related public employers to make payroll deductions on request of their employees for certain investments permitted by federal tax law. The act also permits members of the optional retirement program (administered by the teacher retirement system) to use the retirement contributions for that program for the same type of investments. In both cases, the previous law was limited to deduction for and investment in annuity contracts.

HOUSE BILL 1935 HOUSE AUTHOR: Blythe
EFFECTIVE: 8-31-81 SENATE SPONSOR: Traeger

House Bill 1935 supersedes the various detailed investment restrictions on funds of public retirement systems other than the four largest statewide systems with a uniform standard based on the "prudent person" rule. The new standard applies, however, only if professional investment services are used; otherwise, the old restrictions become effective again.

HOUSE BILL 1995 HOUSE AUTHOR: Crawford
EFFECTIVE: 9-1-81 SENATE SPONSOR: Traeger

This act allows members of the optional retirement program established by the Texas Education Code whose last state employment was as an officer or employee of the Coordinating Board, Texas College and University System to participate in the Texas Employees Uniform Group Insurance Program. The act also expressly gives to the Board of Trustees of the Employees Retirement System of Texas the power to adopt rules and standards governing the eligibility of these new participants.

HOUSE BILL 2229 HOUSE AUTHOR: Blythe
EFFECTIVE: 8-31-81 SENATE SPONSOR: Traeger

The act establishes a procedure for public retirement systems to submit annual reports to the State Pension Review Board. The report must be submitted before the 180th day after the last day of the fiscal year under which a system operates.

Fire Fighters and Law Enforcement Personnel

SENATE BILL 316 SENATE AUTHOR: Doggett
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Gerald Hill

Prior law permitted firemen in the city of Austin to take leaves of absence for periods of less than one year, and during that time continue to earn service credit toward their retirement. This act eliminates service credit for leaves of absence, except for service in the armed forces in time of national emergency.

SENATE BILL 502 SENATE AUTHOR: Mengden
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Pennington

Present law provides for a one-year probationary period for fire fighters and police officers in all cities with a population of 10,000 or more. This act amends that law to the extent that persons whose service in the Houston police department was interrupted must serve a six-month probationary period if they are reappointed to the department.

SENATE BILL 561 SENATE AUTHOR: Glasgow
EFFECTIVE: see below HOUSE SPONSOR: Watson

Under this act, by January 1, 1983, all state, county, and municipal fire protection agencies are required to provide their full-time, paid fire fighters with protective clothing that meets the standards set by the National Fire Protection Association.

Effective January 1, 1982, self-contained breathing apparatus used by fire fighters must meet National Institute for Occupational Safety and Health standards, and that equipment must be tested monthly.

SENATE BILL 834 SENATE AUTHOR: Traeger
EFFECTIVE: 1-1-82 HOUSE SPONSOR: Laney

The amount of time a volunteer fire fighter must spend at drills to qualify for retirement benefits from the volunteer fire fighter's relief and retirement fund is reduced by this act. Under this new law, disability allowances are paid monthly instead of weekly, and disability payments are now permitted only if the fire fighter is unable to perform the duties of his or her regular employment.

The amount of survivor's benefits under this program are now calculated on the basis of retirement annuity rather than disability benefits, as under the prior law.

SENATE BILL 1098 SENATE AUTHOR: Vale
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Elizondo

Several changes were made in the law governing the retirement system in San Antonio for fire fighters and police officers. The act creates a new schedule of deductions and changes the computation method for retirement, disability, and death benefits. It also changes the percentages of funds of the system that may be

invested in dividend and non-dividend paying corporations.

SENATE BILL 1180 SENATE AUTHOR: Truan
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Gonzales

Provisions of the act creating the Firemen's Relief and Retirement Fund that specifically apply to cities having a population of less than 210,000 are amended to raise the population limit from 210,000 to 240,000.

HOUSE BILL 396 HOUSE AUTHOR: Benedict, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Caperton

The act amends existing law relating to state payments to survivors of paid law enforcement officers to expand eligibility for such payments to survivors of paid probation officers, paid parole officers, and paid jailers.

HOUSE BILL 1150 HOUSE AUTHOR: Blythe, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Ogg

The act amends existing law relating to operation and management of policemen's retirement plans in cities with a population of 1,200,000 or more. It changes city and employee contribution rates and investment restrictions and adopts a different price index for use in adjusting pension payments. Pension funds are protected from assignment, attachment, and other similar transfers.

HOUSE BILL 1151 HOUSE AUTHOR: Blythe, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Ogg

The act provides for a retirement plan for policemen hired after September 1, 1981, in cities with a population of 1,200,000 or more. It specifies eligibility requirements for both service and disability pensions, vesting rights, payment of pension and survivor benefits, procedures for application for and withdrawal of pension funds, and percentages of contribution by both the members and the city.

HOUSE BILL 1152 HOUSE AUTHOR: Blythe, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Ogg

Several changes are made by this act in the law governing fire fighters' retirement systems in cities with a population of 1,200,000 or more. The changes include revision of city and employee contribution rates, adoption of a different price index for use in adjusting pension payments, a relaxation of investment restrictions, and an authorization for a city to pay employee contributions.

HOUSE BILL 1301 HOUSE AUTHOR: El Franco Lee
EFFECTIVE: 8-31-81 SENATE SPONSOR: Brooks

Under this act, the city council or legislative body of a city is allowed to authorize assignment pay for members of the police department who are assigned to a field training officers program. The amount of payment is to be set by ordinance and will be in addition to the regular pay received by members of the police department. Entitlement of assignment pay is effective for the first full calendar month that begins on or after the effective date of the act.

HOUSE BILL 1419 HOUSE AUTHOR: Sharp
EFFECTIVE: 6-10-81 SENATE SPONSOR: Brown

The probationary period of a person who has not completed an approved law enforcement training program but who has been appointed as a peace officer is increased from six months to one year by this act.

HOUSE BILL 1700 HOUSE AUTHOR: Florence
EFFECTIVE: 6-11-81 SENATE SPONSOR: Glasgow

State law provides for a maximum work week, compensatory time, and overtime pay for police officers in cities with a population of more than 10,000, with certain exemptions for emergencies. This act amends the law to define an emergency for purposes of implementing the law.

HOUSE BILL 2083 HOUSE AUTHOR: Pierce
EFFECTIVE: 8-31-81 SENATE SPONSOR: Vale

House Bill 2083 redefines "paid firemen" in a statute relating to the payment of assistance by the state to survivors of certain officials killed in the performance of duties. Persons eligible for benefits under the act would include survivors of public employees whose principal duties included aircraft crash and rescue fire fighting, as well as survivors of public employees subject to certification by the Commission on Fire Protection and Personnel Standards and Education.

PUBLIC LANDS

General Legislation

HOUSE BILL 648 HOUSE AUTHOR: Presnal
EFFECTIVE: 8-31-81 SENATE SPONSOR: Farabee

The act requires certain state agencies to maintain a record of state-owned real property in the agency's possession and establishes a procedure for setting a charge for parking in facilities under the control of the State Purchasing and General Services Commission. The boundary of the state-owned property known as the Capitol Complex is also changed.

HOUSE BILL 742 HOUSE AUTHOR: Nowlin, et al.
EFFECTIVE: 5-20-81 SENATE SPONSOR: Kothmann

The state buildings in San Antonio known as the SAMSCO buildings are named the G. J. Sutton State Office Complex.

HOUSE BILL 2278 HOUSE AUTHOR: Clayton
EFFECTIVE: 8-31-81 SENATE SPONSOR: Brooks

The State Purchasing and General Services Commission is authorized by the act to plan, develop, and construct a complex of office space, computer facilities, and parking on state-owned land in north-central Austin for certain state human services agencies.

SENATE BILL 429 SENATE AUTHOR: Caperton
EFFECTIVE: 4-30-81 HOUSE SPONSOR: Tow

The act allows the Texas Board of Corrections to grant easements to public or private entities for electrical substations on state land dedicated to the use of the Texas Department of Corrections.

SENATE BILL 659 SENATE AUTHOR: Doggett
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Lyon

The act amends the Natural Resources Code to provide further clarification as to what structures or buildings may qualify as state archeological landmarks because of historical interest.

Land Transfers, Leases, and Sales

HOUSE BILL 683 HOUSE AUTHOR: Benedict
EFFECTIVE: 6-11-81 SENATE SPONSOR: Brown

Under this act, certain state-owned land may be transferred from the Texas Board of Corrections for use by the Brazoria County Airport in exchange for certain other land.

HOUSE BILL 848 HOUSE AUTHOR: Schlueter
EFFECTIVE: 6-17-81 SENATE SPONSOR: Jones

This act amends the provision of the Natural Resources Code that provides that no land purchased under the Veterans Land Program may be leased by the purchaser for a term of more than 10 years. Leases for coal and lignite may now be for a term of not more than 40 years, and as long thereafter as such coal and lignite are produced from the land in commercial quantities.

HOUSE BILL 1693 HOUSE AUTHOR: Geistweidt
EFFECTIVE: 6-15-81 SENATE SPONSOR: Snelson

The act requires the chairman of the Texas Board of Mental Health and Mental Retardation to lease a tract of state-owned land at Kerrville State Hospital to the Special Opportunity Center, Inc., of Kerrville to provide nonprofit services to persons of the area who are mentally ill, mentally retarded, or physically handicapped.

HOUSE BILL 2196 HOUSE AUTHOR: Sutton
EFFECTIVE: 6-11-81 SENATE SPONSOR: Kothmann

The State of Texas owns a parcel of land in San Antonio which is adjacent to commercial property. This act requires the State Purchasing and General Services Commission to sell this lot and also gives the commission the right to lease another parcel of land with the right to buy it subject to legislative approval.

HOUSE BILL 2298 HOUSE AUTHOR: Schoolcraft
EFFECTIVE: 8-31-81 SENATE SPONSOR: Kothmann

The act authorizes Bexar County to transfer county-owned "Southton Farm" to The Texas A&M University System. The system shall use the land conveyed under the act for the benefit of the Texas Engineering Extension Service and other components of the system.

SENATE BILL 702 SENATE AUTHOR: Wilson
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Saunders

The act authorizes the board of regents of The Texas A&M University System to sell, exchange, convey, or transfer ownership of a certain one-acre tract of land in Bastrop County.

SENATE BILL 894 SENATE AUTHOR: Caperton
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Sharp

Under this act, a board for lease or the State Highway and Public Transportation Commission may lease the right-of-way for the development of minerals other than oil and gas on land owned by the state that was acquired to construct or maintain a highway, road, street, or alley or land owned by the state under the jurisdiction or control of the commission. It specifically prohibits the commission from leasing the right-of-way for the development of oil and gas on these lands.

This act provides that a board for lease or the State Highway and Public Transportation Commission may not lease certain state-owned land for the development of oil and gas. However, that land may be leased for the development of minerals other than oil and gas.

SENATE BILL 1286 SENATE AUTHOR: Parker
EFFECTIVE: 6-17-81 HOUSE SPONSOR: Crawford

The act authorizes the Texas Board of Mental Health and Mental Retardation to sell or trade a certain five-acre tract of state-owned land in Jefferson County.

Oil, Gas, and Other Minerals on Public Lands

HOUSE BILL 1691 HOUSE AUTHOR: Hanna
EFFECTIVE: 6-11-81 SENATE SPONSOR: McKnight

Under present law, lessees of public land leased by the School Land Board may shut in production from gas wells on that land for lack of a suitable market. They may then continue the lease in effect by payment of shut-in royalties. This act extends the shut-in royalty provisions to oil wells and to oil or gas wells that are not being produced for lack of suitable production facilities. Also, this act extends compensatory royalty provisions to cover oil wells on public land.

HOUSE BILL 2024 HOUSE AUTHOR: Bock
EFFECTIVE: 9-1-81 SENATE SPONSOR: Santiesteban

The commissioner of the General Land Office may regulate geophysical and geochemical exploration for oil and gas on public school land as part of his responsibilities in managing that land. Those having oil and gas leases on such land may conduct explorations as part of the lease. The General Land Office until now has handled on a case-by-case basis explorations by those not having leases. This act requires that any person who does not have an oil and gas lease on public school land obtain a permit from the commissioner for purposes of geophysical or geochemical exploration on that land, and it sets forth the conditions for obtaining a permit. The act is not applicable to offshore areas nor to Relinquishment Act land for which the state only retains mineral rights but is not the surface owner.

SENATE BILL 290 SENATE AUTHOR: Caperton
EFFECTIVE: 4-30-81 HOUSE SPONSOR: Tow

Under current law, the Board for Lease of Texas Prison Lands is authorized to lease, contract, or enter into agreements for the exploration and development of oil and gas on land owned by the Texas Department of Corrections. Senate Bill 290 expands the board's authority to cover coal, lignite, and minerals other than oil and gas. It also authorizes the Texas Department of Corrections to construct or acquire electric generating facilities to provide power for its own facilities. Royalties and other net income derived from development of coal, lignite, and other minerals on these lands are to be deposited in a mineral lease fund for the exclusive use of the department as specified by legislative appropriation.

REDISTRICTING AND THE CENSUS

The 1980 national census revealed that Texas' population had grown from 11,196,730 to 14,228,383 since 1970. Some areas of the state showed little or no growth, yet others grew by 40 percent or more. These relative changes in demographics necessitated substantial alterations in state house and senate districts and in United States Congressional districts. The ideal house district in 1971 had a population of 74,645, but to have 150 equal districts in 1981, each had to have an ideal population of 94,856. The size of an ideal senate district also increased by more than 20 percent, from 361,185 to 458,980. Because of national shifts in population, the number of Texas seats in the United States House of Representatives increased from 24 to 27, each with about 11 percent more population than the districts drawn in 1971.

The bills redistricting the state house of representatives and senate succeeded in passing the legislature, but the senate redistricting plan was vetoed by the governor. The legislature was unable to agree on a congressional redistricting plan prior to the adjournment of the regular session.

HOUSE BILL 960 HOUSE AUTHOR: Von Dohlen
EFFECTIVE: 8-31-81 SENATE SPONSOR: Ogg

The act redraws the 150 districts from which members of the Texas House of Representatives are elected.

[On August 31, 1981, the Supreme Court of Texas upheld a district court decision that House Bill 960 was unconstitutional.]

SENATE BILL 928 SENATE AUTHOR: Farabee
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Lewis

Texas has numerous "population bracket laws" that apply selectively to certain counties, cities, school districts, or other local governmental or geographical units, depending on the inclusion of the unit or a related unit within a specified population range. Generally, these laws are predicated on the population figures of the most recent federal census. Senate Bill 928 updates 144 population bracket laws to reflect changes between the 1970 and 1980 censuses. It expressly repeals another 95 population bracket laws that the legislature has judged to be obsolete. To the extent that any other law enacted by the 67th Legislature, Regular Session, conflicts with Senate Bill 928, the other law prevails, regardless of relative dates of enactment or relative effective dates.

HOUSE BILL 1922 HOUSE AUTHOR: Jackson, et al.
EFFECTIVE: 6-11-81 SENATE SPONSOR: Ogg

Previous law prohibited any political subdivision of the state from making official use of a federal decennial census until September 1 of the calendar year following the year in which the census was taken. House Bill 1922 amends that law to allow a political subdivision whose governing body is elected from single-member districts to recognize and act upon the new census for purposes of redistricting as of the date the governor officially receives the basic population tabulations from the U.S. Secretary of Commerce.

The only exception concerns statutes that require election of a governing body from single-member districts but which apply only to political subdivisions within a specified population bracket. Political subdivisions that become subject to such statutes must wait until September 1 to act upon the new census if it was not included in the population bracket under the old census.

STATE TAXES AND TAX ADMINISTRATION

This chapter provides descriptions of legislation relating to state taxes and to local taxes involving state administration. Enactments relating to property taxation are summarized in a separate chapter.

General Legislation

HOUSE BILL 1708 HOUSE AUTHOR: Davis
EFFECTIVE: 1-1-82 SENATE SPONSOR: Jones

In 1963, the 58th Legislature authorized a permanent statutory program for the systematic and continual study of state statutes and for formal revisions to clarify and simplify the statutes. The latest series in this revision process is Title 2 of the Tax Code. This act adopts Title 2, which is a nonsubstantive revision of statutes relating to the imposition, administration, collection, and enforcement of, and the allocation of revenue from, state taxes other than ad valorem property taxes. House Bill 1708 is amended by House Bill 2108 as described below. Title 1 of the Tax Code, adopted by the 66th Legislature in 1979, was not a part of the Texas Legislative Council revision program but rather was a substantive revision of state property tax laws.

HOUSE BILL 2108 HOUSE AUTHOR: Davis
EFFECTIVE: 1-1-82 SENATE SPONSOR: Jones

Concurrently with its nonsubstantive revision of state tax laws as embodied in Title 2 of the Tax Code, the 67th Legislature enacted several substantive changes in state tax laws. Those changes require incorporation into the code. This act, passed the last day of the regular session, amends Title 2, as enacted by House Bill 1708, to conform to other tax bills passed earlier in the session. It repeals two subtitles, adds two new chapters, and amends various other chapters. As amended by House Bill 2108, the general organization of Title 2 of the Tax Code is as follows:

Subtitle A. General Provisions
- Chapter 101. General Provisions

Subtitle B. Enforcement and Collection
- Chapter 111. Collection Procedures
- Chapter 112. Taxpayers' Suits
- Chapter 113. Tax Liens

Subtitle D. Compacts and Uniform Laws
- Chapter 141. Multistate Tax Compact

Subtitle E. Sales, Excise, and Use Taxes
- Chapter 151. Limited Sales, Excise, and Use Tax
- Chapter 152. Motor Vehicle Sales Tax
- Chapter 153. Motor Fuels Tax
- Chapter 154. Cigarette Tax
- Chapter 155. Tobacco Products and Cigar Tax
- Chapter 156. Hotel Occupancy Tax
- Chapter 157. Interstate Motor Carrier Sales and Use Tax
- Chapter 158. Manufactured Housing Sales and Use Tax

Subtitle F. Franchise Tax
- Chapter 171. Franchise Tax

Subtitle G. Gross Receipts Taxes
- Chapter 181. Cement Production Tax
- Chapter 182. Miscellaneous Gross Receipts Taxes

Subtitle H. Business Permit Taxes
- Chapter 191. Miscellaneous Occupation Taxes
- Chapter 192. Quotation Services

Subtitle I. Severance Taxes
- Chapter 201. Gas Production Tax
- Chapter 202. Oil Production Tax
- Chapter 203. Sulphur Production Tax

Subtitle J. Inheritance Tax
- Chapter 211. Inheritance Taxes

HOUSE BILL 872 HOUSE AUTHOR: Davis
EFFECTIVE: 9-1-81 SENATE SPONSOR: Jones

House Bill 872 eliminates the Omnibus Tax Clearance Fund established by the 47th Legislature in 1941 as an accounting device through which funds would be transferred to assure funding for certain priority measures. It directs funds formerly allocated to the clearance fund to the general revenue fund and establishes a system for priority allocations from the general revenue fund to the teacher retirement system, state highway fund, foundation school fund, farm-to-market roads, and other authorized transfers and withdrawals. The act changes the membership of the Foundation School Budget Committee, which henceforth is to be composed of the governor, lieutenant governor, and comptroller of public accounts. The act permits the comptroller to create and use suspense accounts and provides that revenue be first deposited in the general revenue fund and then transferred on a monthly basis to the available school fund or to other appropriate funds. The act amends existing law regarding allocation of insurance premium tax revenue and allocation of the motor fuels tax.

SENATE BILL 196 SENATE AUTHOR: Farabee
EFFECTIVE: 1-1-82 HOUSE SPONSOR: Peveto

The act amends tax refund provisions of state law to provide for payment of 10 percent interest on any refunds necessitated by the erroneous or illegal collection of taxes, penalties, or interest, whether the refunds result from administrative decision or from court judgment. The previous interest rate was six percent and applied only to refunds resulting from court judgment. If the refund made or credited is itself erroneous, the comptroller has four years to recover the refund or credit via a jeopardy or deficiency determination. Previously, this period was limited to one year. The act raises the interest rate on delinquent taxes to the same level as the interest rate on refunds, or 10 percent. The previous rate on delinquent taxes was in most cases seven percent.

SENATE BILL 371 SENATE AUTHOR: Farabee
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Davis

The act standardizes certain procedural specifications related to the comptroller's auditing of tax records and collection of taxes. It allows the comptroller, with the agreement of the taxpayer, to conduct a sample audit rather than a detailed audit. Should the taxpayer not agree, a detailed audit must be performed. The act requires a taxpayer to keep tax records open for inspection by the comptroller and attorney general for four years, except for pistol dealers who must retain records for 10 years. The act grants the comptroller prehearing subpoena and discovery procedures, the same as exist with respect to contested cases. It provides also for procedures to be followed in the event that records are held by a third party. The act places a four-year statute of limitations on assessment of taxes by the comptroller, except in cases of (1) a false or fraudulent return with intent to evade taxation; (2) failure to file a return; or (3) a gross error in reported information that would increase the tax by at least 25 percent if corrected. In these cases, taxes may be assessed at any time. The comptroller has three years after a deficiency or jeopardy determination or after the last recording of a lien to bring suit to collect taxes.

SENATE BILL 655 SENATE AUTHOR: McKnight
EFFECTIVE: 4-30-81 HOUSE SPONSOR: Washington

The act clarifies state law regarding the use of information gathered by the comptroller or attorney general in the course of examining business records to ensure collection of taxes. Such information is confidential and not open to public inspection. The comptroller or attorney general may authorize its use in an administrative or judicial proceeding in which the state, another state, or federal government is a party, but it is not otherwise subject to subpoena. Previous law limited the use of such

information in the case of judicial proceedings to delinquent-tax proceedings in which the state was a party.

Sales and Use Taxes

SENATE BILL 370 SENATE AUTHOR: Farabee
EFFECTIVE: see below HOUSE SPONSOR: Davis

The act makes four changes regarding collection of sales taxes: (1) It requires that any portion of a sale excluded from the definition of "sale price" or "receipts" be separately identified on the invoice, billing, sales slip, ticket, or contract. (2) It provides that if an item purchased for resale or purchased under an exemption certificate is put to some divergent taxable use, it shall be taxed on the basis of its fair market rental value for the duration of the divergent use. Under previous law, the normal sales tax was simply applied at the time the divergent use occurred. If an item has no fair market rental value, the normal sales tax is still applied that way. Also, if the resale purchaser is paying a tax based on the rental value but wishes to revert to the normal sales tax as if there had been no resale or exemption certificate, the tax is based on the original sale price without any credit for the tax that has already been paid on the rental value. (3) It exempts any item donated to certain organizations from the sales tax if the purchaser has not made any other divergent use of the item. (4) It amends sales tax deficiency notice requirements to allow notices to be sent on a monthly and yearly basis as well as on a quarterly basis. This last provision takes effect January 1, 1982. The other provisions took effect July 1, 1981.

HOUSE BILL 888 HOUSE AUTHOR: Gerald Hill
EFFECTIVE: 6-16-81 SENATE SPONSOR: Doggett

Under previous law, taxpayers owing limited sales and use taxes in excess of $750 for any calendar month had until the last day of the succeeding month to forward the taxes to the comptroller. For lesser monthly amounts, the taxpayer was entitled to pay on a quarterly basis. This act raises the cutoff point above which a monthly payment is required to $1,500.

HOUSE BILL 1838 HOUSE AUTHOR: Davis
EFFECTIVE: 8-31-81 SENATE SPONSOR: Jones

The state government, through the comptroller of public accounts, administers the collection and distribution of local sales and use taxes adopted by cities and by metropolitan or regional transit authorities. The first part of House Bill 1838 simply reaffirms present criteria for determining when and where,

depending on the circumstances of a transaction, the local sales tax is to be applied. Certain criteria were enacted on an experimental basis by the 66th Legislature in 1979 and were due to expire at the end of August, 1981, but House Bill 1838 repeals the expiration and thus retains existing statutory language. The second part of the bill creates an exemption, however, modifying the application of transit authorities' sales and use taxes. It exempts, from the transit authority portion of the local sales tax, transactions originating inside an authority area but involving shipment or delivery of an item to a purchaser outside the authority area. If this purchaser is located in another authority that has adopted the local sales and use tax, the item that has been exempted from the first authority's sales tax is subject to the second authority's use tax. Transit authorities affected by the bill include the Houston and San Antonio metropolitan transit authorities, any metropolitan transit authorities that may be created in Austin or El Paso (see Senate Bill 425), and any regional transportation authority that may be created in the Dallas-Fort Worth area (see Senate Bill 205).

HOUSE BILL 254 HOUSE AUTHOR: Benedict, et al.
EFFECTIVE: see below SENATE SPONSOR: Brooks

Existing law exempts from the sales and use tax specified medical equipment and devices. This act broadens the exemption to include therapeutic appliances and devices, as well as therapeutic supplies designed for those appliances and devices, if those items are dispensed or prescribed by a licensed practitioner of the healing arts. In order to qualify for the exemption, however, an item must be purchased and used by the person for whom it is dispensed or prescribed. These provisions take effect October 1, 1981. A second part of the act, which takes effect September 1, 1981, clarifies existing law regarding the exemption from the motor vehicle sales and use tax of motor vehicles designed for, and used to transport, orthopedically handicapped persons. The act allows the comptroller to apply the tax retroactively if a vehicle should not have been exempted.

HOUSE BILL 696 HOUSE AUTHOR: Heatly
EFFECTIVE: 6-16-81 SENATE SPONSOR: Ogg

The act exempts from the sales and use tax receipts for the taxable items bought by certain organizations qualifying for a federal income tax exemption. These organizations include nonprofit city leagues operated exclusively for the promotion of social welfare; local employee associations devoted exclusively to charitable, educational, or recreational purposes; veterans organizations or auxiliary units, societies, trusts, or foundations; and fraternal societies operating under the lodge system that either provide life, accident, and health insurance for

members or are devoted exclusively to religious, charitable, scientific, literary, educational, and fraternal purposes, but not both. The act further exempts receipts of a chamber of commerce that is not organized for profit. It exempts receipts for tangible items manufactured or assembled by a person 65 years or older and sold at a fund-raising drive held or sponsored by a nonprofit organization solely to provide assistance to elderly persons. An organization's exemption is limited to four such fund-raising drives a year totalling not more than 20 days. Also, the act requires that items bought by educational, charitable, or eleemosynary organizations, in order to be exempt from the tax, must be related to the purpose of the organization.

HOUSE BILL 2356 HOUSE AUTHOR: Peveto, et al.
EFFECTIVE: 1-1-82 SENATE SPONSOR: Parker

House Bill 2356 enacts a tax on interest charges paid to a retailer with regard to the sales tax portion of the price for an item that is purchased on credit. The act is applicable to state and local sales and use taxes, metropolitan rapid transit authority taxes, and regional transportation authority taxes. Specifically, the act requires a retailer who operates on a cash-basis accounting system and who sells taxable items on credit to remit to the comptroller whichever of the following is higher: (1) one-half of the amount of interest received on credit for payment of the sales tax; or (2) the full amount of interest received on credit for payment of the sales tax minus an amount of interest received at the rate of nine percent, provided that the interest charged on the sales tax portion and on the sales price portion is the same.

HOUSE BILL 903 HOUSE AUTHOR: McFarland, et al.
EFFECTIVE: see below SENATE SPONSOR: Harris

House Bill 903 changes the statutory definitions of mobile and modular homes so that they may be considered under laws relating to manufactured housing rather than those relating to motor vehicles. The act exempts the homes from the motor vehicle sales tax and instead imposes a new manufactured housing sales and use tax. It gives title documentation responsibilities regarding manufactured homes to the Texas Department of Labor and Standards and requires that title transfers be accompanied by a notice to consumers warning them of the dangers of formaldehyde gas that may be released into such homes. The warning notice provisions take effect August 31, 1981, while other sections dealing with titles and taxes take effect March 1, 1982. A section that lowers the manufactured housing sales and use tax takes effect September 1, 1983.

HOUSE BILL 917 HOUSE AUTHOR: Polk
EFFECTIVE: 1-1-82 SENATE SPONSOR: Harris

The purpose of this act is to clarify the taxation of motor vehicles that are purchased outside Texas and subsequently brought into Texas. It levies a motor vehicle sales and use tax on interstate motor vehicles, trailers, and semi-trailers operated by motor carriers who are residents of Texas or domiciled or doing business in Texas. The tax is based on four percent of the purchase price but is reduced to reflect the percentage of miles operated in Texas and to give credit for sales and use taxes paid in other states. The tax affects only those interstate motor vehicles that are purchased or first brought into the state after the effective date.

HOUSE BILL 697 HOUSE AUTHOR: Heatly
EFFECTIVE: 9-1-81 SENATE SPONSOR: Harris

This act affects sales of gasoline and diesel fuel in a single delivery of 5,000 or more gallons, or in a single delivery of lesser quantities if a city ordinance restricts single deliveries to lesser quantities. The act requires that sales for such a delivery, and gasoline and diesel fuel taxes for such a delivery, be computed on a temperature-adjusted basis using 60 degrees Fahrenheit as the standard temperature. Previous law based the sale and tax on gross volume, which continues to be the basis for sales not fitting the above specifications. The act changes the allocation of the tax going to the gasoline distributor or diesel fuel supplier for reimbursement of expenses associated with collecting and reporting the tax. Concomitantly, it eliminates the shares of the tax going to wholesalers, jobbers, dealers, and bulk users, who previously had been compensated partly to address the issue of temperature differences. The act makes it a criminal offense to refuse to make sales of motor fuel on a temperature-adjusted basis when the law requires such an adjustment.

SENATE BILL 243 SENATE AUTHOR: McKnight
EFFECTIVE: 4-15-81 HOUSE SPONSOR: Laney

The act exempts from the gasoline and diesel fuel excise tax sales from one aviation fuel dealer to another, provided that the dealer purchasing the fuel delivers it exclusively into aircraft supply tanks or aircraft servicing equipment. Aviation fuel dealers may not otherwise act as distributors.

HOUSE BILL 1119 HOUSE AUTHOR: Laney, et al.
EFFECTIVE: 1-1-82 SENATE SPONSOR: Santiesteban

State law imposes an excise tax, at a rate of five cents per gallon, on liquefied gas used as motor vehicle fuel. Also, it imposes an annual tax by gross weight on vehicles using liquefied

gas. Certain types of vehicles using liquefied gas are subject to special-use decals and associated per-vehicle taxes.

House Bill 1119 modifies the annual tax on vehicles by basing it on mileage as well as on gross weight. It creates a special decal for motor vehicle dealers and manufacturers, allowing them to pay the per-gallon tax rather than a per-vehicle tax. Finally, it eliminates requirements that holders of dealer's permits or interstate trucker's permits post a $100 cash bond.

HOUSE BILL 1106 HOUSE AUTHOR: Presnal, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Parker

This act changes the deadline for paying for cigarette stamps or meter settings from 15 days after the distributor receives the stamps or set meter to 30 days afterward. Stamps or set meters received before August 16, however, must be paid for by August 31, the end of the fiscal year.

HOUSE BILL 1090 HOUSE AUTHOR: Pierce, et al.
EFFECTIVE: 10-1-81 SENATE SPONSOR: Traeger

Hotels that collect a hotel occupancy tax for the state or city are permitted by this act to retain a percentage of the tax as reimbursement for the cost of collecting the tax.

Other Excise Taxes

HOUSE BILL 325 HOUSE AUTHOR: Geistweidt, et al.
EFFECTIVE: 9-1-81 SENATE SPONSOR: Farabee

Under previous law, Texas had a two-tiered death tax consisting of the basic inheritance tax and the additional inheritance tax. The former was based on the amount of property inherited and the inheritor's relationship to the deceased. The latter was the supplemental amount, if any, necessary for the state to take full advantage of the federal estate-tax credit for payment of state death taxes. The act eliminates the basic inheritance tax, leaving the federal credit as the sole means of computing the state death tax. The effect upon the estate is to leave the combined state-federal tax the same, where the total basic inheritance taxes would have been less than the federal credit; to reduce it, where the total basic inheritance taxes would have been more than the federal credit. The act also enacts a generation-skipping transfer tax allowing the state to take advantage of federal tax treatment of generation-skipping transfers. Finally, it clarifies language on the death-tax treatment of real and intangible property located in Texas and belonging to aliens and nonresidents.

HOUSE BILL 2014 HOUSE AUTHOR: Davis
EFFECTIVE: 1-1-82 SENATE SPONSOR: Harris

Insurance carriers other than life, accident, and health insurance carriers, mutual benefit associations, and certain other exempted organizations pay to the insurance commissioner an annual tax equal to a percentage of their gross premiums. The tax rate is dependent on the percentage of admitted assets that are invested in Texas securities. The act (1) amends language clarifying the administration of the tax; (2) allows the imposition of interest on delinquent taxes; (3) establishes venue for collection of delinquent taxes; (4) imposes penalties for failure to file returns or pay taxes; and (5) allows the State Board of Insurance to examine certain books and records. The act also amends the tax rate, as follows:

OLD TAX		NEW TAX	
Investment in Texas (%)	Rate (%)	Investment in Texas (%)	Rate (%)
less than 75	3.85		
75 to 80	3.025		
80 to 85	2.75	less than 85	3.5
85 to 88	2.2		
88 to 90	1.65	85 to 90	2.4
greater than 90	1.1	greater than 90	1.2

HOUSE BILL 1785 HOUSE AUTHOR: Bill Clark
EFFECTIVE: 1-1-82 SENATE SPONSOR: Parker

This act exempts from gross premium receipts the amount of premiums paid on group life, accident, and health policies in which the group covered by the policy consists of a single nonprofit trust established to provide coverage primarily for municipal employees in Texas.

HOUSE BILL 4 HOUSE AUTHOR: Schlueter
EFFECTIVE: 5-1-81 SENATE SPONSOR: Jones

The act amends existing law concerning the calculation of the corporate franchise tax, eliminating one of three optional methods of calculation since the method had been rendered superfluous by an attorney general opinion. The tax under the new act is either $55, or $4.25 per $1,000 of taxable capital, whichever is higher.

HOUSE BILL 189 HOUSE AUTHOR: Jackson
EFFECTIVE: 5-1-82 SENATE SPONSOR: Harris

This act exempts nonprofit homeowners' association corporations from payment of franchise tax. The associations that are included under the act are associations of owner-controlled condominiums or residential real estate developments.

HOUSE BILL 2311 HOUSE AUTHOR: Kubiak
EFFECTIVE: 5-1-82 SENATE SPONSOR: Farabee

The act exempts from the state franchise tax nonprofit corporations organized solely for and engaged exclusively in providing emergency medical services, including rescue and ambulance services.

HOUSE BILL 1576 HOUSE AUTHOR: Gonzales, et al.
EFFECTIVE: 6-15-81 SENATE SPONSOR: Blake

The act increases the annual occupation tax on coin-operated machines designed exclusively for showing motion pictures from $15 to $1,500.

Poll Tax

HOUSE BILL 1288 HOUSE AUTHOR: Staniswalis
EFFECTIVE: 8-31-81 SENATE SPONSOR: Farabee

In 1966 the U.S. Supreme Court held that the right to vote in Texas elections could not be conditioned on the payment of a poll tax. Since that decision, the Texas poll tax has not been collected. This act repeals all statutory references to the state poll tax.

TRANSPORTATION AND HIGHWAYS

Department of Highways and Public Transportation

HOUSE BILL 931 HOUSE AUTHOR: Henderson
EFFECTIVE: 8-31-81 SENATE SPONSOR: Richards

The act amends existing law to allow an exception to the maximum width limit of 120 inches on those vehicles that are used to transport cylindrically shaped bales of hay when the vehicles are operated on the national interstate highway system. The act also allows the State Department of Highways and Public Transportation to issue permits for these vehicles to exceed weight limits on state highways.

HOUSE BILL 2098 HOUSE AUTHOR: Emmett
EFFECTIVE: 8-31-81 SENATE SPONSOR: Mengden

The act authorizes the State Highway and Public Transportation Commission to partially fund "ride-sharing activities." Ride-sharing activities include any means of transportation provided by rubber-tired vehicles that carry no fewer than 10 nor more than 15 passengers and that are operated on a nonprofit basis.

HOUSE BILL 2240 HOUSE AUTHOR: Henderson
EFFECTIVE: 8-31-81 SENATE SPONSOR: Caperton

The act authorizes the State Department of Highways and Public Transportation to negotiate reciprocal agreements with other legal jurisdictions concerning the exemption or proportional exemption of registration fees of vehicles.

HOUSE BILL 2290 HOUSE AUTHOR: Tow
EFFECTIVE: 8-31-81 SENATE SPONSOR: Caperton

The State Highway and Public Transportation Commission is permitted by this act to contract with the Texas Board of Corrections for the provision of inmate labor for a state highway system improvement project.

SENATE BILL 479 SENATE AUTHOR: Travis
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Lanny Hall

The act authorizes the State Department of Highways and Public Transportation to issue permits for the transportation over the state highways of oversized loads consisting of one or more portable buildings. It also allows cities and towns through which

the loads will travel to designate the route to be taken through the city or town.

SENATE BILL 869 SENATE AUTHOR: Traeger
EFFECTIVE: 5-14-81 HOUSE SPONSOR: Glossbrenner

The act amends existing law to allow overweight vehicles, pursuant to a party's agreement indemnifying the Department of Highways and Public Transportation, to cross public highways, moving from private property to other private property.

SENATE BILL 974 SENATE AUTHOR: Farabee
EFFECTIVE: 6-8-81 HOUSE SPONSOR: Gavin

The act allows the state to reimburse cities and counties for their share of the acquisition cost of real property acquired for rights-of-way. Current law provides that if the state sells right-of-way property which was never used for the purposes for which it was acquired, the proceeds go to the state.

Vehicle Registration

HOUSE BILL 211 HOUSE AUTHOR: Green
EFFECTIVE: 9-1-81 SENATE SPONSOR: Doggett

The act directs the Department of Highways and Public Transportation to design and provide for issuance of special license plates for volunteer firefighters. A person who is a member of a volunteer fire department and certified by the Texas Volunteer Firefighters and Fire Marshals Certification Board is entitled to register one passenger car or light commercial vehicle for the annual registration fee plus $4.

SENATE BILL 150 SENATE AUTHOR: Traeger, et al.
EFFECTIVE: 7-1-82 HOUSE SPONSOR: Haley

The act increases automobile registration fees and raises the amount of money that county tax assessors-collectors may retain from automobile registration fees.

Handicapped or Disabled Persons

HOUSE BILL 308 HOUSE AUTHOR: Elizondo
EFFECTIVE: 8-31-81 SENATE SPONSOR: Vale

Under current law a veteran of the armed forces of the United

States who, as a result of military service, has suffered at least a 60 percent service-connected disability, and who receives compensation from the federal government is entitled to register, for his own personal use one passenger car or light commercial vehicle, without payment of the prescribed annual registration fee. The law also exempts vehicles that display these specially designed license plates from the payment of parking fees. The purpose of this act is to expand eligibility under the law to veterans with a 40 percent service-connected disability due to the amputation of a lower extremity. The act also provides that a vehicle registered under the law is covered by the special parking regulations only when it is being operated by or for the transportation of a disabled veteran.

SENATE BILL 14 SENATE AUTHOR: Doggett
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Delco

The act expands previous law relating to parking privileges for the disabled. It instructs the State Department of Highways and Public Transportation to provide temporarily disabled persons with identification cards for a fee of $5 and expands the definition of "disabled". The department is further instructed to design a nonmovable sign for designating parking spaces reserved for the temporarily or permanently disabled. The signs will include a warning to unauthorized vehicles that use of reserved parking by persons not disabled is an offense punishable by a fine of not less than $50 nor more than $200.

SENATE BILL 1061 SENATE AUTHOR: Kothmann
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Terral Smith

The act requires the Department of Highways and Public Transportation to set a minimum width requirement for parking spaces specifically designated for the disabled.

Miscellaneous

HOUSE BILL 278 HOUSE AUTHOR: Watson
EFFECTIVE: 9-1-81 SENATE SPONSOR: Williams

The act amends the Uniform Act Regulating Traffic on Highways relating to the operation of a vehicle marked as a school bus. Under the act a person may not operate a motor vehicle bearing the words "school bus" unless the vehicle is used primarily to transport persons to or from school or in connection with school activities. In this act "school" means a privately or publicly

supported elementary or secondary school, day-care center, preschool, or institution of higher education and includes a church if engaged in formal education.

HOUSE BILL 388 HOUSE AUTHOR: Henderson
EFFECTIVE: 9-1-81 SENATE SPONSOR: Ogg

Prior law provided that commercial motor vehicles that were issued temporary permits to use Texas public roads were exempt from safety inspection requirements. This act requires such vehicles to be subject to safety inspections, with the exception of vehicles currently registered in another state or in a province of Canada and with the exception of mobile drilling and servicing equipment used in the production of gas and crude oil.

HOUSE BILL 448 HOUSE AUTHOR: Gerald Hill
EFFECTIVE: 9-1-81 SENATE SPONSOR: Glasgow

Texas law requires that all commercial motor vehicles and truck-tractors that are operated under a lease, memorandum, or agreement file a copy of the instrument with the Department of Public Safety. This act extends from 5 to 15 days the time limit for receiving acknowledgement of the filing from the Department of Public Safety.

HOUSE BILL 599 HOUSE AUTHOR: Lanny Hall
EFFECTIVE: 9-1-81 SENATE SPONSOR: Caperton

Current law requires that each motor bus or motor carrier authorized to operate intrastate in Texas by the Railroad Commission must have a metal identification plate affixed to the front of the vehicle. The purpose of this act is to simplify and standardize identification of these vehicles by eliminating the requirement for the metal plates. Instead, motor carriers will be issued cab cards by the Railroad Commission to be placed in the cab of each motor vehicle and identifying information will be displayed in a conspicuous place on either side of the power unit of each vehicle. Information displayed shall include the name of the carrier, the unit number of the vehicle, and the number of the certificate or permit authorizing service.

HOUSE BILL 790 HOUSE AUTHOR: Fox
EFFECTIVE: 8-31-81 SENATE SPONSOR: Travis

The act provides the exemptions under which an emergency vehicle that is used for law enforcement purposes may operate without using emergency warning devices.

HOUSE BILL 791 HOUSE AUTHOR: Pierce
EFFECTIVE: 8-31-81 SENATE SPONSOR: Caperton

The act amends the Texas Abandoned Motor Vehicle Act to provide safeguards for owners and lien holders of abandoned or unauthorized vehicles that have been taken into custody by private parties. The amendments include changes in the notice requirements for removal, the allowable fees for towing, storage, and notice, and the documentation requirements for demolishers and salvage dealers.

HOUSE BILL 917 HOUSE AUTHOR: Polk
EFFECTIVE: 1-1-82 SENATE SPONSOR: Harris

The act clarifies existing law as it applies to the motor vehicle sales and use tax on interstate motor vehicles operated by motor carriers that are residents or are domiciled or doing business in this state. The bill provides for payment of the motor vehicle sales and use tax by interstate motor vehicles on an apportioned basis.

HOUSE BILL 1044 HOUSE AUTHOR: Evans
EFFECTIVE: 8-31-81 SENATE SPONSOR: Mauzy

The act repeals obsolete requirements regarding speeding arrests.

HOUSE BILL 1162 HOUSE AUTHOR: Hackney
EFFECTIVE: 8-31-81 SENATE SPONSOR: Ogg

The act amends the provision of the Uniform Act Regulating Traffic on Highways pertaining to the disposition of revenue from certain fines for speeding violations on interstate highways. Under the act municipal courts of any municipality having a population of 5,000 or more inhabitants are no longer required to remit to the state treasurer any portion of a fine assessed and collected which exceeds $2 times the number of miles per hour by which the offender exceeded the posted speed limit.

HOUSE BILL 1521 HOUSE AUTHOR: Browder
EFFECTIVE: 9-1-81 SENATE SPONSOR: Parker

The Department of Public Safety is authorized to issue personal identification cards, such as handicapped or health condition certificates. This act provides penalties for the misuse of personal identification cards in order to bring these documents into compliance with the laws governing drivers' licenses.

HOUSE BILL 1604 HOUSE AUTHOR: Terral Smith
EFFECTIVE: 9-1-81 SENATE SPONSOR: Richards

The act sets forth the circumstances when a motorist may operate a vehicle on a paved highway shoulder and may stop or leave a vehicle on the main-traveled portion of a highway outside a business or residential district.

HOUSE BILL 2078 HOUSE AUTHOR: Jackson
EFFECTIVE: 6-16-81 SENATE SPONSOR: Harris

The act amends the law that allows certain cities to acquire and operate off-street parking facilities. Under the act, cities of 650,000 or more inhabitants are authorized to acquire or contract for additional transportation facilities such as terminals, stations, and related properties for use by the general public or business. The act also permits cities to sell or lease the unneeded subsurface and air rights of such facilities.

SENATE BILL 151 SENATE AUTHOR: Farabee, et al.
EFFECTIVE: 3-11-81 HOUSE SPONSOR: Heatly

The act provides a formula for the distribution of the county and road district highway fund collected by the comptroller. County use of funds distributed by the state treasurer is limited to specific purposes under the act. The State Highway and Public Transportation Commission is directed to provide technical assistance when requested. The cost of this assistance shall be paid by the county.

SENATE BILL 282 SENATE AUTHOR: Mengden
EFFECTIVE: 5-13-81 HOUSE SPONSOR: Nowlin

The act amends existing law to clearly state that van-pooling and other ride-sharing arrangements are not "motor bus companies" and are not subject to Railroad Commission regulations. The purpose of the act was to encourage companies to sponsor such programs for their employees on a nonprofit basis.

SENATE BILL 536 SENATE AUTHOR: Farabee, et al.
EFFECTIVE: 9-1-81 HOUSE SPONSOR: Browder

The act adopts the Nonresident Violator Compact of 1977. The purpose of the compact is to provide a means through which governments may participate in a reciprocal program to ensure compliance in one jurisdiction with the terms of a traffic citation issued in another jurisdiction. The compact is designed to provide fair and impartial treatment of traffic violators operating within participating jurisdictions.

SENATE BILL 955 SENATE AUTHOR: Harris
EFFECTIVE: 1-1-82 HOUSE SPONSOR: Uher

The act amends existing law to remove duplications, discrepancies, and contradictions and to simplify the language in the vehicle inspection law. The act will save the Department of Public Safety considerable expense and enable the department to administer the act in a more expeditious manner.

SENATE BILL 1084 SENATE AUTHOR: Uribe
EFFECTIVE: 8-31-81 HOUSE SPONSOR: Nabers

The act allows the State Board of Pharmacy to exclude its vehicles from statutory provisions requiring a specific inscription on state vehicles.

Legislation relating to transportation authorities is summarized in the chapter entitled Government--Special Districts.

WATER

Although the bulk of legislation relating to water that was enacted by the 67th Legislature concerned creation and operation of water districts, there were four acts that made numerous changes in the general water laws of the state.

The Committee on Natural Resources of the House of Representatives, in its interim report to the 67th Legislature, made a number of recommendations regarding amendment of the Water Code. Those recommendations, as revised during the course of the session, formed the basis for two major pieces of water legislation. House Bill 1316 consists of various "housekeeping" amendments related to the state water agencies, while House Bill 1349 incorporates needed substantive changes into the law.

HOUSE BILL 1316 HOUSE AUTHOR: Craddick
EFFECTIVE: 6-10-81 SENATE SPONSOR: Howard

In 1977, legislation was enacted that completely realigned the structure of the state's major water agencies and incorporated these agencies into a single agency known as the Texas Department of Water Resources. The department was divided into three subparts, with the Texas Water Development Board to exercise the legislative-type functions, the executive director to exercise the executive-type functions, and the Texas Water Commission to exercise the judicial-type functions. Since the adoption of that original legislation, further study and experience has revealed the necessity to transfer some responsibilities among these three divisions so that the intent of the reorganization can be more efficiently accomplished. H.B. 1316 incorporates these adjustments through amendments to various sections of the Water Code. This act also makes some changes to sections of the Water Code having to do with various activities related to the administration of water resources in Texas to clarify meanings of the statutes and to make needed changes in procedures.

HOUSE BILL 1349 HOUSE AUTHOR: Craddick
EFFECTIVE: 6-17-81 SENATE SPONSOR: Howard

This act makes several substantive changes in the Water Code. It transfers some of the responsibilities of the Texas Water Commission under water rights adjudication procedures to the water development board to be exercised under its general rulemaking authority. Penalties for illegal appropriations and diversions of state water and for violations of rules, orders, permits, certified

filings, and certificates of adjudication are increased from not more than $100 a day to not more than $1,000 a day for each day the violation continues. The Texas Water Commission is authorized to issue, when necessary, emergency orders relating to dam safety. Several changes are made with regard to the operation of the water development bond program and its funds. Various requirements relating to water district projects and improvements and procedures of some water districts are changed. Changes are also made in fee provisions, some water quality control procedures, and other provisions of the Water Code.

HOUSE BILL 932 HOUSE AUTHOR: Henderson
EFFECTIVE: 8-31-81 SENATE SPONSOR: Brown

This act allows appropriators of state water to place pipelines along or across roads and highways. Previous law covered only the construction of ditches and canals. The appropriator must now secure from the owner of the road or highway advance approval of construction plans for any of these improvements.

SENATE BILL 221 SENATE AUTHOR: Traeger
EFFECTIVE: 5-13-81 HOUSE SPONSOR: McBee

Under S.B. 221, the Texas Water Commission may authorize a watermaster to provide for temporary diversion and use by holders of water rights of storm water or floodwater that spills from dams and reservoirs in the Rio Grande Basin and that would otherwise flow unused into the Gulf of Mexico. The commission must give notice to holders of water rights and conduct hearings prior to issuing an order giving this authority to the watermaster, and the commission must not discriminate between holders of water rights.

Summaries of legislation relating to specific water districts may be found in the chapter entitled Government--Special Districts.

APPENDIX

LIST OF VETOED LEGISLATION

Senate Bill 12 relates to payment of court-appointed counsel by a county in certain criminal proceedings and by the state in capital cases (by Short; Lewis).

Senate Bill 297 relates to persons classified as peace officers (by Williams, et al.; Green).

Senate Bill 555 relates to interest rates on judgments (by Mauzy; Florence).

Senate Bill 800 relates to the apportionment of the state into senatorial districts (by Ogg; Von Dohlen).

Senate Bill 836 relates to the effect of certain convictions when probation is granted (by Caperton, et al.; Bush).

Senate Bill 859 relates to the date on which the terms of office expire for members of the board of regents of The University of Texas System and The Texas A&M University System (by Doggett, et al.; Nabers).

House Bill 273 relates to validation of municipal annexations and other governmental acts and proceedings (by Watson; Mengden).

House Bill 675 relates to the protection of nutria and to the taking of nutria pelts (by Watson; Parker).

House Bill 692 relates to the taking and possession of catfish and to catch limits for striped bass (by Browder; Santiesteban).

House Bill 738 relates to creation of offenses relating to the sale of tickets to athletic or entertainment events (by Bryant; Brooks).

House Bill 761 relates to eligibility for promotions, certain transfers, and participation in retirement or pension funds and civil service status of certain peace officers assigned to departments other than the police department (by Green; Brooks).

House Bill 769 relates to group health insurance or certain other forms of health care benefits for public school employees or retirees (by Atkinson, et al.; Traeger).

House Bill 805 relates to the days on which emergency elections ordered by the governor may be held and the content of an emergency election proclamation (by Colbert; Brooks).

House Bill 1054 relates to transferring the authority to issue permits to manufacture industrial alcohol from the Alcoholic Beverage Commission to the Railroad Commission (by Coody; Santiesteban).

House Bill 1115 relates to the establishment and operation of a grievance procedure for police officers in certain cities (by Washington; Ogg).

House Bill 1143 relates to the administration and financing of a program to provide representation by counsel and transcription services for indigent defendants in criminal cases (by Cain;

Mauzy).

House Bill 1550 relates to the registration of brands and marks (by Patterson; Traeger).

House Bill 1555 relates to notice requirements of, violations of, and the requirement to keep minutes under the open meetings law (by Adkisson; Parker).

House Bill 1616 relates to operating a motor vehicle, trailer, or semitrailer with expired registration (by Barrientos; Uribe).

House Bill 1657 relates to suspension of sentences in certain misdemeanor cases, authorizing the court to impose conditions and authorizing a special expense (by Gerald Hill; Santiesteban).

House Bill 1705 relates to the reinstatement or extension of the terms of restrictive covenants applicable to certain residential real estate subdivisions (by Colbert, et al.; Farabee).

House Bill 1851 relates to the powers of the Arroyo Colorado Navigation District of Cameron and Willacy Counties and renaming the district as the Port of Harlingen Authority (by Don Lee; Uribe).

House Bill 1905 relates to credit in the Employees Retirement System of Texas for certain federal service (by Gerald Hill; Traeger).

House Bill 2119 relates to joint elections held by incorporated cities and towns and school districts (by Elizondo; Vale).

House Bill 2123 relates to the rules of practice and procedure of the State Banking Board and to certain contributions to members of the State Banking Board and the State Depository Board (by Brookshire; John Wilson).

House Bill 2158 relates to the creation of the County Court at Law of Brown County (by Nabers; Grant Jones).

House Bill 2199 relates to the composition, function, and authority of the Antiquities Committee and the regulation of activities that affect certain submerged archeological landmarks (by Ashley Smith; Ogg).

Various line items in House Bill 656, General Appropriations Act, were vetoed by the governor.

NOTE: The first name in parentheses is the bill's author. The second name indicates the bill's sponsor in the other house.

PROPOSED CONSTITUTIONAL AMENDMENTS

For Election on November 3, 1981

HOUSE JOINT RESOLUTION 38
HOUSE AUTHOR: Simpson
SENATE SPONSOR: Jones

This proposed amendment would permit the legislature, by statute or appropriations act rider, to authorize a state finance management committee to manage the expenditure of appropriated funds. Funds constitutionally dedicated to a specific purpose are excluded from the purview of the committee. The seven-member committee would be composed of the governor, who serves as chairman; the lieutenant governor, who serves as vice-chairman; the speaker of the house of representatives; the chairman of the senate committee having jurisdiction over appropriations; the chairman of the senate state affairs committee; the chairman of the committee of the house of representatives having jurisdiction over appropriations; and the chairman of the house of representatives ways and means committee.

HOUSE JOINT RESOLUTION 49
HOUSE AUTHOR: McBee, et al.
SENATE SPONSOR: Farabee

This proposal would amend Article VIII, Section 19, of the Texas Constitution to exempt from taxation livestock and poultry held by the producer.

HOUSE JOINT RESOLUTION 81
HOUSE AUTHOR: Jackson, et al.
SENATE SPONSOR: Harris

The resolution proposes an amendment that would allow political subdivisions to provide property tax relief for owners of residence homesteads by exempting a percentage of the market value of residence homesteads from ad valorem taxation. This percentage could be as much as 40 percent for 1982 through 1984, 30 percent for 1985 through 1987, and 20 percent for 1988 and each year thereafter. This provision, if approved by the voters, would take effect on January 1, 1982.

The proposed amendment also would change the content of the notice of reappraisal required by the "Truth in Taxation" provision (Art. VIII, Sec. 21).

HOUSE JOINT RESOLUTION 117
HOUSE AUTHOR: Senfronia Thompson, et al.
SENATE SPONSOR: Caperton

It has been determined that there are parcels of public free school land that, although purchased in good faith and held by individuals under apparently good title, were never officially transferred from the state. This amendment would allow the state to divest itself of title to this land by authorizing the commissioner of the General Land Office to issue patents for those parcels that have been held in good faith for at least 50 years as of November 15, 1981.

During the 1st called session, the legislature passed three joint resolutions proposing constitutional amendments for voter consideration at the November 3, 1981, election. Summaries of these resolutions are in the last section of this book, which presents enactments of the called session.

For Election on November 2, 1982

HOUSE JOINT RESOLUTION 62
HOUSE AUTHOR: Washington
SENATE SPONSOR: Brooks

Article III, Section 51-a, of the Texas Constitution authorizes the legislature to provide assistance grants and medical care for needy persons, provided that the total amount of state funds for such assistance payments shall not exceed $80 million during any fiscal year. This proposed revision of Section 51-a would remove that annual limit and substitute an amount equal to one percent of the state budget as the limit during a biennium on assistance payments authorized by the section. The new limit would apply initially to the fiscal biennium beginning September 1, 1983.

HOUSE JOINT RESOLUTION 77
HOUSE AUTHOR: Burnett
SENATE SPONSOR: Snelson

Article XVI, Section 30, of the Texas Constitution provides that the duration of all offices not otherwise fixed by the constitution shall not exceed two years. This amendment would authorize the legislature to provide terms not to exceed four years for members of governing boards of certain water districts and conservation and reclamation districts.

HOUSE JOINT RESOLUTION 119
HOUSE AUTHOR: Nowlin, et al.
SENATE SPONSOR: Andujar

This amendment would provide a procedure to abolish the office of county treasurer in Tarrant and Bee counties. If the amendment is ratified by the state's voters, a local election may be held after January 1, 1983, in Tarrant and Bee counties for the voters to consider the proposition "to abolish the elective office of county treasurer." The office would be abolished and its powers, duties, and functions would be transferred to the county auditor in the county where the proposition is approved by a majority of the voters.

RESOLUTIONS AUTHORIZING INTERIM RESEARCH

Interim Studies by House or Senate Committees

HOUSE RESOLUTION 192

Author: Watson
Subject: Redfish and speckled sea trout in Texas coastal waters
Committee: A special committee composed of nine members of the house shall be appointed by the speaker of the house.
Duties: The committee shall study problems relating to reports of declining numbers of redfish and speckled sea trout in Texas coastal waters and determine the reasons for the wide variance between the statistics relating to Texas redfish and speckled sea trout released by the Texas Parks and Wildlife Department and those released by federal and independent studies.

HOUSE RESOLUTION 247

Author: Rudd
Subject: State administration of higher education
Committee: The House Special Committee on Higher Education Administration will be composed of three citizen members and three members of the house of representatives, all to be appointed by the speaker of the house.
Duties: The committee shall study state administration of higher education.

HOUSE RESOLUTION 268

Author: Messer
Subject: A natural history museum state park
Committee: House Committee on Environmental Affairs
Duties: The committee shall study the feasibility of creating a natural history museum state park.

HOUSE RESOLUTION 349

Author: Terral Smith
Subject: Advocacy programs for handicapped persons
Committee: House Committee on Human Resources
Duties: The committee shall study the feasibility of advocacy services in state-supported programs and institutions.

SENATE RESOLUTION 450

Author: Mengden, et al.
Subject: Redfish and speckled sea trout in Texas coastal waters
Committee: Senate Committee on Natural Resources
Duties: The committee shall study problems relating to reports of declining numbers of redfish and speckled sea trout in Texas coastal waters and determine the reasons for the wide variance between the statistics relating to Texas redfish and speckled sea trout released by the Texas Parks and Wildlife Department and those released by federal and independent studies.

SENATE RESOLUTION 565

Author: Caperton
Subject: The codification of the Texas rules of evidence
Committee: A special interim committee composed of three members of the senate shall be appointed by the lieutenant governor.
Duties: The committee, in conjunction with the Supreme Court of Texas, the Texas Judicial Council, and the Committee on Administration of Justice of the State Bar of Texas, shall study the codification of the Texas rules of evidence.

SENATE RESOLUTION 627

Author: Sarpalius
Subject: Agriculture-related issues
Committee: Senate Committee on Natural Resources
Duties: The committee shall (1) investigate recent grain elevator explosions in Texas and suggest means to reduce the likelihood that such catastrophes will recur; (2) study the issue of bonding or recovery funds associated with grain elevator storage to ensure commodity producers against possible economic loss; (3) examine the adequacy and timeliness of publicly funded agricultural research and development programs; (4) explore the issue of agricultural labor with respect to labor availability and labor relations; (5) study the transportation of agricultural commodities and analyze the effect that transportation rates have upon agricultural profitability; (6) examine any problems relating to the enabling legislation and administration of the Family Farm and Ranch Security Program; and (7) review the measures that the state has taken to guarantee that farmers are assured sufficient supplies of water for their crops and livestock.

SENATE RESOLUTION 642

Author: Doggett, et al.
Subject: Problems caused by location of state-owned facilities in or near municipalities
Committee: A special interim committee composed of five members of the senate shall be appointed by the lieutenant governor.
Duties: The committee shall study the particular financial and planning problems of municipalities that have state-owned facilities and property within their corporate limits or that may be located so near a state-owned facility that the municipality is likely to be adversely affected from the location of the facility.

SENATE RESOLUTION 649

Author: Sarpalius, et al.
Subject: Texas' possible participation in the Quad State Project, a cooperative multistate effort to combat illegal narcotics traffic
Committee: The Senate Interim Committee on Quad State Project Participation shall be composed of three members of the senate, one county sheriff, and one municipal police official, all to be appointed by the lieutenant governor.
Duties: The committee shall study the issue of Texas' possible participation in the Quad State Project, considering the issue of funding and any alternative approaches to controlling the flow of illegal narcotics.

SENATE RESOLUTION 656

Author: Andujar
Subject: Sexually transmitted diseases
Committee: Senate Subcommittee on Public Health and Welfare
Duties: The committee shall study the problems of sexually transmitted diseases in the State of Texas by examining the nature and extent of this health problem, the current program activities and resources in communities, and resources available to the Texas Venereal Disease Control Program. It shall also provide the groundwork for needed health planning related to a statewide prevention and control program for sexually transmitted diseases and provide for the establishment of uniform statewide policies and guidelines for the prevention and management of sexually transmitted diseases.

SENATE RESOLUTION 657

Author: Brooks
Subject: Human service programs
Committee: Senate Committee on Human Resources
Duties: The committee shall conduct the necessary interim studies and evaluations of human service programs to determine the appropriate role of the agencies involved and the effect on citizens receiving services from these programs.

SENATE RESOLUTION 675

Author: Leedom
Subject: State agency fees, charges, federal grant funds, and earned federal funds
Committee: The Senate Committee on Fees and Grants shall be composed of 10 members: four persons, at least two of whom are senators, to be appointed by the lieutenant governor; two citizen members, to be appointed by the governor; one staff member of the Legislative Budget Board, to be designated by the board's director; one staff member from the state auditor's office, to be designated by the state auditor; one staff member from the comptroller's office, to be designated by the comptroller of public accounts; and one staff member from the governor's budget office, to be designated by the governor.
Duties: The committee shall study state agency fees, charges, federal grant funds, and earned federal funds by (1) determining the state agencies, departments, and commissions that have fees or charges for public services; (2) compiling the dates of the last changes in the amounts of the fees and the cost components that determine the fees; (3) studying the statutory authority for these fees and identifying steps necessary to make any changes that are recommended; (4) working with each agency, department, and commission involved to recommend any needed changes; and (5) determining the amounts, purposes, and possible disposition of any federal grant funds or earned federal funds that are unexpended.

SENATE RESOLUTION 719

Author: Santiesteban
Subject: Water and energy
Committee: Senate Committee on Natural Resources
Duties: The committee shall study (1) water issues relating to ground water supplies across the state; (2) legislative alternatives for encouragement of renewable energy resources; (3) safety and enforcement of the newly enacted nuclear and industrial

waste disposal law; (4) the implementation of a study on navigation safety and the need for a maritime fish management program along the Texas coast; and (5) the conflict of interest between coastal home-rule cities and offshore oil interests regarding the issue of annexation.

SENATE RESOLUTION 720

Author: Mauzy
Subject: Texas Open Records Act
Committee: Senate Jurisprudence Committee
Duties: The committee shall initiate a study of the application and implementation of the Texas Open Records Act. The committee shall request the L. B. J. School of Public Affairs to conduct the study in the form of a policy research project and request the Texas Advisory Commission on Intergovernmental Relations to provide research support.

SENATE RESOLUTION 721

Author: Mauzy
Subject: Railroad crossings
Committee: Senate Jurisprudence Committee
Duties: The committee shall study railroad crossings in Texas with special emphasis on methods for improving safety at crossings and the need for state inspections of rails and rail equipment.

SENATE RESOLUTION 723

Author: Mauzy
Subject: Texas workers' compensation laws
Committee: Senate Jurisprudence Committee
Duties: The committee shall initiate a study of the Texas workers' compensation laws.

SENATE RESOLUTION 764

Author: Brooks
Subject: Human services issues
Committee: Senate Committee on Human Resources
Duties: The committee shall (1) study family violence in Texas; (2) investigate the health-care needs of the medically indigent population of Texas and persons living in medically underserved areas of the state; (3) study the low-functioning rubella

population of Texas; (4) study standards for school health care services and for staffing of school health programs; (5) conduct a follow-up study on the modification of state agency regulations relating to the licensure of community-based facilities treating autism and other serious behavioral disorders; (6) monitor the system of Intermediate Care Facilities for the Mentally Retarded (ICF-MR) and the state's involvement in and regulation of the program; and (7) monitor the development and implementation of the continuum of care for elderly and disabled Texans and the client needs assessment system.

SENATE RESOLUTION 773

Author: Brooks
Subject: Dental laboratories and dental lab technicians, allied health professionals, and the Public Utility Commission
Committee: Senate Subcommittee on Consumer Affairs
Duties: The subcommittee shall study the following issues: (1) the regulation of dental laboratories and dental lab technicians by the Board of Dental Examiners; (2) the distribution and utilization of allied health professionals in the state; (3) the continuing operation of the Public Utility Commission; and (4) other significant issues affecting Texas consumers.

SENATE RESOLUTION 774

Author: Farabee
Subject: Homestead exemption provision of the constitution
Committee: Senate Committee on State Affairs
Duties: The committee shall study the advisability of changing the homestead exemption provision of the constitution to allow a homeowner to negotiate for a loan secured by an encumbrance on his homestead.

SENATE RESOLUTION 791

Author: Traeger
Subject: Investor-owned water and sewer utility companies
Committee: Senate Committee on Intergovernmental Relations
Duties: The committee shall study investor-owned water and sewer utility companies and assess the problems from the regulation of the companies by municipalities and by the Public Utility Commission as well as examining the following issues: (1) financing for construction of facilities; (2) financing of long-term debts; (3) contributed property; and (4) depreciation.

SENATE RESOLUTION 807

Author: Ogg
Subject: Legislative and congressional redistricting plans
Committee: The lieutenant governor is authorized to designate an existing committee or appoint a new committee of no fewer than five senators to function as an oversight committee.
Duties: The committee shall assist the Texas Legislative Council, secretary of state, and attorney general in redistricting matters and actively participate in the preparation and submission of and challenges to legislative and congressional redistricting plans.

SENATE RESOLUTION 810

Author: Ogg
Subject: Disaster response
Committee: The Senate Interim Committee to Study the Texas Disaster Act shall be composed of three members of the senate to be appointed by the lieutenant governor.
Duties: The committee shall study disaster response.

SENATE RESOLUTION 811

Author: Farabee
Subject: Public retirement systems in Texas
Committee: Senate Committee on State Affairs (The lieutenant governor may appoint one senator who is not a member of the committee and four members of the general public to participate in the study.)
Duties: The committee shall study the public retirement systems in Texas, including an evaluation of the actuarial soundness of the major public retirement systems and the preparation of a reference manual of basic information on public systems in Texas for the use of the legislature.

Interim Studies by Joint Committees

SENATE CONCURRENT RESOLUTION 35

Senate Author: Parker
House Sponsor: Washington
Subject: State services for persons with diabetes
Committee: The Special Committee on Diabetes Services in Texas shall be composed of eight members: two members of the senate to

be appointed by the lieutenant governor; two members of the house of representatives to be appointed by the speaker of the house; and four members to be appointed by the governor and to include one representative of the Juvenile Diabetes Association, one representative of the American Diabetes Association, Texas Affiliates, one representative of the medical community with expertise relating to diabetes, and one consumer member interested in and committed to diabetes services.
Duties: The committee shall study state services for persons with diabetes.

SENATE CONCURRENT RESOLUTION 100

Senate Author: Brooks
House Sponsor: Gonzales
Subject: The needs of autistic citizens
Committee: The Joint Committee to Study the Needs of Autistic Citizens shall be composed of 10 members: two members of the senate to be appointed by the lieutenant governor; two members of the house of representatives to be appointed by the speaker of the house; and six citizens to be appointed by the governor and to include at least two professionals who deal with autistic children.
Duties: The committee shall study the needs of autistic citizens, consider alternative noninstitutional environments which have proven effective in other states, evaluate the appropriateness of existing institutional environmental programs for autistic clients in Texas, examine the current lack of specialized developmental counseling for parents and foster parents of children with autism, and review the need for additional specialized in-service and undergraduate teacher training in autism and other behavioral disorders.

HOUSE CONCURRENT RESOLUTION 119

House Author: Laney, et al.
Senate Sponsor: Sarpalius
Subject: Crime in Texas
Committee: The Special Interim Committee on the Criminal Justice System of Texas shall be composed of the following members: the governor; the lieutenant governor; the speaker of the house of representatives; the chairman of the Senate Jurisprudence Committee; the chairman of the House Committee on Criminal Jurisprudence; two additional members of the house of representatives to be appointed by the speaker of the house; and two additional senators to be appointed by the lieutenant governor. The governor, lieutenant governor, and speaker of the house may

each appoint one or two additional members to the committee.
Duties: The committee shall study the problem of crime in the state by (1) examining the specific role of each state agency in the criminal justice system and determining methods of coordination of services; (2) identifying any instances of duplication of services that can be prevented and offering suggestions for the avoidance of such duplication; (3) identifying any areas within the system in which state and local funds can be used more prudently and with greater effectiveness; (4) identifying groups of offenders that need special services not currently being provided and determining means of providing those services; (5) examining alternatives to incarceration, such as restitution, and developing new programs for the implementation of those alternatives; (6) examining the education programs of our schools to determine ways of deterring crime; and (7) seeking methods and determining strategies for crime prevention. The committee may appoint an advisory board.

HOUSE CONCURRENT RESOLUTION 199

House Author: Gary Thompson
Senate Sponsor: Traeger
Subject: Intergovernmental and intrastate regional cooperation
Committee: The Special Committee on Regional Intergovernmental Cooperation shall be composed of 15 members: five members shall be appointed by the speaker of the house, three of whom shall be members of the Texas House of Representatives and two of whom shall have had experience serving as a member of the governing body of a regional planning commission; five members shall be appointed by the lieutenant governor, three of whom shall be members of the Texas Senate and two of whom shall have had experience serving as a member of the governing body of a regional planning commission; and five members shall be appointed by the governor, two of whom shall have had experience serving as a member of the governing body of a regional planning commission.
Duties: The committee shall examine Article 1011m, V.T.C.S., to determine ways to make it and intrastate regional cooperation more viable during the 1980's and shall study available revenue sources for financing regional services and planning that will produce both immediate and future savings in public expenditures.

Interim Studies by Agencies or Advisory Committees

HOUSE CONCURRENT RESOLUTION 23

House Author: Adkisson
Senate Sponsor: Jones
Subject: Comprehensive state vocational education program
Agency: An entity selected by the State Board of Education with no affiliation with the state vocational-occupational enterprise system
Duties: The entity shall study the feasibility of a comprehensive state occupational education program, addressing the following issues: (1) the development of a single nonduplicative and articulated state system for all public vocational-occupational training; (2) the determination of the most appropriate age levels for the various kinds of vocational-occupational skill training; (3) the development of a state system based upon actual and projected needs of a statewide job market; and (4) the implementation of a state system that makes an appropriate range of vocational-occupational training opportunities readily available to every student in the state.

HOUSE CONCURRENT RESOLUTION 208

Author: Washington
Subject: Respite care programs for pressured families with children
Agency: Texas Department of Human Resources
Duties: The department is requested to study the feasibility of respite care programs for pressured families with children.

SENATE RESOLUTION 744

Author: Mauzy
Subject: State certification of court interpreters for bilingual proceedings
Agency: Office of Court Administration of the Texas Judicial System
Duties: The office is directed to investigate the feasibility of providing state certification of court interpreters for bilingual proceedings and to maintain a list of bilingual interpreters certified under Public Law 95-539.

OTHER SELECTED RESOLUTIONS

House Concurrent Resolution 21 (Turner, et al.; Caperton) directs the Texas Department of Health to suspend the licensing of new commercial radioactive waste management sites until the effective date of new regulatory legislation.

House Concurrent Resolution 36 (Coleman; Santiesteban) expresses support for a federal grant to construct a solar repowering facility at El Paso's Newman Station Power Plant.

House Concurrent Resolution 82 (Cofer; Brooks) offers the cooperation of this state to the city of Atlanta, Georgia, in the investigation of the disappearances and murders of children of that city.

House Concurrent Resolution 90 (Sharp; John Wilson) requests the Texas Historical Commission to authorize a historical marker at the grave site of Sidney Roper Weisiger.

House Concurrent Resolution 105 (Blanton; Snelson) declares a state policy regarding the fine arts in Texas.

House Concurrent Resolution 125 (Wieting; Caperton) expresses legislative sentiment that the daily school attendance count include any student excused from attendance for certain 4-H activities.

House Concurrent Resolution 138 (Criss; Parker) calls for refinement and broader implementation of the model hurricane evacuation plan.

House Concurrent Resolution 147 (Uher) directs the Texas State Library and Archives Commission to prepare a display in the Capitol honoring Texans who have received the Congressional Medal of Honor.

House Concurrent Resolution 156 (Billy Hall) memorializes congress to repeal certain sections of the Powerplant and Industrial Fuel Use Act of 1978 that restrict the use of natural gas.

House Concurrent Resolution 185 (Florence; Snelson) directs the board of regents of The University of Texas System to consider acquiring, through exchange, land in Presidio and Brewster counties known as the Big Bend Ranch.

House Concurrent Resolution 192 (Green; Williams) expresses support for proposed new air service in the state by Pan American World Airways, American Airlines, and Braniff International Airlines.

House Concurrent Resolution 209 (Washington; Brooks) directs the Texas Department of Human Resources to devote special attention to the cases of hard-to-place children in its care, custody, or conservatorship.

House Concurrent Resolution 219 (Elizondo; Vale) requests the Texas Department of Health to contract with The University of Texas System to conduct research necessary for the implementation of S.B. 779, which requires certain glue and aerosol paint to contain additives that discourage the inhalation of toxic fumes.

Senate Concurrent Resolution 5 (Traeger; Blythe) declares legislative policy regarding benefit increases by public retirement systems.

Senate Concurrent Resolution 6 (Mengden; Cockerham) directs all agencies of state government to adopt plain language policies that will encourage the use of clear, concise, nontechnical language in rules, memoranda, pamphlets, contracts, letters, and forms.

Senate Concurrent Resolution 25 (Mengden; Wright) endorses the efforts and aims of the Coalition for Peace Through Strength.

Senate Concurrent Resolution 27 (Glasgow) encourages the Merit System Council to continue to develop and implement affirmative action programs for disabled persons.

Senate Concurrent Resolution 29 (Glasgow; Polk) encourages the Texas Real Estate Commission to continue to support the efforts of local boards of realtors to make available a comprehensive list of homes for sale that are determined to be barrier free for handicapped persons.

Senate Concurrent Resolution 37 (Blake; Henderson) directs the State Department of Highways and Public Transportation to issue "State Official" license plates to certain state officials.

Senate Concurrent Resolution 44 (Brooks; Ron Wilson) endorses the national goals of the United States Council for the International Year of Disabled Persons.

Senate Concurrent Resolution 53 (Sarpalius) requests congress not to adopt the split-basing mode for the deployment of the M-X missile system.

Senate Concurrent Resolution 54 (McKnight; Henderson) directs that the State Highway Building in Austin be designated as the Dewitt C. Greer State Highway Building.

Senate Concurrent Resolution 61 (Brown; Pennington) directs the State Highway and Public Transportation Commission to give priority in the expenditure of funds for construction that will facilitate the evacuation of Gulf Coast residents in the event of future hurricanes or other major storms.

NOTE: The first name in parenthesis is the resolution's author. A second name indicates the resolution's sponsor in the other house.

STATE AGENCIES AND ADVISORY BOARDS, ABOLISHED AND CREATED

Bill numbers all refer to the regular session. Where there is no bill number, the agency expired automatically under the Sunset Act without passage of legislation. Revised termination dates are listed, if applicable, for new and continued agencies and advisory bodies. Codes for the second column are as follows:

- X Abolished
- C Created
- RX Replaced by a new agency or advisory body (i.e., replacement, reorganization, or name change)
- RC Replaces a previous agency or advisory body
- T Termination date change, other than by sunset renewal

Bill	Change	Agency	Termination Date Sunset	Termination Date Other
HB3	C	Public Servant Standards of Conduct Advisory Committee		1983
HB36	RX	Disaster Emergency Services Council		
	RC	Emergency Management Council		
	RX	Division of Disaster Emergency Services		
	RC	Division of Emergency Management		
HB246	X	Crime and Narcotics Advisory Commission		
HB416	T	Commission on Law Enforcement Officer Standards and Education	1983	
HB478	X	Fleet Admiral Chester W. Nimitz Memorial Naval Museum Commission		
HB649	RX	Texas Prosecutors Coordinating Council		
	RC	Prosecutor Council	1985	
HB1112	RX	Governor's Committee on Aging		

	RC	Texas Board on Aging	1985	
	RC	Texas Department on Aging	1985	
	RX	Governor's Citizens Advisory Council		
	RC	Citizens Advisory Council	1985	
HB1345	RX	Texas Committee on Purchases of Blind-Made Products and Services		
	RC	Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons	1983	
HB1463	C	Automated Information Systems Advisory Council	1993	
HB1681	C	Crime Stoppers Advisory Council	1993	
HB1687	C	FIRST (Faculty Information and Research Service for Texas) Committee	1993	
HB1704	C	Texas Juvenile Probation Commission		1991
	C	Texas Advisory Council on Juvenile Services		1991
HB1986	C	Texas Sesquicentennial Museum Board		1987
HB2278	C	Advisory Planning Council (to the State Purchasing and General Services Commission)	1991	
HB2289	T	Texas Closeup Board		1985
	T	Texas Closeup Advisory Council		1985
SB85	X	Texas Commission on Services to Children and Youth		
SB305	RX	State Manpower Services Council		
	RC	State Employment Training Council		
SB335	X	Dental Laboratory Advisory Board		

SB337	X	State Board of Library Examiners	
SB514	C	Battleship Texas Commission	1993
SB606	C	Texas State Board of Examiners of Professional Counselors	1993
SB623	C	Council for Social Work Certification	1983
SB630	C	Interagency Council on Early Childhood Intervention Services	1993
	C	Advisory Committee	1993
SB988	RX	Merit System Council	
	RC	Texas Merit System Council	1993
	C	Interagency Advisory Committee	1993
SB1021	C	Criminal Justice Coordinating Council	1993
SB1177	C	Texas Low-Level Radioactive Waste Disposal Authority	1993
None	X	Board of Tuberculosis Nurse Examiners	
None	X	Commission for the Texas Civil Air Patrol	
None	X	Texas State Board of Examiners in Social Psychotherapy	

TEXAS SENATE

67th LEGISLATURE

Name	Dist. No.
Betty Andujar	12
Roy Blake	3
Chet Brooks	11
James E. (Buster) Brown	17
Kent Caperton	5
Lloyd Doggett	14
Ray Farabee	30
Bob Glasgow	22
O. H. (Ike) Harris	8
Ed Howard	1
Grant Jones	24
Glenn Kothmann	19
John Leedom	16
Oscar Mauzy	23
Peyton McKnight	2
Bill Meier	10
Walter H. Mengden, Jr.	13
Jack Ogg	15
Carl Parker	4
Mike Richards	7
H. Tati Santiesteban	29
Bill Sarpalius	31
E. L. Short	28
W. E. (Pete) Snelson	25
John Traeger	21
Dec Travis	9
Carlos F. Truan	20
Hector Uribe (sworn in 3-1-81)	27
R. L. (Bob) Vale	26
Lindon Williams	6
John Wilson	18

TEXAS HOUSE OF REPRESENTATIVES

67th LEGISLATURE

Name	Dist. No.	Name	Dist. No.
Tommy Adkisson	57-D	Tom Craddick	68
Fred Agnich	33-R	Bo Crawford	7-B
Henry E. Allee	98	Lloyd Criss	19-B
Hamp Atkinson	1	Debra Danburg	79
Gonzalo Barrientos	37-A	Bob Davis	33-A
Erwin W. Barton	99	Thomas D. (Tom) DeLay	21
Jerry L. Benedict	20	Wilhelmina R. Delco	37-D
Hugo Berlanga	48-B	Betty Denton	35-A
William W. (Bill) Blanton	33-B	Al Edwards	85
W. J. (Bill) Blythe, Jr.	91	Frank C. Eikenburg	24
Bennie Bock II	38	Paul Elizondo	57-I
Elton Bomer	14	Edward M. Emmett	78
Oscar Brookshire	6	Charles W. Evans	32-E
Larry Browder	16	Charles A. Finnell	53
John W. Bryant	33-L	Buck Florence	2
J. W. Buchanan	64	Milton E. Fox	93
Dick Burnett	60	A. C. (Tony) Garcia	59-B
Robert Bush	22	Matt Garcia	57-K
David H. Cain	33-K	Robert C. (Frank) Gaston	33-M
Reby Cary	32-B	John J. Gavin	52
Bill Ceverha	33-P	Gerald Geistweidt	56
Bill Clark	12	Bruce Gibson	33
Jerry Clark	5	Jay Gibson	73
Bill Clayton	74	Smith E. Gilley	10
Jerry A. Cockerham	69	Ernestine V. Glossbrenner	58
Lanell Cofer	33-O	Arnold Gonzales	48-A
Paul Colbert	80	Gene Green	95
Ronald D. Coleman	72-D	Walter B. Grubbs	61
Frank Collazo, Jr.	7-C	Clint Hackney	84
W. G. (Bill) Coody	42	Bill Haley	4

Name	Dist. No.
Lanny Hall	32-C
William N. (Billy) Hall, Jr.	57
Joe C. Hanna	54
Frank E. Hartung	92
W. S. (Bill) Heatly	101
Don Henderson	94
Joe L. Hernandez	57-J
Anita Hill	33-D
Gerald W. Hill	37-C
Juan Hinojosa	59-A
Bill Hollowell	11
Jim N. Horn	25
Samuel W. Hudson III	33-C
Lee F. Jackson	33-Q
Neal T. (Buddy) Jones	34
Bill Keese	29
Ray Keller	33-H
Rollin Khoury	35-B
Dan Kubiak	36
James E. (Pete) Laney	76
Don Lee	51
El Franco Lee	88
Bob Leonard, Jr.	32-H
Gibson (Gib) Lewis	32-G
David London	23
Albert (Al) Luna III	87
Ted B. Lyon, Jr.	33-I
Susan Gurley McBee	70
Bob McFarland	32-D
E. Douglas McLeod	19-A

Name	Dist. No.
Jim McWilliams	3
Frank Madla	57-A
Robert (Bob) Maloney	33-E
Mike Martin	13
Bill Messer	44
Paul Moreno	72-C
Lynn Nabers	55
James Nowlin	57-F
Rene Oliveira (sworn in 4-28-81)	50
Kae T. Patrick	57-H
L. P. (Pete) Patterson	9
Randy Pennington	100
Wayne Peveto	8
George Pierce	57-G
Mary Polk	71
Anthony L. (Tony) Polumbo	96
Bill Presnal	28
Albert J. (Al) Price	7-A
Paul Ragsdale	33-N
Don Rains	45
Irma Rangel	49
Jay H. Reynolds	47
Ken Riley	48-C
Nolan J. (Buzz) Robnett	75-A
Jim D. Rudd	77
Froy Salinas	75-B
Robert M. Saunders	30
Stan Schlueter	43
Alan Schoolcraft	57-C

Name	Dist. No.
Chris V. Semos	33-F
John Sharp	40
Larry D. Shaw	63
Bob Simpson	65
Ashley Smith (sworn in 1-27-81)	83
Carlyle Smith	33-J
Terral R. Smith	37-B
Chip Staniswalis	67
Lou Nelle Sutton	57-E
Frank M. Tejeda	57-B
Gary Thompson	62
Senfronia Thompson	89
Rodney Tow	18
Jim Turner	15
D. R. (Tom) Uher	31
Hector Uribe (resigned to take seat in Senate)	50

Name	Dist. No.
Robert Valles	72-D
Tim Von Dohlen	39
Jack Vowell	72-A
Tom C. Waldrop	27
Ralph Wallace III	97
Bob Ware	32-I
Craig A. Washington	86
Ed. R. Watson	17
Bobby Webber	32-A
Foster Whaley	66
John Whitmire	82
Leroy J. Wieting	41
Doyle Willis	32-F
Ron Wilson	81
Steven D. Wolens	33-G
Brad Wright	90

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ENACTMENTS OF THE FIRST CALLED SESSION

The 1st Called Session of the 67th Legislature was convened on July 13, 1981, with a governor's call that included five topics: (1) repeal of the state ad valorem tax; (2) creation of a Texas water trust fund; (3) congressional redistricting; (4) revision of the Property Tax Code; and (5) consideration of the Medical Practice Act. Major legislation relating to all except repeal of the state ad valorem tax was passed. On August 7 and 8, the governor added 15 topics to the call. Those two lists included items relating to bingo, gasohol, threat of the Mediterranean fruit fly, and the Veterans Land Program. The legislature passed measures on these and other topics in the supplementary calls.

The legislature was in session through August 11, 1981, the full 30 days allowed by the state constitution for a special session. During that time, 163 bills and 12 proposals to amend the Texas Constitution (joint resolutions) were introduced in the house of representatives, and 39 bills and 8 joint resolutions were introduced in the senate. Of these, 26 bills were passed and sent to the governor for his signature; 3 joint resolutions were passed and will be on the November 3, 1981, ballot for voter consideration.

Summaries of the bills, joint resolutions, and selected simple and concurrent resolutions that were passed during the 1st Called Session of the 67th Legislature follow.

Water Trust Fund

HOUSE JOINT RESOLUTION 6
HOUSE AUTHOR: Clayton, et al.
SENATE SPONSOR: Howard

House Joint Resolution 6 proposes a constitutional amendment authorizing the legislature to create special funds for purposes of water development, water conservation, water quality enhancement, and flood control. The amendment would dedicate to these funds one-half of the state revenue collected each biennium that is not otherwise dedicated constitutionally and that is in excess of the state spending limit that the legislature has set for the biennium. The legislature could dedicate the other half of the surplus by law to any purpose or purposes that it determined, including retirement of state bonds. The legislature could transfer money from the general revenue fund to the water funds or to other funds that are

created pursuant to the amendment. The water funds could not be used, however, on transbasin diversion projects that would remove from the basin of origin any surface water necessary to supply future, 50-year water requirements within that basin, except on a temporary, interim basis.

The amendment also would allow the legislature to establish a bond guaranty program to pledge the state's general credit to the payment of principal and interest on bonds and obligations issued by political subdivisions for any of the four water-related purposes cited above. Actual payments would be limited to an aggregate of $500 million, although the state could guarantee some higher amount according to a statutory ratio established by the legislature. Payment of any guarantee would be made from the first money coming into the state treasury that was not otherwise dedicated by the constitution. The amendment would raise from 6 to 12 percent the maximum net effective interest rate on bonds that are guaranteed by the state and authorized by the constitution but that are unissued as of the date the amendment takes effect. By a two-thirds vote of both houses, the legislature could approve a higher interest rate for such bonds.

The resolution provides for the submission of the proposed constitutional amendment to the voters at an election to be held on November 3, 1981.

HOUSE BILL 8 HOUSE AUTHOR: Clayton, et al.
EFFECTIVE: see below SENATE SPONSOR: Howard

House Bill 8 creates the water assistance program and water bond guaranty program as contemplated in the constitutional amendment proposed by House Joint Resolution 6 of the 1st Called Session. It establishes a water assistance fund consisting of one-half of the biennial surplus revenue plus any additional sums appropriated by the legislature. Money amassed within the water assistance fund may be directed, at the discretion of the Texas Water Development Board, to three subsidiary funds: (1) the water loan assistance fund; (2) the storage acquisition fund; and (3) the research and planning fund.

The first of these three funds provides financial assistance to political subdivisions for the construction, acquisition, improvement, and enlargement of water projects undertaken to enhance water quality and to provide flood control and drainage. The second fund is to be used for the design, acquisition, lease, construction, reconstruction, development, or enlargement of existing or proposed water storage projects by the Texas Water Development Board, acting either singly or in a joint venture with other governmental entities. The third fund supports research into water conservation and development, as well as flood control planning by political subdivisions. The act appropriates $40 million to the water assistance fund for these purposes for the

fiscal 1982 and 1983 biennium; consequently, these portions of the act take effect November 9, 1981, without regard to the fate of the proposed constitutional amendment on the November 3, 1981, ballot.

The portion of the act creating the water bond guaranty program, on the other hand, takes effect only if the constitutional amendment is approved. This program pledges the general credit of the state to guarantee repayment of eligible water bonds in the event of default. Guarantees are limited to an aggregate of $1 billion, or twice the $500 million limitation on actual payments contained in the proposed constitutional amendment.

The act contains numerous stipulations regarding funding and bond guarantees. Generally, state funding and credit are reserved to projects or storage acquisitions that cannot be financed solely by local governments, although there must be reasonable assurance of repayment. Also, projects must generally conform to overall state needs. Applications for funding of a flood control project must include a memorandum of understanding approved by all political subdivisions in the watershed where the project is to be located. The act contains the same prohibition regarding transbasin diversion projects as is contained in the proposed constitutional amendment.

Congressional Redistricting

SENATE BILL 1 — SENATE AUTHOR: Ogg
EFFECTIVE: 11-10-81 — HOUSE SPONSOR: Von Dohlen

This act redraws the state's congressional districts, which had increased in number from 24 to 27 because of population growth revealed by the 1980 census. With the state's population equalized among the 27 districts, the ideal district would include 526,977 inhabitants. The plan adopted by this act has districts that range from .12 percent less than ideal size to .16 percent greater than ideal size. Seven of the newly drawn districts have a greater than 50 percent minority population, which compares to five under the current 24-district apportionment.

Property Tax Revision

HOUSE BILL 30 — HOUSE AUTHOR: Peveto
EFFECTIVE: see below — SENATE SPONSOR: Jones

House Bill 30 revises the Property Tax Code, Title 1 of the Tax Code, by amending various provisions concerning property tax and its administration. House Bill 30 was enacted in response to comments on and experience with the Property Tax Code. The code

was enacted by the 66th Legislature, Regular Session, 1979, as a tax reform measure. The code established an appraisal district and an appraisal review board in each county to provide single appraisals of property and single equalization of property values effective January 1, 1982. The code also established the State Property Tax Board to assist appraisal districts, appraisal review boards, and Texas taxpayers in understanding and complying with the provisions of the new law. As enacted in 1979, the code required all taxing units imposing property taxes except counties to participate in the appraisal districts and use the appraisal review boards for appraisal and equalization purposes.

The 66th Legislature, Regular Session, 1979, also proposed House Joint Resolution 98 as a tax reform measure. In great part, the resolution was submitted to Texas voters to eliminate the constitutional impediment to requiring mandatory county participation in appraisal districts and use of appraisal review boards by removing from Article VIII, Section 18, of the Texas Constitution the requirement that county commissioners courts sit as boards of equalization for county tax purposes. The resolution also amended Article VIII, Section 18, to require the single appraisal of property and a single board of equalization in each county for property tax purposes. Texas voters adopted the resolution in November, 1980, and many of the amendatory sections of House Bill 30 implement the changes in the constitution made by the resolution. To do so, those sections of the bill amend the Property Tax Code to provide for mandatory county participation in appraisal districts and use of appraisal review boards in the same manner as that required of other taxing units by the provisions of the code enacted in 1979.

In addition to implementing House Joint Resolution 98, House Bill 30 changes a substantial number of the dates in the tax calendar created by the Property Tax Code for the performance of duties or the exercise of rights by taxpayers, taxing units, and appraisal districts. Generally, duties may be performed or rights exercised by a date up to a month later in the year than the date provided by the relevant provision of the code enacted in 1979. For example, taxpayers will have until May 1 rather than April 1 to submit applications for property tax exemptions or for special valuation methods such as agricultural productivity, taxing units will have until June 1 rather than May 1 to file petitions with appraisal review boards challenging certain appraisal decisions, and chief appraisers of appraisal districts will have until July 25 rather than June 25 to certify appraisal rolls to all taxing units participating in their districts. House Bill 30, however, does not change the October 1 date for the mailing of tax bills and does not alter the February 1 date by which tax bills must be paid or taxes become delinquent and begin to incur penalties and interest. Several dates in the tax calendar are changed by more than a month.

Chief appraisers of appraisal districts will have to prepare proposed budgets for their districts and submit copies of the proposed budgets to taxing units by June 15 rather than October 1, and the boards of directors for the appraisal districts will have to approve final budgets for the next year by September 15 rather than by December 1 of the current year.

Besides implementing House Joint Resolution 98 and modifying the tax calendar, House Bill 30 amends the Property Tax Code to enhance certain rights of taxpayers, simplify taxpayer protests of appraisals before appraisal review boards, increase penalties and interest on delinquent taxes, and codify existing civil statutes providing for refunds of overpayments or erroneous payments of property taxes. With the enactment of House Bill 30, taxpayers will be able to file notices of protests rather than formal petitions with appraisal review boards, taxpayers will be able to rely when challenging appraisals of property on annual studies prepared in 1984 and subsequent years by the State Property Tax Board on the weighted average levels of appraisals for each major kind of property in appraisal districts, and taxpayers will not have to authorize in writing others to act as their agents at appraisal review board hearings. Written orders of appraisal review boards determining taxpayer protests will not have to provide formal findings of fact or conclusions of law. Delinquent taxes will incur interest at 1 percent for each month or portion of a month the taxes are delinquent and certain delinquent taxes will incur a penalty of 12 percent rather than 8 percent as provided by the relevant provision of the code enacted in 1979. A new section of the code, Section 31.11, will allow a refund of an overpayment or erroneous payment if application for the refund is made within three years after the date of the payment.

House Bill 30 makes other numerous and varied changes to the Property Tax Code. Section 115 of the bill adds a section to the code, Section 26.011, which will limit the application of reappraised values of property in the years 1982 through 1985, certain sections of the bill amend Section 25.19 of the code to change the content of notices of reappraisal of property, and many initial sections of the bill modify the provisions of the code that govern the local administration of appraisal districts and appraisal review boards. In general, the amendments to the local administrative provisions change or add eligibility requirements for and methods of selecting the members of the appraisal district board of directors, methods of allocating and approving appraisal district costs, and methods of disapproving certain actions of the appraisal district board of directors. Other amendatory sections of the bill change the code to require the reappraisal rather than the review of property and to provide for the reappraisal of real property every four years rather than five years as provided by the provisions of the code enacted in 1979. Sections 119 and 120 of

the bill amend the provisions of the code concerning rollback elections to permit elections to control increases in tax rates if a taxing unit adopts a rate that exceeds the rate calculated under Section 26.04 of the code by more than eight percent rather than five percent as provided by the terms of the rollback provisions enacted in 1979. Sections 119 and 120 of the bill also eliminate the current requirement that 25 percent of the qualified voters in taxing units participate in rollback elections for the outcome of the elections to affect tax rates.

In addition to the many changes that are made by the amendatory sections of House Bill 30, significant changes are made in property taxes and property tax administration by the several nonamendatory sections of the bill. Section 161 of the bill provides for the postponement of single appraisal of property in an appraisal district until 1983 or 1984, Section 164 of the bill prohibits the employment of appraisers by taxing units effective January 1, 1984, except as provided by Section 6.05(b) of the code, and Section 165 of the bill clarifies the rights of certain elderly homeowners to have their 1982 school district taxes limited to the amounts they would have paid in 1979 if they had received the $10,000 elderly residence homestead exemption and the freeze in school district taxes.

The changes to the Property Tax Code and additions to the law governing the property tax system mentioned in this summary are only some of the many modifications made by House Bill 30. The amendatory and nonamendatory sections of House Bill 30 should be read along with the provisions of the code enacted in 1979 to determine the present state of any particular aspect of the law governing property taxes and property tax administration. Certain parts of the Property Tax Code have taken effect since its enactment in 1979, and the remaining provisions of the code are scheduled to take effect on January 1, 1982. For the most part, amendments by House Bill 30 to provisions of the code already in effect became effective on August 14, 1981, the date the governor signed the bill into law. Amendments to provisions that take effect on January 1, 1982, will as a rule become effective on January 1, 1982. Section 168 of House Bill 30 provides details on the effective dates of the various amendments to the code. That section should be consulted when studying a particular aspect of the property tax system.

SENATE JOINT RESOLUTION 8
SENATE AUTHOR: Farabee
HOUSE SPONSOR: Wolens

In 1979, the legislature passed Senate Bill 1211, which provided for publicly financed rehabilitation of "blighted" areas. However, the attorney general ruled on May 15, 1981, that the statute was unconstitutional by violating the "equal and uniform"

requirements of Article VIII, Section 1, of the Texas Constitution.

This resolution provides for the submission of a proposed constitutional amendment to the voters at an election to be held November 3, 1981. The proposed constitutional amendment would amend Article VIII of the Texas Constitution by adding Section 1-g to enable the legislature to provide that taxing units may encourage development or redevelopment property in a reinvestment zone through abatement of ad valorem taxes. The proposed amendment would further enable the legislature to authorize an incorporated city or town to issue tax increment bonds or notes to finance development or redevelopment of unproductive, underdeveloped, or blighted areas. The enabling legislation, Senate Bill 16 and Senate Bill 17, will become effective only on passage of the proposed constitutional amendment.

SENATE BILL 16 SENATE AUTHOR: Farabee
EFFECTIVE: see below HOUSE SPONSOR: Wolens

The act authorizes incorporated cities or towns to designate certain areas as reinvestment zones, to issue tax increment bonds, and to provide tax increment financing for the development or redevelopment of blighted areas or federally assisted new communities. The act may be cited as the "Texas Tax Increment Financing Act of 1981" and adds Article 1066e to Chapter 5, Title 28, Revised Civil Statutes of Texas, 1925. The article defines the duties of cities or towns in connection with the establishment of a "reinvestment zone for tax increment financing." A penalty is also established for other taxing units that do not participate in funding the tax increment project. The process for the issuance of tax increment bonds and the restrictions to such bonds are set forth in the act.

The act is contingent on the passage of the constitutional amendment proposed by Senate Joint Resolution 8 and effective on its passage. The act also repeals on its effective date Article 1066d relating to tax increment districts.

SENATE BILL 17 SENATE AUTHOR: Farabee
EFFECTIVE: see below HOUSE SPONSOR: Wolens

The act, known as the Property Redevelopment and Tax Abatement Act, authorizes cities and towns to encourage supervised improvements by property owners through tax abatement procedures. The owners of unproductive property in established "reinvestment zones" can qualify for partial or total exemption from all ad valorem taxation on the condition that the owner of the property makes specified improvements or repairs to the property.

Under the act the governing body of an incorporated city or town and the owner of property located in a reinvestment zone must sign a formal agreement that must include certain provisions specified in the act. Other taxing units may execute similar

written agreements with the property owner. If a taxing unit fails to execute such an agreement, it is not allowed to receive the extra revenue generated by the improvements specified in the city's agreement for twice as long as the duration of the agreement.

Reinvestment zones may be residential or commercial-industrial. The act also stipulates that the designation of a reinvestment zone must be made by ordinance after a public hearing.

The act amends the Property Tax Code to incorporate references to the Property Redevelopment and Tax Abatement Act into the code. The definition of "taxable market value" in the Texas Education Code is changed to exclude increased value of land occurring under redevelopment financed by tax abatement or tax increment funding from computing the local assignment amount of public school financing.

The act is contingent on the passage of the constitutional amendment proposed by Senate Joint Resolution 8.

Medical Practice Act

SENATE BILL 5 SENATE AUTHOR: Wilson
EFFECTIVE: 8-5-81 HOUSE SPONSOR: Messer

The Medical Practice Act renews the Texas State Board of Medical Examiners, which was scheduled for sunset termination in 1981 and had not been renewed during the regular session. The act expands the board's size to 15 with the addition of three public members and specifies that three of the physician members be osteopaths. It incorporates standard features of sunset renewal legislation as described in the chapter on state government, although it does not provide for legislative review of rulemaking. The act gives a physician authority to issue to a licensed optometrist a standing delegation order that entitles the optometrist to administer diagnostic eye drops. This order, which must be prominently displayed in the optometrist's office, may be canceled in certain circumstances by the state board. The act also specifies procedures by which a patient or guardian may give written consent for release of confidential medical records to the patient or to some other person. The physician, on receiving a proper request for release, is obliged to furnish copies of the records or to furnish a summary or narrative of the records.

Other Legislation

HOUSE BILL 3 HOUSE AUTHOR: Criss
EFFECTIVE: 11-10-81 SENATE SPONSOR: Truan

The Bingo Enabling Act authorizes local-option municipal, precinct, or county elections for the purpose of legalizing or prohibiting bingo games in which prizes are awarded. Where legalized, bingo games may be conducted only by licensed organizations that direct net proceeds exclusively to charitable purposes. Qualifying organizations, which in some cases must have been in existence for at least 3 to 10 years, include religious societies, nonprofit organizations supporting medical research or treatment, fraternal or veterans organizations, and volunteer fire departments. The local governing body for an area where bingo is legalized may impose a tax of two percent on gross receipts from bingo games, with the proviso that the first $2,500 of regularly reported receipts is exempt. The comptroller of public accounts is responsible for licensing qualified organizations and for administering the tax on behalf of local governments. Persons under 18 years of age may not participate in licensed bingo games unless accompanied by a parent or guardian. Prizes are limited to $500 per game and to a total of $2,500 per event. A licensed organization may conduct games no more than three days per calendar week and games may last no longer than 4 hours per 24-hour period. The act specifies penalties for various offenses committed in violation of its provisions.

SENATE BILL 14 SENATE AUTHOR: Sarpalius
EFFECTIVE: 1-1-82 HOUSE SPONSOR: Kubiak

Texas imposes a motor fuel tax of five cents per gallon on the first sale or use of gasoline in the state. Senate Bill 14 establishes a declining exemption from the tax for sales of gasohol, as an incentive to that industry in Texas. Under the act's provisions, distributors receive a full five-cent tax credit on gasohol sales from calendar 1982 through 1986; the credit then declines by one cent a year from calendar 1987 through 1990 and expires at the beginning of 1991. The credit is applicable to all fuel that contains at least 10 percent ethyl alcohol if the alcohol when added is at least 192 proof, if the alcohol has been produced or distilled from a renewable source, and if it has been produced or distilled wholly in Texas or in a state that provides a reciprocal type of credit for Texas-produced gasohol. To compensate for losses to highway funding that is supported by the motor fuel tax, the act directs the comptroller to make transfers from the general revenue fund to the gasoline and alcohol mixture fund, and subsequently to the highway motor fuel tax fund, in amounts equal to the allowed credit.

HOUSE BILL 151 HOUSE AUTHOR: Wieting, et al.
EFFECTIVE: 8-14-81 SENATE SPONSOR: Snelson

The act amends existing law to increase the powers of the commissioner of agriculture to deal with the threat of the Mediterranean fruit fly infesting Texas crops. Article I amends current agriculture laws to enable the commissioner, without establishing a quarantine, to stop and inspect vehicles that might introduce or disseminate an insect or plant disease that is dangerous to the horticulture or agriculture interests of the state. Under the provisions of the act the commissioner has flexibility in the frequency and duration of inspections, and the act empowers him with the necessary rulemaking authority to conduct inspections. The Department of Public Safety is instructed to cooperate and assist the commissioner in the enforcement of the act. The commissioner is also authorized to treat or destroy infested plants, plant products, or substances and to collect the cost of the treatment or destruction from the owners of the products or sue if it is necessary.

Article II of the act conforms the new Agriculture Code that went into effect September 1, 1981, by incorporating the changes made in Article I. Article III of the act appropriates $1 million from the general revenue fund for the biennium ending August 31, 1983, to a contingency fund of the Department of Agriculture for the purpose of controlling agricultural diseases and pests, and appropriates $500,000 for that same period to purchase and operate mobile inspection stations and take other actions to detect the fruit fly.

HOUSE JOINT RESOLUTION 4
HOUSE AUTHOR: Gerald Hill, et al.
SENATE AUTHOR: Williams

The Texas Constitution creates a Veterans' Land Board and authorizes it to issue bonds. The proceeds from the sale of bonds are used to purchase land for resale to eligible Texas veterans. The board currently has the authority to issue full-faith and credit bonds in the amount of $700 million. Under the current limit the Veterans' Land Board has the authority to issue an additional $74 million in bonds, but the bonds are not marketable due to the maximum allowed interest rate of 6 percent.

The current limit on bond sales and the maximum interest rate provided under the constitution will not provide sufficient funds for approximately 10,000 veterans on the current waiting list.

This resolution proposes an amendment to the Texas Constitution to authorize the issuance of additional bonds or obligations of the state for the veterans' land fund to a maximum of $950 million and to increase the maximum interest rate to 10 percent per annum, unless otherwise provided by law. The resolution provides for submission of the proposed constitutional

amendment to the voters at an election to be held November 3, 1981.

HOUSE BILL 62 HOUSE AUTHOR: Presnal, et al.
EFFECTIVE: 8-14-81 SENATE SPONSOR: Caperton

The act makes corrections to the General Appropriations Act passed during the regular session (H.B. 656, 67th Leg., R.S.). Article III, Item 6, page III-22, General Appropriations Act, is amended to change the biennial appropriation for Blinn College for insurance from $180,000 to $159,000 and for Old Washington State Park from $159,000 to $365,000. The grand total on page III-27 is amended to reflect the changes made for Blinn College.

Section 34, page III-110, is amended by inserting the word "regular" to describe employees. The appropriation for Texas Tech University of $128,954 for the period ending September 1, 1982, for fire loss damage (Section 32, page III-110) is amended to include wind and tornado loss damage.

HOUSE BILL 100 HOUSE AUTHOR: Tow
EFFECTIVE: 11-10-81 SENATE SPONSOR: Caperton

This act allows the Texas Department of Corrections to transfer to the Department of Public Safety a small tract of land in Walker County to be used for a license-issuing station and office.

HOUSE BILL 113 HOUSE AUTHOR: Presnal
EFFECTIVE: 8-14-81 SENATE SPONSOR: Howard

The act appropriates $182,431 for the period ending August 31, 1982, and $180,289 for the period ending August 31, 1983, from the general revenue fund to the Automated Information Systems Advisory Council to implement House Bill 1463, 67th Legislature, Regular Session, 1981.

HOUSE BILL 120 HOUSE AUTHOR: Geistweidt
EFFECTIVE: 8-14-81 SENATE SPONSOR: Farabee

The act amends provisions of the state inheritance tax relating to administration, enforcement, and collection of state inheritance and generation-skipping transfer taxes. House Bill 325, 67th Legislature, Regular Session, 1981, repealed the basic inheritance tax provisions and provided that inheritance tax liability shall be based on the federal estate tax credit. The new inheritance tax provisions were codified into the Tax Code by House Bill 2108, 67th Legislature, Regular Session, 1981. This act amends the inheritance tax to conform with the federal estate credit.

HOUSE BILL 126 HOUSE AUTHOR: Blythe
EFFECTIVE: 11-10-81 SENATE SPONSOR: Snelson

The regular session of the 67th Legislature enacted House Bill 1932, a nonsubstantive revision of laws pertaining to statewide retirement systems. This act updates that revision, incorporating substantive legislation on the subject passed during the same session. The act also corrects minor mistakes that were contained in House Bill 1932.

HOUSE BILL 138 HOUSE AUTHOR: Von Dohlen
EFFECTIVE: 11-10-81 SENATE SPONSOR: Wilson

The act decreases the board of directors of the Ecleto Creek Watershed District from 11 to 7 members, lowers the minimum age for a director from 21 to 18 years, and expands the electorate for the board by including qualified voters in DeWitt and Wilson counties who own property in the district. The act also validates certain actions of the board concerning the maintenance, operation, and financing of the district.

HOUSE BILL 142 HOUSE AUTHOR: Presnal
EFFECTIVE: 8-14-81 SENATE SPONSOR: Jones

The act appropriates $776,000 from the general revenue fund to the attorney general's office for the period ending August 31, 1983, for the purpose of securing and maintaining leased office space to replace state-owned space previously occupied.

HOUSE BILL 147 HOUSE AUTHOR: Rains
EFFECTIVE: 8-14-81 SENATE SPONSOR: Doggett

The act appropriates $215,926 from the general revenue fund to Southwest Texas State University to repair classrooms, office buildings, and related facilities and to repair or replace furniture, equipment, educational films, and books damaged or destroyed by flood.

HOUSE BILL 153 HOUSE AUTHOR: Rains
EFFECTIVE: 8-14-81 SENATE SPONSOR: Doggett

The act appropriates $121,267 from the special game, fish, and water safety fund no. 9 to the Parks and Wildlife Department for the purpose of fixing ponds and facilities at the San Marcos fish hatchery damaged by a flood.

HOUSE BILL 156 HOUSE AUTHOR: Collazo
EFFECTIVE: 8-14-81 SENATE SPONSOR: Howard

The act appropriates $308,336 from the general revenue fund to the Industrial Commission for the period ending August 31, 1983, to administer the Development Corporation Act of 1979.

HOUSE BILL 159
EFFECTIVE: 11-10-81

HOUSE AUTHOR: Presnal
SENATE SPONSOR: Jones

The act appropriates the balance of the sesquicentennial museum fund, $2,216,880, to the Texas Sesquicentennial Museum Board for the period ending August 31, 1983, for the purpose of planning and designing the Texas Sesquicentennial Museum.

HOUSE BILL 162
EFFECTIVE: 8-31-81

HOUSE AUTHOR: Rudd, et al.
SENATE SPONSOR: Ogg

This act makes minor corrections to House Bill 960 of the regular session, which reapportioned Texas into state representative districts. House Bill 960 omitted certain blocks and did not conform precisely to intended redistricting map lines. This act corrects errors affecting State Representative Districts 23, 38, 81, 83, 86, 87, and 88.

SENATE BILL 21
EFFECTIVE: 8-14-81

SENATE AUTHOR: Brown
HOUSE SPONSOR: Uher

This act replaces the county commissioners court as the governing body of the West Brazoria County Drainage District, providing instead for the election of a five-member board of directors to preside over affairs of the district. The board is authorized to contract for assessment and collection of district taxes. The act reduces the limit on the district's property tax rate from 20 to 10 cents per $100 valuation.

SENATE BILL 26
EFFECTIVE: 11-10-81

SENATE AUTHOR: Harris, et al.
HOUSE SPONSOR: Simpson

Senate Bill 26 requires health insurers, health maintenance organizations, and nonprofit hospital and medical service plan corporations to offer, within their group health insurance policies, coverage for treatment of alcohol and drug dependency. The group policyholder would reserve the option to reject such coverage. The act applies to group policies or coverage delivered or renewed after January 1, 1982, or applies on the expiration of a collective bargaining agreement applicable to a particular policyholder, whichever date is later.

SENATE BILL 28
EFFECTIVE: 8-14-81

SENATE AUTHOR: Brown
HOUSE SPONSOR: Benedict

The act authorizes creation of Brazoria County Watershed Drainage Districts Numbers 3, 4, and 5, pending successful confirmation elections in their respective territories.

SENATE BILL 35 SENATE AUTHOR: Caperton, et al.
EFFECTIVE: 11-10-81 HOUSE SPONSOR: Simpson

This act authorizes the Texas Department of Community Affairs to charge a reasonable certification fee for accreditation of drug abuse treatment programs and personnel. It retains authority of the Texas Commission on Alcoholism to charge a fee for licensing of health care facilities that treat alcoholics but eliminates a set dollar amount for the fee and states only that the fee be enough to cover administrative costs of licensing. Fees collected by the department and by the commission go to separate special funds in the state treasury. The act appropriates these funds to the two agencies for the biennium beginning September 1, 1981.

SENATE BILL 41 SENATE AUTHOR: Brooks
EFFECTIVE: 8-14-81 HOUSE SPONSOR: Senfronia Thompson

The act appropriates an additional $815,000 for the period ending August 31, 1982, and an additional $585,000 for the period ending August 31, 1983, from the general revenue fund to Texas Southern University. The additional funds are specifically appropriated for pharmacy school enhancement, law school enhancement, law library, business school enhancement, school of education enhancement, and a study of Texas Southern's Mission.

Selected Resolutions

House Resolution 20 (Patterson) requests the United States Congress to enact H.R. 4145 and H.R. 4186, amending the Securities Exchange Act of 1934.

House Resolution 29 (Florence) requests the Office of Court Administration of the Texas Judicial System, in cooperation with the House Judicial Affairs Committee, to study the personnel and equipment needs of each of Texas' 14 courts of appeals.

House Concurrent Resolution 6 (Kubiak; John Wilson) urges state agencies to use Texas artists for design and artwork services.

House Concurrent Resolution 33 (Henderson; Caperton) requests the Department of Public Safety to withdraw a proposed amendment to its rules relating to the transportation of hazardous materials.

House Concurrent Resolution 38 (Benedict; Doggett) directs the State Purchasing and General Services Commission to restore the Capitol fence to its original color of black with gold stars.

House Concurrent Resolution 44 (Sharp; John Wilson) urges tax assessors to participate in a moratorium on increased assessment of livestock and poultry until the results of the November 3, 1981, election.

House Concurrent Resolution 46 (Polk; Santiesteban) directs the Parks and Wildlife Department not to remove a repeater station located in the Franklin Mountains State Park.

Senate Resolution 65 (Santiesteban, et al.) directs the Senate Committee on Natural Resources to study marine accretion; use of cybernetic architectural devices for coastal reef protection, erosion control, and restoration; and construction of wharves, piers, and other similar structures on state-owned water bottoms.

Senate Resolution 163 (Uribe) directs the chairman of the Senate Education Committee to appoint a subcommittee to study the operation and management of Texas medical schools.

Senate Concurrent Resolution 10 (Parker; Schlueter) directs the Texas State Artist Selection Committee to work with the Texas Commission on the Arts to study alternative procedures for selecting the state artist.

Senate Concurrent Resolution 22 (Richards; Haley) creates a special joint interim committee to study issues relating to public education, including curriculum reform, bilingual education, requirements relating to teacher competency, and alternative methods of financing. The committee is composed of 18 members, including the lieutenant governor, chairman; the speaker of the house of representatives, vice-chairman; the chairman of the Senate Committee on Education; four other members of the senate, to be appointed by the lieutenant governor; the chairman of the House Committee on Public Education; four other members of the house, to be appointed by the speaker of the house; the chairman of the State Board of Education; two other members of the State Board of Education, to be appointed by the chairman of that board; the chairman of the Governor's Advisory Committee on Public Education; and two other members of the Governor's Advisory Committee on Public Education, to be appointed by the governor.

NOTE: The first name in parentheses is the resolution's author. A second name indicates the resolution's sponsor in the other house.

Vetoed Legislation

House Concurrent Resolution 41 expresses support for the employees of Continental Airlines in their efforts to acquire controlling interest in the airlines by creation of an employee stock ownership trust.