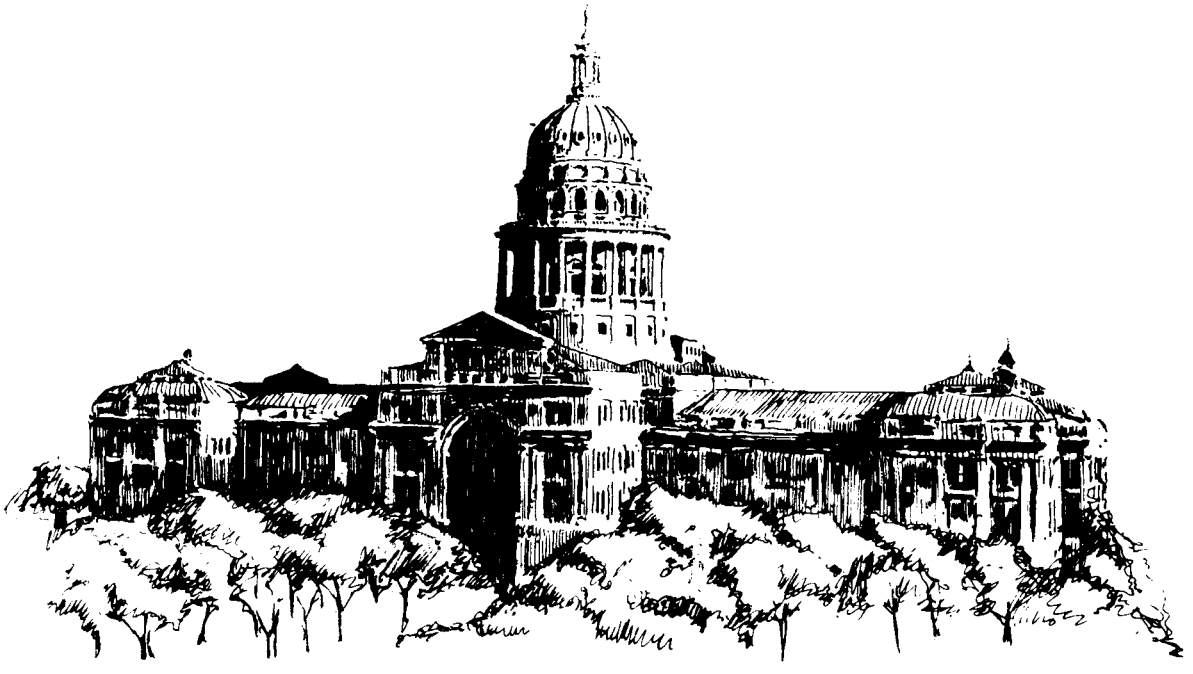
Summary of Enactments

68th Legislature

Regular and First Called Sessions



Texas Legislative Council
Information Report No. 83-2
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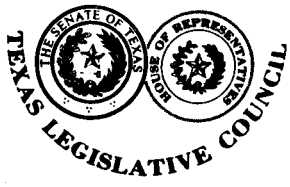

Prepared by the Staff
of the
Texas Legislative Council

— Information Report No. 83-2 • September, 1983

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of the

68th LEGISLATURE OF TEXAS

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FOREWORD

The Summary of Enactments of the 68th Legislature provides synopses of all bills enacted during the 1983 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 68th Legislature may be obtained from house and senate document distribution offices until November, 1984, when bill prefiling will begin for the 69th Legislature. House measures are available from the House Document Distribution Office, located in room 500 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 68th Legislature of the State of Texas was convened on January 11, 1983, and was adjourned sine die on May 30, 1983. During this 140-day period, a total of 3,891 bills were introduced, and of that number, 1134 were passed and sent to the governor. See the table below.

Type of Measure	Introduction	Passed	Vetoed
House Bills	2452	558	23
House Joint Res.	114	11	
Senate Bills	1439	576	19*
Senate Joint Res.	49	7	

*This number includes two bills (S.B. 179 and S.B. 325) in which the governor made only line item appropriation vetoes.

The amount of legislation considered and approved was greater than in recent regular sessions. During the 67th regular session, 3,696 bills were introduced and 902 were passed; during the 66th regular session, 3,596 bills were introduced and 890 were passed.

Of the 18 joint resolutions proposing amendments to the Texas Constitution that were passed during the regular session, 10 will appear on the November 8, 1983, general election ballot for voter approval. Another amendment, proposed during the 1st called session, will also appear on the 1983 ballot. The remaining eight proposed amendments will be presented to the voters on the November 6, 1984, general election ballot.

All joint resolutions and 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 not comprehensive but are intended to provide a general review of significant provisions of each enactment.

1st Called Session

The 1st Called Session of the 68th Legislature convened on June 22, 1983, and adjourned on June 25, 1983. The special session was called by the governor to consider legislation relating to the state's brucellosis program, the continued existence of the Texas Employment Commission, and an appropriation for certain construction at Texas Southern University. A subsequent proclamation expanded the list of subjects to include legislation (1) appropriating and paying certain miscellaneous claims and judgments against the state; (2) requiring persons who operate hotels to install and maintain smoke alarms in sleeping quarters; (3) appropriating state funds for the operation of the State Ethics Advisory Commission; (4) amending the state constitution to allow for the advancement of food and fiber production and marketing through research, education, and promotion financed by the producers of agricultural products; (5) including certain farm and ranch laborers under the workers' compensation law; and (6) dealing with the prohibition of certain discriminatory practices and the denial of human rights.

During the called session, legislation was passed relating to all submitted subjects except item (5). Summaries of legislation passed during the called session are included with the summaries from the regular session and are distinguished by the designation (1st C.S.) after the bill or resolution number.

AGRICULTURE

SENATE BILL 638 — **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-83 — **HOUSE SPONSOR:** Laney

The act provides that farm machinery used primarily for farming and ranching purposes may be exempted from the taxes on the sale, rental, and use of motor vehicles. Under its provisions, "farm machinery" is defined, and the necessary procedures to obtain the exemption are established.

SENATE BILL 866 — **SENATE AUTHOR:** Lyon
EFFECTIVE: 8-29-83 — **HOUSE SPONSOR:** B. Gibson

Senate Bill 866 allows counties to form agricultural development corporations to support producer-controlled enterprises for the processing, packaging, and marketing of agricultural products. These public, nonprofit corporations have all the powers of corporations organized under the Texas Non-Profit Corporation Act as well as those outlined in this act. Senate Bill 866 also provides that these corporations may issue revenue bonds to provide loans to qualified projects; the corporations and all their property are exempt from all state and local taxes.

SENATE BILL 1222 — **SENATE AUTHOR:** Blake
EFFECTIVE: 9-1-83 — **HOUSE SPONSOR:** Robinson

Senate Bill 1222 allows the Department of Agriculture to recover from producers the actual and necessary expenses for the cost of out-of-state inspections of egg production facilities. The act also requires egg cartons to be labeled with additional information, including a department-approved code, and it permits the repacking and downgrading of eggs by a retailer if the department declares that an emergency exists.

SENATE BILL 1298 — **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-83 — **HOUSE SPONSOR:** Patterson

Senate Bill 1298 increases certain fees that the Department of Agriculture is authorized to charge for its services.

HOUSE BILL 525 — **HOUSE AUTHOR:** Laney
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Sarpalius

The act removes from the Texas Board of Health the authority to initiate controls in the event of an outbreak of anthrax among animals in Texas. The Texas Animal Health Commission also has had the authority to control such outbreaks, and this act does not affect that authority.

HOUSE BILL 669 — **HOUSE AUTHOR:** Laney
EFFECTIVE: 6-14-83 — **SENATE SPONSOR:** Sarpalius

House Bill 669 changes the method by which agricultural cooperatives may amend their rules and bylaws and establishes procedures for members voting by proxy or mail. It also sets limits on the amount of common stock that members may own and provides for rules for the termination and suspension of membership.

HOUSE BILL 886 — **HOUSE AUTHOR:** Laney, et al.
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Traeger

House Bill 886 requires that a supplier of farm equipment repurchase from dealers any unsold, unused, and undamaged inventory in the event that the supplier terminates the dealers' franchise. A supplier is exempt from its provisions under certain conditions.

HOUSE BILL 1253 — **HOUSE AUTHOR:** Oliveira
EFFECTIVE: 9-1-83 — **SENATE SPONSOR:** J. E. Brown

Under previous Texas law, a person who used pesticides in a manner calculated to pollute a waterway or to harm humans, crops, vegetation, livestock, wildlife, or pollinating insects was guilty of a Class C misdemeanor and was charged with a Class B misdemeanor for a subsequent offense.

House Bill 1253 strengthens the penalties for improper use of pesticides by creating an offense for a person who knowingly or intentionally handles pesticides in a way that injures a human being or pollutes a water supply; this new offense is a Class A misdemeanor. Following one conviction, a person may be charged with a third-degree felony.

HOUSE BILL 1279 **HOUSE AUTHOR:** Presnal
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Santiesteban

House Bill 1279 gives the Department of Agriculture the authority to transfer funds appropriated to it by the current General Appropriations Act from one program to another.

HOUSE BILL 1368 **HOUSE AUTHOR:** Hinojosa
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Uribe

Under this act, certain persons who fail to maintain accurate records of purchase regarding the source of citrus fruit may be fined up to $500.

HOUSE BILL 1510 **HOUSE AUTHOR:** Wieting
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sarpalius

Texas A&M University, through the Agricultural Experiment Station, has the regulatory responsibility of guaranteeing labeling accuracy and ingredient quality of commercial feeds and fertilizers. House Bill 1510 provides for changes in procedures and practices to update the program. It includes provisions that allow for changes in products and agricultural practices and that make the system more cost-efficient.

HOUSE BILL 1511 **HOUSE AUTHOR:** Wieting
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sarpalius

The act updates Texas statutes regulating bees, beekeepers, and honey. Included in the act are provisions regarding disease control, permits and registration, branding and identification of apiary equipment, labeling and the sale of honey, enforcement of its provisions, and penalties for violations.

HOUSE BILL 2018 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 5-24-83 **SENATE SPONSOR:** Santiesteban

House Bill 2018 gives a licensed veterinarian the authority to use certain types of drugs and to delegate to certain persons the administration of treating animals and dispensing appropriate medication under the supervision of the veterinarian.

HOUSE BILL 2083 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sims

House Bill 2083 gives the commissioner of agriculture the authority to defer the suspension of certain licenses issued by the Department of Agriculture and to impose a civil penalty in lieu of suspension.

HOUSE BILL 1 (1st C.S.) **HOUSE AUTHOR:** B. Gibson, et al.
EFFECTIVE: 6-27-83 **SENATE SPONSOR:** Glasgow

House Bill 1 substantially revises the statutes concerning the state's brucellosis control program. The act permits the Texas Animal Health Commission to classify different areas of the state according to the incidence of the disease and to prescribe different control procedures for each area. It gives the commission discretion in establishing procedures for testing cattle, vaccinating them, and handling diseased cattle, as well as in regulating the sale and use of brucellosis antigens and vaccines.

House Bill 1 also allows the commission to adopt any rules necessary to regulate the movement of cattle intrastate, regardless of whether or not those cattle are subject to restrictions in interstate or international commerce. The commission, instead of establishing uniform procedures for handling herds in which infection is found, can now handle them according to an individual herd plan.

Under the provisions of the act, the commission can exempt certain livestock from the requirement that they be certified free of brucellosis 30 days before entry into the state. It continues, however, the statutory prohibition against importing cattle from quarantined herds while allowing the commission to make exceptions. House Bill 1 additionally establishes penalties for failure to comply with the act, and adds brucellosis to the list of diseases veterinarians must report to the commission within 24 hours of diagnosis.

SENATE JOINT RES. 1 (1st C.S.) **SENATE AUTHOR:** Sarpalius
FOR ELECTION: 11-8-83 **HOUSE SPONSOR:** Uher

Senate Joint Resolution 1 authorizes the legislature to allow agricultural producers associations to collect refundable assessments on their product sales. The assessments must be approved by referenda of producers, and the revenue from the assessments may only be used to finance programs of marketing, promotion, research, and education relating to the specific commodity.

SENATE BILL 607 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: See below **HOUSE SPONSOR:** Uher

Senate Bill 607, passed during the regular session of the 68th Legislature, is the enabling legislation for Senate Joint Resolution 1, 1st Called Session, which is the proposed constitutional amendment providing for the advancement of food and fiber production and marketing in this state through research, education, and promotion financed by the producers of agricultural products. Senate Bill 607 takes effect on adoption of that amendment by Texas voters.

ALCOHOLIC BEVERAGES

HOUSE BILL 493 | **HOUSE AUTHOR:** Price
EFFECTIVE: 8-29-83 | **SENATE SPONSOR:** Santiesteban

This act amends the law allowing county commissioners to approve the sale of alcoholic beverages in professional sports stadiums or regional airports of certain counties if the county has legalized the sale of alcoholic beverages in all or part of the county. House Bill 493 lowers the population limitation from 500,000 to 240,000 or more and thereby increases the number of eligible counties from four to nine. Those counties are Harris, Dallas, Bexar, Tarrant, El Paso, Travis, Hidalgo, Nueces, and Jefferson.

HOUSE BILL 706 | **HOUSE AUTHOR:** Salinas
EFFECTIVE: 9-1-83 | **SENATE SPONSOR:** Traeger

House Bill 706 amends the provision of the Alcoholic Beverage Code relating to the issuance of daily temporary mixed beverage permits. In addition to a holder of a mixed beverage permit, such permits may now be issued to a political party or certain political associations, to charitable or civic organizations, to certain fraternal organizations, or to religious organizations. The act allows these organizations to hold not more than two daily temporary mixed beverage permits a year.

HOUSE BILL 877 | **HOUSE AUTHOR:** R. Martinez, et al.
EFFECTIVE: 9-1-83 | **SENATE SPONSOR:** Brown

House Bill 877 makes it an offense for a person to knowingly consume liquor or beer on the premises of either a holder of a wine and beer retailer's off-premise permit or a retail dealer's off-premise license. The act requires wine and beer retailer's off-premise permittees and retail dealer's off-premise licensees to display a sign warning that it is a crime to consume liquor or beer on their premises.

The act further requires a wine and beer retailer's permittee and a retail dealer's on-premise licensee to designate an area for customers to sit and consume beverages bought on the premises.

A person convicted of not more than one violation of on-premise consumption is allowed by this act to apply to the court to have the conviction expunged.

HOUSE BILL 1310 | **HOUSE AUTHOR:** Coody
EFFECTIVE: 8-29-83 | **SENATE SPONSOR:** Glasgow

The Administrative Procedure and Texas Register Act requires a person who wishes to contest a final decision of a state agency to file a petition for review in a district court of Travis County, Texas. House Bill 1310 amends the Administrative Procedure and Texas Register Act to make it inapplicable to an appeal from a decision of the Texas Alcoholic Beverage Commission relating to a private club registration, which may be brought in a district court of the county in which the private club is located.

HOUSE BILL 1361 | **HOUSE AUTHOR:** R. Martinez
EFFECTIVE: 9-1-83 | **SENATE SPONSOR:** Whitmire

This act amends the Alcoholic Beverage Code to allow a holder of a wine and beer retailer's permit to change the permit to a wine and beer retailer's off-premise permit and to allow a holder of a retail dealer's on-premise license to change the license to a retail dealer's off-premise license, for the same location, without an interruption of regular business. The act also provides for the procedures relevant to the application for the change, fees, and termination and effective dates of the licenses and permits.

HOUSE BILL 1618 | **HOUSE AUTHOR:** Salinas
EFFECTIVE: 9-1-83 | **SENATE SPONSOR:** Santiesteban

House Bill 1618 allows the holder of a wholesaler's permit, a class B wholesaler's permit, or an importer's license to furnish, in lieu of all or part of the amount of the bond required to secure payment of the gross receipts tax on mixed beverages, a certificate of deposit or savings or a letter or letters of credit from a bank or savings institution. The act also exempts these permittees and this licensee from furnishing a bond if the required taxes have been paid on a timely basis for the preceding 36 months. The bond exemption terminates if a permittee or licensee fails to pay the required tax or fee. The act reduces the number of consecutive months from 36 to 18 in which a permittee or licensee must timely pay taxes and fees in order to regain the exemption.

The final section of this act allows a permittee who has a bond exemption to qualify for bond exemption for any other permit or license for which an exemption may be obtained, issued to the same permittee or licensee for use at different or additional licensed premises.

HOUSE BILL 1875 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Kothmann

This act amends the Alcoholic Beverage Code relating to a report of seizure of illicit beverages. The act changes the requirement that each report be made in quadruplicate by requiring the reports to be made in triplicate. Under this act, only one copy instead of two is required to be verified by oath. The act also eliminates the requirement that one verified copy be filed in the permanent files of the comptroller, leaving the only verified copy for the permanent files of the Texas Alcoholic Beverage Commission or agency making the seizure.

HOUSE BILL 1877 **HOUSE AUTHOR:** Luna
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Harris

House Bill 1877 eliminates the requirement that a photograph be included on a wine and beer retailer's permit or a retail dealer's on-premise license.

The act further provides for the printing of Texas Alcoholic Beverage Commission rules governing the collection or refund of the gross receipts tax, and it entitles a permittee to a refund or tax credit for a mistaken overpayment. A claim for a credit or refund must be made within four years of the overpayment.

The act also limits the detailed information that may be required in a permittee's tax return to the information that is ordinarily available from typical daily sales records.

HOUSE BILL 1889 **HOUSE AUTHOR:** G. Hill
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Traeger

House Bill 1889 amends the provisions of the Alcoholic Beverage Code relating to setting territorial limits on the sale of beer. The act requires each holder of a general, local, or branch distributor's license to enter into a written contract with each manufacturer from which the licensee purchases beer to set the sales territory within which beer purchased by that distributor may be sold and it prohibits distributors selling beer outside their sales territory. A manufacturer may agree to not assign all or part of a sales territory to more than one distributor.

HOUSE BILL 2046 **HOUSE AUTHOR:** Finnell
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Farabee

House Bill 2046 makes it an offense to provide or attempt to provide alcohol or a controlled substance to an inmate of a county or city jail, as well as the Texas Department of Corrections.

HOUSE BILL 2150 **HOUSE AUTHOR:** Danburg
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Henderson

House Bill 2150 amends the provision of the Alcoholic Beverage Code relating to local regulation of outdoor beverage advertising by prohibiting a person from erecting or maintaining any other outdoor advertising that violates the ordinances of an incorporated city or town.

SENATE BILL 21 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Laney

It is an offense under the Alcoholic Beverage Code for a person to knowingly sell an alcoholic beverage to a minor. It is not an offense, however, if a minor falsely represents himself to be at least 19 years old by displaying an apparently valid Texas driver's license. Under Senate Bill 21 it is also not an offense to sell an alcoholic beverage to a minor who falsely represents himself as being 19 years old by displaying an identification card issued by the Department of Public Safety.

SENATE BILL 285 **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Keller

During the last interim, a special committee on fees and grants was established to study among other things the various fees charged by state agencies for licenses and permits. Among those fees studied were the license and permit fees for persons engaged in the alcoholic beverage industry. Based on committee recommendations, this act increases various alcoholic beverage permit and license fees.

SENATE BILL 554 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** G. Hill

Senate Bill 554 amends the Alcoholic Beverage Code relating to the verification and filing of a petition for a local option liquor election by transferring the responsibility of verifying the names on the petition from the office of the county clerk to that of the voter registrar of the county in whose office the records concerning registered voters are kept. This act applies only to the petitions for a local option liquor election.

HOUSE BILL 1876 **HOUSE AUTHOR:** Laney
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Kothmann

House Bill 1876 amends the Alcoholic Beverage Code relating to the filing of the annual report of the Texas Alcoholic Beverage Commission by requiring the commission to provide a yearly report concerning its administration of the code to the presiding officer of each house of the legislature in addition to the governor.

SENATE BILL 964 **SENATE AUTHOR:** McFarland
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** English

State law authorizes a county commissioners court and the governing board of an incorporated city or town to prohibit the sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a church, public school, or public hospital. Senate Bill 964 revises the method of measuring the distance between a public school and a place of business where alcoholic beverages are sold if minors are not prohibited from entering the premises. In addition, an applicant for an original alcoholic beverage license or permit for a place of business that is within 1,000 feet of a public school is now required to give written notice of the application to officials of the public school before filing the application with the Alcoholic Beverage Commission.

This act also authorizes a county commissioners court and the governing body of a city or town to allow variances to the regulation under certain circumstances.

APPROPRIATIONS

The 68th Legislature passed a number of bills that appropriated funds for the current biennium and for the 1984-1985 biennium in support of state government and as aid to local governments. The comptroller of public accounts certified, under the constitution's "pay-as-you-go" provision, a total of $30.9 billion in spending measures passed during the regular session. Spending measures passed during the first called session totaled $15.4 million.

General Appropriations Act

SENATE BILL 179 **SENATE AUTHOR:** Jones
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Presnal

The General Appropriations Act provides the major portion of funds for the 1984-1985 biennium. It appropriates $30.8 billion, an increase of 15.7 percent over the estimated spending level of the 1982-1983 biennium.

The governor vetoed only one line-item appropriation in the act: $200,000 allocated to the University of Houston System for a planning study regarding a new branch campus.

Education was allocated the largest share of the state's appropriations, with a 12.1 percent increase over the previous biennium. The $14.3 billion appropriation for education accounts for 46.5 percent of the state's total spending for the next biennium. When the appropriation of $1.2 billion for the Teacher Retirement System is included, this figure increases to 50.3 percent.

The state's share of the Foundation School Program totals $7.7 billion, representing an increase of 12.9 percent over the state's share for the current biennium. Funding for teachers' salaries is maintained at the level required under current law. Under the existing salary schedule, a teacher with a B.A. degree would receive step increases ranging from 2 percent at step 14 to 9.4 percent at step 8.

As in the current biennium, of the higher education funds public junior colleges received the largest increase. Junior colleges received a 25.7 percent increase compared to the 4 percent increase provided senior colleges and universities.

For programs outside the Foundation School Program, significant increases were provided in two areas. Funding for textbooks increased by $33.6 million over the current biennium, and funding for school community guidance centers increased to $3 million for the biennium.

Executive and administrative departments and agencies were appropriated $8.3 billion, or 27 percent of the state's total appropriation. This figure represents a 26 percent increase over the 1982-1983 biennium. One important provision of the appropriations act was increased funding in the area of corrections. Funding for the Board of Pardons and Paroles increased $29.2 million over the current biennium, or 65.6 percent. A portion of the additional funds will provide for additional parole officers and an increase in the cost per day for halfway house placements. The budget for the Adult Probation Commission increased 111 percent for the biennium, for a total of $114.6 million. Major increases occur in the state aid program and in the intensive supervision programs.

The Department of Public Safety received an increase in funds of 14.5 percent, for a total of $295.6 million. Agency personnel will increase by 104, with 40 highway patrol troopers to be added during the next biennium.

Public health, welfare, and rehabilitation agencies received $6.1 billion, or 20 percent of the state's total appropriation for the next biennium. This figure represents a 15.8 percent increase in funding over the 1982-1983 biennium. Although no new health services are provided by the Texas Department of Health, there are significant changes in several areas, including an increase of $15.1 million for the biennium to maintain the current level of caseloads in the crippled children services program, an increase of $7.4 million for the biennium in general revenue to expand the early childhood intervention program, an increase of $8.0 million for the biennium in general revenue for the long term care program, and an increase of $4.5 million primarily in general revenue to replace lost federal funding in various programs.

The Texas Department of Mental Health and Mental Retardation received $1.1 billion in general revenue funds, for an increase of 12.4 percent over the 1982-1983 biennium. Some significant issues addressed were an increase of $21.2 million in the state's contribution to mental health and mental retardation centers sufficient

to improve all areas of service currently provided, an increase of $10.3 million to increase staff-to-client ratios and to provide staff to operate additional beds for mentally ill and mentally retarded persons, and $8.8 million to be used for projects throughout the system such as roof and paving repairs and utility improvements.

Another provision of the act includes an increase in the state employee salary schedule of 4 percent in fiscal 1984 and 3 percent in fiscal 1985. The same increases are provided to colleges and universities. Additional funds are included in the act to improve fringe benefits for state employees. The state's contribution for employee group insurance increases from $58 per month in fiscal 1983 to $70 per month in fiscal 1984 and $85 per month in fiscal 1985. Employees of higher education, junior colleges, and state agencies are included in the group insurance program.

A detailed analysis of this act and state government spending is presented in *Fiscal Size Up, Summary of the 1984-85 State Budget* prepared by the Legislative Budget Board.

Emergency or Supplemental Appropriations for Fiscal Year 1983

HOUSE BILL 1130 — **HOUSE AUTHOR:** Willis, et al.
EFFECTIVE: 6-19-83 — **SENATE SPONSOR:** Brooks

The act appropriates $16,108,096 to the purchased utility contingent fund to pay the cost of utilities at certain institutions of higher education.

HOUSE BILL 2229 — **HOUSE AUTHOR:** C. Evans
EFFECTIVE: See below — **SENATE SPONSOR:** McFarland

Effective September 1, 1983, the number of associate justices of the Court of Appeals for the Second Supreme Judicial District (Fort Worth) is increased from five to six. The act also makes a supplemental appropriation of $7,000 to that court effective June 19, 1983.

HOUSE BILL 2437 — **HOUSE AUTHOR:** Lewis
EFFECTIVE: 5-20-83 — **SENATE SPONSOR:** Brooks

A pilot program for experimental liver transplants is established by the act. The act appropriates to the Texas Department of Human Resources all funds donated from public and private sources for the program. An appropriation of $41,000 is also made from general revenue to the department to fund the program. The appropriation to the house of representatives for the current fiscal year is reduced by $41,000. The act restricts funds expended for the program, which expires on August 31, 1983, to $500,000.

SENATE BILL 121 — **SENATE AUTHOR:** Caperton
EFFECTIVE: 4-13-83 — **HOUSE SPONSOR:** Saunders

The act creates the 335th Judicial District, composed of Washington, Lee, Bastrop, and Burleson counties. It also appropriates $35,000 to pay the salary and expenses of the judge of the district court created by the act.

SENATE BILL 186 — **SENATE AUTHOR:** Farabee
EFFECTIVE: 4-26-83 — **HOUSE SPONSOR:** G. Hill

The act appropriates from various funds a total of $626,076 to the treasury department for additional personnel and for administrative and fiscal management purposes.

SENATE BILL 281 — **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 5-20-83 — **HOUSE SPONSOR:** L. Hall

The act appropriates $218,000 to the Board of Pardons and Paroles for certain expenses associated with obtaining new office space in order to alleviate overcrowded conditions.

SENATE BILL 282 — **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 5-3-83 — **HOUSE SPONSOR:** Presnal

The act makes a supplemental appropriation of $859,697 from various funds to the General Land Office.

SENATE BILL 341 — **SENATE AUTHOR:** Caperton
EFFECTIVE: 5-24-83 — **HOUSE SPONSOR:** Hightower

The Board of Regents, Texas State University System is directed to undertake projects for the replacement and repair of fire-damaged structures at Sam Houston State University. A total of $6,349,732 is appropriated to the board for the projects.

SENATE BILL 345 **SENATE AUTHOR:** Montford
EFFECTIVE: 3-28-83 **HOUSE SPONSOR:** Robnett

The act appropriates $769,000 to Texas Tech University to repair the livestock pavilion, which was damaged by a snowstorm.

SENATE BILL 373 **SENATE AUTHOR:** Blake
EFFECTIVE: 2-25-83 **HOUSE SPONSOR:** Presnal

The act appropriates $6 million to the Texas Senate for repair and renovation of areas of the Capitol damaged by fire on February 6, 1983. A sum of $1 million is also appropriated to the State Purchasing and General Services Commission for providing temporary quarters for senate offices and other operations displaced by the fire and for other necessary expenses, including clean-up costs incurred by the commission because of the fire.

SENATE BILL 442 **SENATE AUTHOR:** Harris
EFFECTIVE: 5-20-83 **HOUSE SPONSOR:** Jackson

The act appropriates $316,000 to the Texas State Board of Public Accountancy for certain licensing and examination functions.

SENATE BILL 445 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 5-3-83 **HOUSE SPONSOR:** Cain

The act appropriates $1,508,688 to the attorney general's office for general operating purposes and authorizes the transfer of $417,590 from state highway fund no. 006 to the attorney general's office for salaries and expenses associated with legal work by office staff for the State Department of Highways and Public Transportation regarding the acquisition of state highway rights-of-way.

SENATE BILL 456 **SENATE AUTHOR:** Caperton
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Hightower

The act appropriates $8.1 million to the central office of the Texas Department of Corrections to pay utility costs incurred by department facilities.

SENATE BILL 466 **SENATE AUTHOR:** Jones
EFFECTIVE: 5-20-83 **HOUSE SPONSOR:** Presnal

The act appropriates $96,000 to the Texas Board of Architectural Examiners.

SENATE BILL 467 **SENATE AUTHOR:** Jones
EFFECTIVE: 5-3-83 **HOUSE SPONSOR:** Madla

The act appropriates $5 million to the central office of the Texas Department of Mental Health and Mental Retardation to pay utility costs incurred by department facilities.

SENATE BILL 469 **SENATE AUTHOR:** Caperton
EFFECTIVE: 5-20-83 **HOUSE SPONSOR:** Presnal

The act makes a supplemental appropriation of $110,830 to 11 courts of appeals and the office of court administration.

SENATE BILL 501 **SENATE AUTHOR:** Traeger
EFFECTIVE: 5-24-83 **HOUSE SPONSOR:** Madla

The act appropriates $21,700 to the Texas Optometry Board to pay the per diem expenses of board members and travel expenses of board members and staff incurred during fiscal year 1983.

SENATE BILL 589 **SENATE AUTHOR:** Caperton
EFFECTIVE: 3-24-83 **HOUSE SPONSOR:** Millsap

The act appropriates $2.5 million to the State Purchasing and General Services Commission for completion of the William B. Travis State Office Building.

SENATE BILL 670 **SENATE AUTHOR:** Caperton
EFFECTIVE: 5-20-83 **HOUSE SPONSOR:** Presnal

To replace building space lost by the fire destruction of the Agricultural Engineering Research Laboratory, a sum of $578,826 is appropriated to Texas A&M University. An amount of $1,184,350 is also appropriated to the Texas Agricultural Experiment Station to replace research equipment destroyed by the fire.

SENATE BILL 817 **SENATE AUTHOR:** Brooks
EFFECTIVE: 5-24-83 **HOUSE SPONSOR:** Madla

The act appropriates $38,074 to the Texas Board of Physical Therapy Examiners to pay increased costs of printing and mailing materials, purchasing examinations, renting office space, travel expenses, and for other necessary operating expenses.

SENATE BILL 1050 **SENATE AUTHOR:** Brooks
EFFECTIVE: 5-24-83 **HOUSE SPONSOR:** Madla

The act appropriates $41,900 to the Texas State Board of Examiners of Psychologists for per diem expenses relating to investigations of complaints, and expenses relating to the administration of the jurisprudence examination.

Special Appropriations for 1984-1985 Biennium

HOUSE BILL 893 **HOUSE AUTHOR:** Wilson
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brooks

The act provides for state reimbursement to a hospital for the cost of transporting an infant to the hospital for admittance to its level III neonatal intensive care unit. The Texas Department of Health is authorized to spend $100,000 each year from earned federal funds or private donation to implement the act.

SENATE BILL 315 **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** C. Evans

The act continues the operation of the Texas Department of Community Affairs. One of the act's provisions appropriates funds received by the state during the biennium from fuel overcharge refunds to the department for use in state energy assistance programs benefiting low-income persons. The appropriation is limited to $5 million.

SENATE BILL 325 **SENATE AUTHOR:** Truan
EFFECTIVE: See below **HOUSE SPONSOR:** Turner

Effective September 1, 1983, the act expands the authorized use of the local parks and open space fund to include assistance grants, matching grants, and direct expenditures in rural areas as well as urban areas. An amount of $4.2 million is appropriated from the fund to the Parks and Wildlife Department for state assistance to local parks. To fund that appropriation during the biennium, the fund will receive a transfer from the state parks fund rather than a portion of the state cigarette tax. The fund will resume receiving a portion of the tax on September 1, 1985.

Section 7 of the act, which would have provided an appropriation to the Texas Sesquicentennial Museum Board, was vetoed.

SENATE BILL 813 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Hury

The act provides for the licensing and regulation of speech language pathologists and audiologists. It appropriates $80,000 from the general revenue fund to a special fund for implementation of the act. The first $80,000 of application and license fees received shall be returned to the general revenue fund to defray the appropriation.

SENATE BILL 1082 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Armbrister

The act increases certain fees charged by the clerks of the courts of appeals. In addition, it appropriates 50 percent of the fees collected to the office of court administration to be used exclusively for necessary expenses incurred for the continuing professional education of the justices and staff of the courts of appeals.

SENATE BILL 1355 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Presnal

The act creates the Texas Public Building Authority for the purpose of issuing bonds for the construction, purchase, and renovation of certain state buildings. The sum of $1 million is appropriated to the authority for

operating expenses and the sum of $7 million is appropriated to the State Purchasing and General Services Commission to pay the authority amounts for debt service that may be due for any of the authorized projects.

HOUSE BILL 8 (1st C.S.) **HOUSE AUTHOR:** T. Hall
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Jones

The act makes an appropriation for payment of certain claims and judgments against the state. It also makes a technical correction to a provision of the General Appropriations Act (Section 6, Judiciary—Special Provisions) to provide an appropriation for the implementation of House Bill 2229, which increases the number of justices of the Court of Appeals, Second Supreme Judicial District.

SENATE BILL 9 (1st C.S.) **SENATE AUTHOR:** Washington
EFFECTIVE: 6-28-83 **HOUSE SPONSOR:** Presnal

The act appropriates $15 million to Texas Southern University for construction of a physical education building and phase I of a library addition. It also limits the amount that may be expended for renovation of Adams Hall to $1.5 million.

SENATE BILL 22 (1st C.S.) **SENATE AUTHOR:** Lyon, et al.
EFFECTIVE: 9-24-83 **HOUSE SPONSOR:** Turner

The act appropriates $120,000 to the State Ethics Advisory Commission for general operation during the 1984-1985 biennium.

The following acts, which are reviewed in other chapters, appropriate unspecified amounts of earned funds, fees, or proceeds from sales: S.B. 385, S.B. 659, S.B. 1213, S.B. 1316, H.B. 1121, H.B. 1273, and H.B. 1970.

BUSINESS AND OCCUPATIONAL REGULATION

The 68th Legislature passed many 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 Occupations, and Utilities.

Business and Commerce

HOUSE BILL 179 **HOUSE AUTHOR:** Hinojosa
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sharp

House Bill 179 amends the Small Business Assistance Act of 1975 by adding a section that directs state agencies considering adoption of a rule that would have an adverse economic effect on small businesses to reduce that effect where legal and feasible. It also provides that before adopting such a rule the agency must prepare a statement of the effect on small businesses. State agencies subject to the act must prepare by September 1, 1984, a plan for review of rules in effect on September 1, 1983.

HOUSE BILL 1200 **HOUSE AUTHOR:** Berlanga, et al.
EFFECTIVE: 6-17-83 **SENATE SPONSOR:** Truan

Foreign trade zones consist of areas in or around American ports of entry where foreign merchandise is allowed into the United States without being subject to customs duties and regulations. A special board within the United States Department of Commerce accepts and reviews applications for new zones, conditional on prior state approval. House Bill 1200 authorizes the city of Corpus Christi, the Port of Corpus Christi Authority, or any public agency designated by either, to apply singly or in combination to establish a foreign trade zone in Corpus Christi.

HOUSE BILL 1438 **HOUSE AUTHOR:** Messer, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Henderson

House Bill 1438 amends the Business & Commerce Code to change the entities allowed to waive the provisions of the Deceptive Trade Practices-Consumer Protection Act. Under this act only a business consumer that is experienced in financial and business matters, that is in a basically equal bargaining position, and that has assets of $5 million or more may make such a waiver. A business consumer is an entity purchasing or leasing for commercial or business purposes. A business consumer with assets of $25 million or more is excluded from the provisions of that act dealing with consumers in general.

HOUSE BILL 1849 **HOUSE AUTHOR:** Messer
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Montford

House Bill 1849 amends the Business & Commerce Code regarding fraud in a transaction involving real estate or stock in a corporation or joint-stock company by excluding from liability persons who have no actual knowledge that another person has wilfully made a false representation or promise although they may have benefitted from the false representation or promise.

SENATE BILL 318 **SENATE AUTHOR:** Harris
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Messer

Senate Bill 318 amends the Business & Commerce Code by correcting misprints, omissions, and errors in spelling.

SENATE BILL 397 **SENATE AUTHOR:** Doggett
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Messer

Senate Bill 397, also known as the Texas Free Enterprise and Antitrust Act of 1983, updates the state's antitrust laws to conform with federal antitrust laws. The substantive and procedural provisions of the act are patterned after the federal laws, and the act specifically instructs Texas courts to find guidance in application of the new laws from judicial interpretation of the federal laws.

SENATE BILL 668 **SENATE AUTHOR:** Parmer
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** B. Gibson

Senate Bill 668 states that violations of certain debt collection and home solicitation statutes are also actionable as violations of the Deceptive Trade Practices-Consumer Protection Act and are cumulatively governed by its venue and remedy provisions.

SENATE BILL 769 **SENATE AUTHOR:** Edwards
EFFECTIVE: 5-17-83 **HOUSE SPONSOR:** Arnold

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 Zone Board will not grant approval for a corporation's application without prior state approval. Senate Bill 769 authorizes the Midlothian Trade Zone Corporation to apply for and accept a grant to establish, operate, and maintain a foreign trade zone adjacent to the port limits of the Dallas-Fort Worth Port of Entry at Midlothian, Ellis County, and other subzones within Ellis County.

SENATE BILL 1321 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Cain

The Business Opportunity Act, passed in 1981, was designed to protect Texas citizens from being defrauded by regulating the sale, lease, or transfer of business opportunities, such as franchises and distributorships. When the act was passed, "product franchises" or "package franchises" were considered to be adequately regulated by the Federal Trade Commission and were exempt from the act. Since then, the attorney general's office has discovered that such businesses are not sufficiently regulated, and Senate Bill 1321 amends the act to remove from exemption the sale of "product franchises" or "package franchises." The act also includes Texas state registered trademarks with federally registered trademarks for a partial exclusion from the definition of "business opportunity" and requires only the principal seller of a business opportunity to file disclosure statements with the secretary of state.

Corporations and Associations

HOUSE BILL 449 **HOUSE AUTHOR:** Leonard
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** McFarland

House Bill 449 amends the Texas Business Corporation Act to permit any of the three participants in a triangular merger to use cash or property to compensate shareholders who do not wish to accept stock in the surviving company. The act also provides that a parent corporation in a triangular merger may create debt on its own books for the benefit of a wholly owned subsidiary. The subsidiary could receive consideration for indebtedness, rather than the parent company.

HOUSE BILL 622 **HOUSE AUTHOR:** Jackson
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Harris

House Bill 622 amends the Texas Non-Profit Corporation Act by adding a definition of "state agency." Corporations having a board member, other than one serving in an ex officio, nonvoting, or advisory capacity, who is also an official or employee of the affected state agency, with the exception of bona fide alumni associations, are subject to audit at the discretion of the state auditor. All other nonprofit corporations whose purpose is to assist a state agency must file an annual report with the secretary of state. Most state-related foundations were previously exempt from the requirement to maintain annual financial reports for public inspection and copying and from regular state inspections or audits.

SENATE BILL 420 **SENATE AUTHOR:** Farabee
EFFECTIVE: 5-20-83 **HOUSE SPONSOR:** Jackson

Corporations doing business in Texas are required under the Texas Business Corporation Act to designate a registered agent as official contact for the corporation in Texas for the office of the secretary of state. Senate Bill 420 changes several provisions of the act relating to registered agents, specifically, those dealing with the filing of certain notices and statements. It also changes the fee for filing articles of incorporation of a domestic

corporation and issuing a certificate of incorporation from $100 to $200 and for filing application for reservation of a corporate name from $10 to $20.

SENATE BILL 559 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** T. Smith

Senate Bill 559 grants Texas businesses increased latitude regarding methods of operation. It permits a corporation to lend money to its officers and directors, as well as to its employees, if the loan will benefit the corporation. The act provides standards for indemnification of a corporation's officers, directors, or former officers who become involved in litigation. It also clarifies accounting procedures for corporations and permits the directors of a corporation to fill a maximum of two board vacancies created when the number of positions on the board is increased. Previous law specified that only shareholders could fill vacancies on the board of directors.

SENATE BILL 623 **SENATE AUTHOR:** Harris
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Keller

Every association that wishes to operate a cemetery within the State of Texas as a perpetual care cemetery must establish a perpetual care trust fund. The income from the trust fund may be used solely for general perpetual care, maintenance, and embellishment of the cemetery. The act increases the various deposit amounts, based on types of graves and crypts, to be paid by cemetery associations to their perpetual care trust funds.

Financial

HOUSE BILL 853 **HOUSE AUTHOR:** Schlueter
EFFECTIVE: 5-27-83 **SENATE SPONSOR:** Sharp

House Bill 853 amends statutes relating to consumer credit by providing that the parties to a manufactured home credit transaction may agree to any interest rate permitted by the general floating interest rate ceilings applicable to most credit transactions in this state.

HOUSE BILL 1372 **HOUSE AUTHOR:** A. Smith
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brown

Under previous law, officers, directors, and employees of a state or national bank in Texas having fewer than 500 shareholders are exempt from registration and licensing under The Securities Act. House Bill 1372 extends this exemption to officers, directors, and employees of bank holding companies having fewer than 500 shareholders that own the majority of voting shares of a bank domiciled in Texas. This act applies only to transactions occurring on or after the effective date of the act.

HOUSE BILL 1867 **HOUSE AUTHOR:** Robnett
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Montford

House Bill 1867 amends The Securities Act by eliminating the requirement that residences of securities dealers and of all persons interested in the business as principals, officers, directors, or managing agents be listed on the dealer registration certificate. It also adds an additional application fee of $15 for each person listed as an officer on the application.

HOUSE BILL 1969 **HOUSE AUTHOR:** P. Hill
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** McFarland

House Bill 1969 will ease the volume of paperwork connected with the transfer of securities. This act enables the transfer of securities without the use of certificates unless a security holder or investor requests a certificate. The act adopts, with a few modifications, the amendments made to Article 8 of the Uniform Commercial Code by the National Conference of Commissioners on Uniform State Laws.

HOUSE BILL 2220 **HOUSE AUTHOR:** Millsap
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Glasgow

Under previous law, there was no provision for a floating interest rate for public securities. House Bill 2220 allows this type of rate and defines the terms "bond years," "floating rate public securities," and "net interest cost" of floating rate public securities.

HOUSE JOINT RESOLUTION 29 **HOUSE AUTHOR:** Coody
FOR ELECTION: 11-6-84 **SENATE SPONSOR:** Traeger

House Joint Resolution 29 proposes a constitutional amendment that would grant state-chartered banks the same rights and privileges as nationally chartered banks domiciled in Texas.

SENATE BILL 405 **SENATE AUTHOR:** McFarland
EFFECTIVE: See below **HOUSE SPONSOR:** Coody

Senate Bill 405 lowers interest-rate ceilings on bank credit card and retail credit card loans. Under previous law, the rate fluctuated between 18 and 24 percent. This act changes the interest-rate ceiling on bank credit cards to fluctuate between 14 and 22 percent. It also requires banks to use quarterly ceilings. Banks are permitted to charge interest from the date of purchase but may not charge cardholders an annual user's fee.

The interest-rate ceiling on retail credit cards will fluctuate between 18 and 21 percent per year. Retailers may not charge interest from the date of purchase but must instead allow borrowers one billing cycle to pay the balance on their accounts without added interest. The annual interest rate will be calculated by the consumer credit commissioner as the average of weekly United States Treasury bill auction rates for the three months prior to computation rather than the 12 months as provided by previous law.

The provisions of Senate Bill 405 presented above are effective July 1, 1983. All other provisions of this act take effect May 24, 1983.

This act permits state and national banks and state and federal savings and loan associations to make small consumer loans without obtaining a license from the consumer credit commissioner. In addition, the regulatory authority of the Office of Consumer Credit Commissioner over pawnshops is outlined.

This act also authorizes the continuation of the Office of Consumer Credit Commissioner. The provisions of the remaining sections are discussed in the chapter on sunset review.

SENATE BILL 429 **SENATE AUTHOR:** Harris
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** C. Evans

Senate Bill 429 amends The Texas Banking Code of 1943 to provide for amendment of a depository contract by mailing written notice to the depositor. It also establishes guidelines for the disclosure, examination, or production of bank records under certain circumstances.

SENATE BILL 438 **SENATE AUTHOR:** Brown
EFFECTIVE: 5-20-83 **HOUSE SPONSOR:** Coody

Senate Bill 438 allows a state bank to invest not more than 10 percent of its capital and certified surplus in another bank or bank holding company provided that the investing bank does not own more than five percent of the bank or bank holding company.

SENATE BILL 488 **SENATE AUTHOR:** Harris
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** C. Evans

Senate Bill 488 amends The Texas Banking Code of 1943 to provide that the banking commissioner may assess and collect from each bank an annual fee, based on total assets, to cover the operating expenses of the Banking Department of Texas and enforcement of the code. The fees will be deposited in a special fund in the state treasury to be known as the banking department expense fund. It also removes the requirement that a bank's statement of financial condition must be sworn to by an officer or employee of the bank and attested to by at least three directors.

Banks are permitted to secure loans by a real estate lien other than a first lien. For example, a bank may secure a home improvement loan with a real estate lien even if there is a mortgage lien on the property.

Current law states that no state bank may permit any person or corporation to become liable to it in excess of 25 percent of its capital and certified surplus, with certain exemptions. Senate Bill 488 adds to the list of exemptions indebtedness secured by obligations issued or guaranteed by the United States having a market value of 100 percent of the indebtedness at all times and indebtedness fully secured by a segregated deposit account in the lending bank.

The Federal Depository Institutions Deregulation and Monetary Control Act of 1980 gives the federal government authority to establish reserve requirements for all financial institutions. This bill removes reserve requirements at the state level. It also deletes the authority of the State Banking Board to close a bank.

The section of the banking code providing that certain mortgage banking institutions are subject to supervision by the banking commissioner is repealed. Finally, the act specifies restrictions on a state bank's investment in bank subsidiary corporations.

SENATE BILL 596 **SENATE AUTHOR:** Harris
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Patronella

Senate Bill 596 increases the distance allowed between a central bank building and its drive-in/walk-up facilities and permits banks to have additional office facilities within a certain distance from the central bank. The act repeals the section of The Texas Banking Code of 1943 governing connected office facilities.

SENATE BILL 1091 **SENATE AUTHOR:** Harris
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Wallace

Senate Bill 1091 authorizes the electronic transfer of funds from customer accounts to merchant accounts in retail transactions. It provides that all financial institutions domiciled in Texas may participate in a merchant's electronic fund transfer system and gives the State Banking Board jurisdiction to determine noncompliance with this act. A customer is protected by a limited liability of $50 for unauthorized use of his or her account if certain procedures are followed by the customer, and financial institutions are prohibited from charging an excessive fee for this service.

See chapter on sunset legislation for other acts relating to financial regulatory agencies.

Miscellaneous Business Regulation

HOUSE BILL 603 **HOUSE AUTHOR:** Millsap
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** McFarland

House Bill 603 defines an obsolete industrial die, mold, or form and the conditions under which it may be destroyed. This will reduce storage and maintenance expense for custom manufacturing firms by permitting the destruction of unused or unclaimed industrial molds.

HOUSE BILL 886 **HOUSE AUTHOR:** Laney, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Traeger

House Bill 886 requires that a supplier of farm equipment repurchase from dealers any unsold, unused, and undamaged inventory in the event that the supplier terminates the dealers' franchise. A supplier is exempt from its provisions under certain conditions.

HOUSE BILL 897 **HOUSE AUTHOR:** Criss
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sharp

House Bill 897 amends the Texas Manufactured Housing Standards Act to provide conformity with federal regulations on manufactured housing, uniformity of construction and inspection standards, and increased consumer protection. The act also states that it does not change the authority of cities, towns, or villages, including home-rule cities, to limit or regulate the location of manufactured housing.

HOUSE BILL 1125 **HOUSE AUTHOR:** Hinojosa
EFFECTIVE: See below **SENATE SPONSOR:** Uribe

The enterprise zone is a concept that attempts to deal with the problem of stagnant economic growth and high unemployment rates by offering incentives for businesses to locate or expand in areas most drastically affected by a faltering economy. Federal legislation has been introduced which would provide authorization for a limited number of federal enterprise zones to be designated by the Department of Housing and Urban Development (HUD). House Bill 1125, also known as the Texas Enterprise Zone Act, provides for the creation, operation, and dissolution of enterprise zones and enables Texas to compete with other states for the award of enterprise zones as designated by HUD. It creates the Enterprise Zone Board and provides membership requirements and duties for the board. The board is subject to the Texas Sunset Act and, unless it is renewed, will be abolished September 1, 1995.

House Bill 1125 distinguishes between local and state-federal enterprise zones. Local zones are not eligible for the state tax incentives provided by this act. The benefits available to qualified businesses, qualified property,

qualified employees, and neighborhood enterprise associations in both local and state-federal enterprise zones include: exemption from certain state agency regulations; reduction or elimination of certain local fees or taxes; preference over other eligible applicants for certain grants or loans that are administered by a state agency; authorization to issue development bonds as provided by the Act for Development of Employment, Industrial and Health Resources of 1971 and by the Development Corporation Act of 1979; and provision for three methods for disposing of any surplus building or vacant land owned by the state or a local government, including an urban homestead program.

This act permits individuals residing in an enterprise zone to establish a neighborhood enterprise association, as a nonprofit corporation, to provide certain public services. The administration of an enterprise zone is under the jurisdiction of the appropriate unit of local government.

Finally, the act amends the Tax Code; the Act for Development of Employment, Industrial and Health Resources of 1971; the Development Corporation Act of 1979; the Texas Tax Increment Financing Act of 1981; the Property Redevelopment and Tax Abatement Act; and the Local Sales and Use Tax Act to provide for certain tax and financing incentives to qualified businesses. However, because the state tax incentives are available only to state-federal enterprise zones, the sections amending the Tax Code take effect on the first day of the state fiscal year following the date on which the governor certifies that a federal enterprise zone law has been enacted. All other provisions of this bill take effect September 1, 1983.

HOUSE BILL 1217 **HOUSE AUTHOR:** Colbert
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brooks

House Bill 1217 requires proper labeling and representation of kosher and nonkosher food. It also provides that advertising "kosher-style" food is allowed and is not a deceptive practice.

HOUSE BILL 1231 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sims

House Bill 1231 amends the Natural Resources Code to establish a procedure by which errors in field note descriptions of patents may be corrected.

HOUSE BILL 1451 **HOUSE AUTHOR:** Hackney
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Hammond

House Bill 1451 regulates the location, operation, and fencing of automotive wrecking and salvage yards in unincorporated areas of counties with a population of two million or more. It provides penalties for violations of the act.

HOUSE BILL 1650 **HOUSE AUTHOR:** Colbert
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Glasgow

House Bill 1650 clarifies previous law regarding procedures to be followed by persons selling crafted precious metals.

HOUSE BILL 1651 **HOUSE AUTHOR:** Colbert
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Whitmire

The sale of stolen used business machines is a growing problem in our state. House Bill 1651 requires that sales and repairs of secondhand business machines be reported to local authorities and regulates the operation of secondhand dealers involved in the sale of these machines. Penalties are provided for violations of this act.

HOUSE BILL 2363 **HOUSE AUTHOR:** Presnal
EFFECTIVE: 9-1-83 **SENATE AUTHOR:** Parker

House Bill 2363 requires persons who operate auxiliary enterprise activities at state agencies or state-supported institutions of higher education to provide payment statements and financial statements to the contracting agency or institution. They are also required to execute a performance bond.

HOUSE BILL 7 (1st C.S.) **HOUSE AUTHOR:** Willis, et al.
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Glasgow

House Bill 7 requires persons who operate hotels, motels, boarding houses, and similar establishments to install and maintain smoke alarms in sleeping quarters.

SENATE BILL 262 **SENATE AUTHOR:** Sharp
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Davis

The Parks and Wildlife Code contains provisions for establishing a creditor's security interest in a motorboat or outboard motor that conflict with the provisions of the Business & Commerce Code. Senate Bill 262 specifies that persons in the business of selling or leasing motorboats or outboard motors shall perfect security interests in this property solely under the provisions of Chapter 9 of the Business & Commerce Code and removes from the Parks and Wildlife Code references to validity and priority of security interests in motorboats and outboard motors. The act also provides that any conflicts between the Parks and Wildlife Code and Chapters 1 through 9 of the Business & Commerce Code shall be controlled by the latter. This act applies only to security interests created on or after its effective date.

SENATE BILL 277 **SENATE AUTHOR:** Leedom
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Hammond

Senate Bill 277 specifies that alarm system records and information held by a governmental body are confidential and may be disclosed only to the Texas Board of Private Investigators and Private Security Agencies or as required by law.

SENATE BILL 342 **SENATE AUTHOR:** Caperton, et al.
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Berlanga

Senate Bill 342 prohibits major oil companies from requiring service station dealers to pay a surcharge on credit card sales unless the franchisor has adjusted the wholesale prices charged or rebates credited to franchisees for motor fuel by amounts which, on the average, substantially offset the fee, charge, or discount for franchisees in the State of Texas. It also provides for remedies to franchisees for violations of the act.

SENATE BILL 741 **SENATE AUTHOR:** Harris
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Criss

Senate Bill 741 refines the Bingo Enabling Act passed in 1981 to address certain regulatory problems. Qualifying organizations are more strictly defined, and the comptroller of public accounts is given increased authority concerning the licensing provisions for bingo operators, those who lease premises for bingo games, and those who manufacture or distribute bingo equipment and supplies. Receipts from the sale of food and beverages, already subject to sales tax, are no longer included in taxable gross receipts.

SENATE BILL 835 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Staniswalis

Recent reductions in the federal budget have decreased the number of persons enforcing the Federal Animal Welfare Act, and Senate Bill 835 provides a method for ensuring regular inspections of carnivals, circuses, and zoos by deleting the exemption from state licensing for a carnival, circus, or zoo already required to be licensed under the Federal Animal Welfare Act unless proof of annual inspection by the federal agency administering that act is furnished to the commissioner of health.

SENATE BILL 921 **SENATE AUTHOR:** Doggett
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Bush

Senate Bill 921 provides that retailers may charge a processing fee, not to exceed $15, for returned checks.

SENATE BILL 1141 **SENATE AUTHOR:** Brown
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Schlueter

Senate Bill 1141 amends the Texas Motor Vehicle Commission Code to address certain problems faced by motor vehicle dealers and to enforce warranty provisions. This act expands the definition of "motor vehicle" to include specialized engines and drive trains for heavy duty trucks. This allows dealers providing warranty service on such component equipment warranty enforcement for manufacturer reimbursement. The act also prohibits dealer members of the commission from being involved in hearings concerning franchise location or ownership of a dealership if the dealer member operates a franchise for the same parent manufacturer company as the dealership. Senate Bill 1141 prohibits charge-backs by motor vehicle manufacturers to dealers for warranty service performed unless the claim was false or fraudulent, the repairs were not properly made or were unnecessary to correct the defective condition, or the dealer failed to substantiate the claim.

The act provides protest procedures for franchisees if manufacturers attempt to block relocation of a franchise. This act also contains a provision of direct interest to consumers. This provision is commonly called

the "lemon law." If a defect in a motor vehicle that is under warranty has not been repaired after a reasonable attempt to obtain repairs by the owner, the manufacturer or distributor will have to replace the vehicle or refund the price, less an allowance for usage of the vehicle. It is presumed that the owner has made a reasonable attempt to obtain repairs if repair has been attempted four or more times during the warranty term or first year of ownership, whichever is earlier, or if the car has been out of service for repairs for a cumulative total of 30 days during the warranty term or first year of ownership, whichever is earlier. The defect in question must be one that "substantially impairs the use and market value" of the vehicle. The owner is required to notify the manufacturer or distributor in writing, and the manufacturer or distributor must be given the opportunity to fix the vehicle before having to replace it or refund the price before the owner is entitled to the presumption mentioned above. If the owner is unsatisfied with the dealer's response, the case may be appealed to the Texas Motor Vehicle Commission. The commission must hold a hearing within six months after expiration of the warranty or first year of ownership. The commission shall determine responsibility for the refund or replacement. Manufacturers or distributors may not charge the cost to the dealers unless the commission so orders.

The "lemon" provision of Senate Bill 1141 applies only to new motor vehicles originally purchased after October 1, 1983.

Occupational Regulation

HOUSE BILL 64 **HOUSE AUTHOR:** C. Smith
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Mauzy

House Bill 64 removes the $100 ceiling on the examination fee for a license to practice architecture. It authorizes the Texas Board of Architectural Examiners to set the fee in an amount that is reasonable and necessary to defray the costs of administering the examination.

HOUSE BILL 1169 **HOUSE AUTHOR:** Khoury
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Mauzy

This act clarifies state law relating to orders and decrees in suits for the dissolution of marriage or in suits affecting the parent-child relationship. Additionally, the Licensed Professional Counselor Act is amended to exempt from its provisions persons who provide counseling services exclusively related to marriage and family concerns and who hold a masters or doctorate degree in the field of marriage and family therapy from an accredited college or university. Other provisions of this act are outlined in the chapter on family law.

HOUSE BILL 1741 **HOUSE AUTHOR:** Keller
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Whitmire

House Bill 1741 amends the Private Investigators and Private Security Agencies Act by eliminating the requirement that a person licensed under the act include his or her license number in an advertisement.

HOUSE BILL 1936 **HOUSE AUTHOR:** Kubiak
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Glasgow

House Bill 1936 authorizes the State Board of Veterinary Medical Examiners to waive license requirements for an applicant who passes an examination on Texas veterinary jurisprudence and veterinary medical subjects that are either unique or common to Texas and are not common to most other states and who holds a valid license to practice in another state or territory of the United States.

SENATE BILL 234 **SENATE AUTHOR:** Sharp
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** W. Hall

This act regulates persons engaged in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems. The State Board of Insurance shall administer the act and may issue necessary rules through the state fire marshal to create a certification and licensing program for installation and service contractors. The act creates a Fire Protection Advisory Council with members appointed by the State Board of Insurance to advise and make recommendations to the state fire marshal concerning rules and procedures for registration and licenses.

SENATE BILL 353 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 5-27-83 **HOUSE SPONSOR:** Patrick

Senate Bill 353 amends the Insurance Code to include the leasing, renting, and selling of portable fire extinguishers within the scope of existing regulations on those extinguishers. The act also authorizes the use of the 1981 edition of the "Life Safety Code" rather than the 1976 edition and enables the State Board of Insurance to adopt revisions of the "Life Safety Code" administratively rather than by legislation.

In addition, licensed electricians who install single-station fire detection and alarm devices in single-family or multifamily residences are exempt from licensing under this act if their installations comply with provisions of the "Life Safety Code." Finally, the act raises the examination and renewal fees for licenses issued to fire alarm installation superintendents.

SENATE BILL 417 **SENATE AUTHOR:** Doggett
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Tejeda

Senate Bill 417 requires alarm system installers and all private security officers or consultants to be registered by the Texas Board of Private Investigators and Private Security Agencies. Under previous law, only commissioned security officers who carry handguns were required to register with the board.

SENATE BILL 436 **SENATE AUTHOR:** Jones
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** W. O. Harrison

Senate Bill 436 authorizes the Texas Board of Architectural Examiners to set the license examination fee in an amount reasonable and necessary to defray administrative costs. The act also provides that if a licensee fails to renew a certificate of registration for more than 90 days after the date of expiration, the certificate may be revoked after notice and hearing. An applicant whose certificate is revoked must pass an examination as prescribed by the board. The bill clarifies the methods that the board may use to enforce the act.

SENATE BILL 636 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Messer

Senate Bill 636 amends current law relating to the regulation of real estate brokers and salesmen and creates the Texas Real Estate Broker-Lawyer Committee. The act allows a real estate salesman to accept compensation for sales from the broker under whom he was licensed when he earned the right to compensation. The Real Estate Commission, with the assistance of the Texas Real Estate Broker-Lawyer Committee, may adopt contract forms and require real estate licensees to use them. The act also provides that the completion of contract forms by a real estate broker or salesman does not constitute the unauthorized or illegal practice of law if the forms have been adopted by the Texas Real Estate Commission, prepared by an attorney at law, or prepared by or required by the property owner.

SENATE BILL 642 **SENATE AUTHOR:** Henderson, et al.
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Wolens

Senate Bill 642 provides for the regulation of air conditioning contractors. It authorizes the commissioner of the Texas Department of Labor and Standards to adopt rules for the practice of air conditioning contracting, to establish licensing requirements and procedures, and to set fees for licenses. Penalties are provided for violations of the act. The act is subject to review by the Sunset Advisory Commission as part of the review of the department of labor and standards.

SENATE BILL 647 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** T. Smith

Senate Bill 647 allows the Texas Cosmetology Commission to adopt rules governing continuing education programs for persons licensed by the commission.

SENATE BILL 718 **SENATE AUTHOR:** Williams
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** G. Hill

Senate Bill 718 amends the law regulating real estate brokers and salesmen. It prohibits a person from serving on the Texas Real Estate Commission if that person is required to register as a lobbyist on behalf of a profession related to the operation of the commission. The act raises the per diem of commission members and authorizes the use of funds from the real estate license fund to supplement the fees collected under the Residential Service Company Act if those fees are insufficient to fund the legislative appropriation for the act.

It also specifies the use of the real estate recovery fund, clarifies the educational requirements for broker and salesman licensure, raises license fees, and expands the grounds for revocation of a license.

SENATE BILL 876 **SENATE AUTHOR:** Jones
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Jackson

Senate Bill 876 raises the fees for registration and licenses issued by the State Board of Morticians for individuals and businesses involved in embalming and funeral direction. The act also limits the renewal of certificates of apprenticeship and provides that any period of apprenticeship served while attending schools of embalming or mortuary science may not be counted toward the required period of apprenticeship for a funeral director's license. Senate Bill 876 requires those persons who arrange funeral services to inform the customer of the availability of a price list, provide such a list for the customer to keep, and explain to the customer that a contractual arrangement for funeral services may not be entered into before the presentation of a price list. The act authorizes the State Board of Morticians to revoke or suspend a license or to place a licensee on probation, after notice and hearing.

SENATE BILL 923 **SENATE AUTHOR:** Doggett
EFFECTIVE: 10-1-83 **HOUSE SPONSOR:** Green

Senate Bill 923 strengthens the regulation of lobbyists by expanding the registration and reporting requirements to include persons who lobby state agencies. This act also modifies the information required to be included in the registration and in the activity report filed with the secretary of state and provides for exemptions from registration. The secretary of state is required to send a written notice to a person who has failed to file and is directed to give advisory opinions on situations affected by this law.

SENATE BILL 925 **SENATE AUTHOR:** Doggett
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Watson

Senate Bill 925 amends the statute relating to the regulation of auctioneers. The act defines "auction company" and prohibits a licensed auctioneer from acting as an auctioneer for an auction company unless it is owned or operated by a person licensed under this act.

SENATE BILL 1152 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Keller

Senate Bill 1152 amends the Private Investigators and Private Security Agencies Act by replacing the word "handgun" with "firearm," thus expanding the law to authorize commissioned security guards to use all firearms. The act also stipulates that the Texas Board of Private Investigators and Private Security Agencies may not issue a security officer commission to an applicant employed by a licensee if the applicant does not comply with the standards of marksmanship set by the board for minimum marksmanship competency with both a handgun and a shotgun.

HOUSE BILL 1981 **HOUSE AUTHOR:** Hackney
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Whitmire

House Bill 1981 amends the Private Investigators and Private Security Agencies Act to exempt from the act a person who has certain education or experience to qualify as an expert witness in court proceedings and who does not perform any other service for which a license is required.

See the chapter on insurance for legislation relating to the regulation of insurance agents.

Regulation of Health-Related Occupations

HOUSE BILL 1685 **HOUSE AUTHOR:** Armbrister
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brown

House Bill 1685, the Texas Food, Drug, Device, and Cosmetic Salvage Act, provides for the licensure and regulation of food, drug, device, and cosmetic salvage brokers, operators, and establishments. The act is designed to protect the people of Texas through prevention of the sale or distribution of adulterated or misbranded salvage products.

HOUSE BILL 1999 **HOUSE AUTHOR:** Wright
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Farabee

This act amends law relating to the Medical Practice Act and makes changes in the following areas: the compensation and powers of the Texas State Board of Medical Examiners; the registration of practitioners and interns; the qualifications of licensees; the grounds for refusal to admit persons to examination and to issue licenses; fees, hearings, and stays of board decisions; and cancellation, revocation, suspension, and probation of licenses. The act also adds investigators commissioned by the Texas State Board of Medical Examiners to the list of persons who are considered to be peace officers under the Code of Criminal Procedure, 1965.

HOUSE BILL 2018 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 5-24-83 **SENATE SPONSOR:** Santiesteban

House Bill 2018 gives a licensed veterinarian the authority to use certain types of drugs and to delegate to certain persons the administration of treating animals and dispensing appropriate medication under the supervision of the veterinarian.

SENATE BILL 82 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** G. Hill

Senate Bill 82 requires licensed dental hygienists to annually complete training in cardiopulmonary resuscitation. A hygienist must provide the State Board of Dental Examiners with proof of successful completion of a training course as a condition for the renewal of the license. The act provides an exemption for a licensee who is not physically capable of successfully completing the course.

SENATE BILL 203 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Madla

Senate Bill 203 directs the State Board of Dental Examiners to implement any federal law relating to radiologic training for employees of dentists. The act also strengthens the penalties for practicing dentistry without a license, expands the grounds for revocation of a license by the board, and allows the board to keep confidential its files and records of investigations of charges against a dentist. Current law states that dentists may not prescribe, provide, obtain, order, administer, give, or deliver narcotics, dangerous drugs, or controlled substances not necessary for dental practice. The act adds that possession or dispensing of such substances is illegal. This act also prohibits hospitals from denying staff or clinical privileges to a dentist on the basis of type of license.

SENATE BILL 238 **SENATE AUTHOR:** Uribe
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** D. Lee

Senate Bill 238 creates a lay midwifery board to be appointed by the Texas Board of Health. It specifies membership requirements and duties for the board and enables the department of health to adopt rules, enter contracts, and prepare and publish reports on the practice of lay midwifery in this state. It calls for and delineates the provision of a lay midwifery manual, training course, and examination and requires formal identification of lay midwives, including a public roster. Lay midwives are required to complete a disclosure form provided by the department and to encourage appropriate prenatal and medical care. The act prohibits certain lay midwife activities and establishes penalties for violation of the act. It allows local ordinances relating to lay midwifery. The act repeals current law relating to the registration of physicians, midwives, and undertakers with a local registrar of the district in which the person resides. The department of health is directed to study and make a report to the 71st Legislature on the practice of lay midwifery.

SENATE BILL 381 **SENATE AUTHOR:** Vale
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Armbrister

State law requires the licensure of certain agencies and persons that provide home health services. This act amends that law to include "hospice" in the definition of home health agency.

Senate Bill 381 also exempts from the licensing requirement certain visiting nursing services that provide treatment by prayer and spiritual means alone.

SENATE BILL 635 **SENATE AUTHOR:** Brooks
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** C. Evans

The State of Texas requires doctors of osteopathy and doctors of medicine to be licensed by the Texas State Board of Medical Examiners and to complete the same qualifying examinations. Senate Bill 635 prohibits hospitals, institutions, and programs that are operated by the state or a political subdivision and that receive direct or indirect state financial assistance from differentiating solely on the basis of academic medical degree when determining medical staff appointments or qualifications.

SENATE BILL 653 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Cain

Current law relating to the licensing and regulation of chiropractors and their employees lists grounds for revocation, suspension, and probation of licensees. Senate Bill 653 provides that the Texas Board of Chiropractic Examiners may adopt by rule additional grounds. The act also clarifies the prohibition against a licensee employing a person who practices chiropractic when the person is not licensed to do so.

The board is also authorized by the act to implement any federal law requirements relating to radiologic training of employees of a chiropractor.

SENATE BILL 671 **SENATE AUTHOR:** Glasgow, et al.
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Laney

Senate Bill 671 creates the Texas State Board of Examiners of Dietitians to regulate the practice of dietetics. The board is directed to adopt a code of ethics, establish license qualifications, authorize examinations for licensing, and take action against licensees who violate provisions of the act, code of ethics, or rules of the board. The act directs the Texas Department of Health to provide personnel and facilities for the board.

SENATE BILL 813 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Hury

Senate Bill 813 regulates persons offering speech-language pathology and audiology services to the public. It creates the State Committee of Examiners for Speech Pathology and Audiology within the department of health. The act establishes licensing procedures and requirements for speech pathologists and audiologists. The committee is authorized to collect fees relating to the licensing procedure, with the money to be deposited in a separate fund in the state treasury to be used for administration of the act. This act provides penalties for violation of the act.

SENATE BILL 845 **SENATE AUTHOR:** Doggett
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Madla

Senate Bill 845 authorizes pharmaceutical peer review committees and intervenors participating in programs established to aid pharmacists impaired by chemical abuse or illness to report to the State Board of Pharmacy certain acts of pharmacists that might provide grounds for disciplinary action. A report may include relevant facts indicating that the pharmacist had developed an incapacity that prevented him from engaging in the practice of pharmacy with reasonable skill, competence, and safety to the public, or that the pharmacist had a drug or alcohol dependency.

SENATE BILL 901 **SENATE AUTHOR:** Traeger
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** D. Lee

Senate Bill 901 allows the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids to adopt continuing education requirements for licensees and to require compliance with the requirements before renewal of a license. The board is required to provide an alternative mechanism to the continuing education requirement through examination and is allowed to waive compliance with the continuing education requirement on evidence of hardship or inability to meet the requirement.

SENATE BILL 1100 **SENATE AUTHOR:** Doggett
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Wright

The act allows certain persons with master's or doctoral degrees in audiology to make impressions for earmolds to be used as parts of hearing aids, as long as they do not sell hearing aids. It also prohibits dispensing and fitting hearing aids that have been ordered by mail by anyone not licensed by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids.

SENATE BILL 1213 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** G. Hill

Senate Bill 1213 creates the Texas Advisory Board for Occupational Therapy and establishes licensing standards and procedures for occupational therapists and occupational therapy assistants. It provides membership requirements and duties for the board and provides penalties for violations of the act. Fees collected under the provisions of this act will be deposited in a special fund in the state treasury to be used for the administration of this act.

Utilities

Summaries of legislation affecting municipal utility districts may be found in the chapter on special districts. The Government—Sunset Legislation chapter has summaries of legislation relating to the Public Utility Commission of Texas and the Railroad Commission of Texas. The Energy chapter also includes legislation on public utilities and energy cooperatives.

CIVIL REMEDIES AND PROCEDURE

HOUSE BILL 30 — **HOUSE AUTHOR:** Green
EFFECTIVE: 9-1-83 — **SENATE SPONSOR:** Williams

This act amends the Uniform Enforcement of Foreign Judgments Act to provide that fees for filing a foreign judgment are the same as for filing suit and that the filing fees are due and payable at the time of filing.

HOUSE BILL 46 — **HOUSE AUTHOR:** Bush
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Farabee

This act amends certain provisions of the Natural Death Act relating to the execution of a directive for the withholding or withdrawal of life-sustaining procedures. It attempts to expedite the process for execution of a directive by replacing the requirements that a notary public acknowledge the declarant's signature and that two witnesses subscribe and swear to the directive before the notary public with a requirement that two witnesses to the declarant's signature simply sign the directive.

It also amends the form of the directive to provide for the situation in which a doctor of osteopathy has diagnosed and notified an adult person as having a terminal condition.

HOUSE BILL 423 — **HOUSE AUTHOR:** G. Hill
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Doggett

This act entitles the claimant of a mechanic's lien to recover all reasonable costs of collection, including attorney's fees if the lien is not paid within 180 days from the time it is filed. However, this act also provides that if the claim for the lien is not valid or enforceable, the owner of the property against which the lien is claimed, the original contractor, a subcontractor, or a surety under a bond may recover from the lien claimant all reasonable costs, including attorney's fees, of defending against the claim.

HOUSE BILL 1056 — **HOUSE AUTHOR:** Keller
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Glasgow

This act, which specifically expresses that it is cumulative of and supplemental to any other laws relating to common law arbitration and does not alter or affect any statutory arbitration rules, abrogates the rule established by Texas courts which have held that agreements to arbitrate future disputes are not enforceable. The act, which applies only to arbitration agreements between members of certain associations or corporations exempt from the payment of federal income taxes, asserts that a written agreement or a provision in a written contract to submit to arbitration at common law any future controversy arising between the parties is valid, enforceable, and irrevocable, except upon those grounds that exist at law or in equity for the revocation of any contract.

HOUSE BILL 1454 — **HOUSE AUTHOR:** Bush
EFFECTIVE: 9-1-83 — **SENATE SPONSOR:** Farabee

This amendatory act adds language to the Administrative Procedure and Texas Register Act stating that any agency record transmitted to a court for judicial review shall be filed with the clerk of the court and shall be admitted by the reviewing court into evidence as an exhibit.

SENATE BILL 470 — **SENATE AUTHOR:** Doggett
EFFECTIVE: 9-1-83 — **HOUSE SPONSOR:** T. Smith

The Texas Tort Claims Act authorizes suits against governmental units and waives sovereign immunity for the state and its subdivisions in certain specified instances. This act amends the Texas Tort Claims Act by raising the monetary limits of the state's tort liability and by adding language to define "state government." It also specifies the liability limits of any unit of local government.

SENATE BILL 662 — **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 8-29-83 — **HOUSE SPONSOR:** G. Hill

This amendatory act changes the fee that county clerks and county recorders are required to charge for issuing a certified copy of a birth or death certificate. The fee was set by statute at $3, but this act requires the county clerks and county recorders to charge the same amount as that charged by the state registrar of vital statistics and the local registrar of births and deaths. This amount is currently $5 for the first copy and $2 for each additional copy.

SENATE BILL 701 **SENATE AUTHOR:** Farabee
EFFECTIVE: 1-1-84 **HOUSE SPONSOR:** Turner

Senate Bill 701 is the first comprehensive substantive revision of the Texas Trust Act since its original adoption by the 48th Legislature in 1943. Although the act contains most of the substance of the original provisions of the Texas Trust Act, it also codifies trust principles established by Texas courts, it incorporates other trust statutes relating to express trusts, and it includes provisions relating to modern practices and considerations that were not included in the original trust act. Senate Bill 701 enacts the Texas Trust Code as a subtitle of the Property Code, which was enacted by Senate Bill 738.

SENATE BILL 898 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Bush

This act revises Texas' statutes on venue in civil actions. The general rule that a person may not be sued outside his county of domicile is amended to provide the general rule that a civil suit may be brought either in the county where the defendant resides or in the county where the cause of action or a part thereof accrued. Exceptions to this general rule are organized and enumerated under sections of the act providing for particular cases of mandatory or permissive venue. Those situations in which a court must transfer a case to another county of proper venue are identified, and it is provided that in an appeal on the merits of a case improper venue constitutes reversible error. The act also embodies rules governing venue in actions in which there are two or more defendants or two or more claims or causes of action. The act provides that factual proof concerning the merits of a case is not required to establish venue and an interlocutory appeal from a venue hearing is not available.

SENATE BILL 926 **SENATE AUTHOR:** Doggett
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Gilley

This act broadens the liability of state agencies under statutory provisions that allow a court to award attorney's fees and witnesses' expenses to certain defendants on a finding that a claim by a state agency against the defendant was frivolous, unreasonable, or without foundation. In addition, it introduces a new requirement that the agency pay the fees and expenses from funds available or appropriated specifically for that purpose or from funds appropriated for operation of the agency.

SENATE BILL 1190 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Jackson

Previous law did not require that the attorney general be notified on the filing of any pleading in a civil case naming the State of Texas or any agency in the executive or legislative department as a party. Consequently, the attorney general was frequently unaware of the existence of a suit prior to the time that a default judgment could be taken against the state. Senate Bill 1190 seeks to lower the incidence of default judgments against the state by requiring service of pleadings on the attorney general as well as on any implicated state officer, board, commission, agency, or institution. Notice of suit must be served on the attorney general at his office in Austin by United States Postal Service, certified mail, return receipt requested, and notice of intent to take a default judgment must be served in the same manner at least 10 days prior to the date of the proposed default or the judgment against the state or the agency is void.

CORRECTIONS

Texas Department of Corrections

HOUSE BILL 382 **HOUSE AUTHOR:** Hightower, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Caperton

Several correctional units of the Texas Department of Corrections are located in Walker County. As the host county to prison facilities, Walker County has had the responsibility for court costs resulting from the prosecution of offenses committed by prisoners or employees of the department. House Bill 382 authorizes the state to reimburse Walker County for expenses incurred from the prosecution of offenses committed by prisoners in the department's custody or by employees of the department while they are performing official duties. The act is to be in effect only between September 1, 1983, and August 31, 1985, and will apply only to expenses incurred for a prosecution occurring during that period. Reimbursement under this act is subject to amounts appropriated.

HOUSE BILL 475 **HOUSE AUTHOR:** G. Hill
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Farabee

This amendatory act authorizes the Texas Department of Corrections to inspect certain juvenile records for the purpose of maintaining statistical information about recidivism and for diagnosis and classification of children. The act also makes available to certain persons, agencies, and institutions, including the Texas Department of Corrections, records of the Texas Youth Commission that were formerly available only on the order of a district court.

HOUSE BILL 859 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Caperton

House Bill 859 provides that counties transferring defendants to the Texas Department of Corrections shall deliver to the department written reports stating the offenses for which the defendants have been sentenced and the nature and seriousness of each offense. The act requires the department to make this report available to the Board of Pardons and Paroles.

SENATE BILL 640 **SENATE AUTHOR:** McFarland
EFFECTIVE: 6-17-83 **HOUSE SPONSOR:** Barrientos

Senate Bill 640 increases the amount of good conduct time that trusty-status inmates of the Texas Department of Corrections may accrue and allows certain prisoners to accrue good conduct time for time spent in a county jail before the prisoners are transferred to a department facility. The act also provides for certain good conduct time accrual for participation in a department educational or vocational program. These changes apply to credit awarded for good conduct and participation in programs during time served before, as well as after, the effective date of this act.

Jails

HOUSE BILL 1518 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sharp

House Bill 1518 changes procedures for the transfer of prisoners when standards set for jails are not met. The act shifts from the Commission on Jail Standards to local sheriffs ultimate authority to determine the place to which prisoners are transferred and adds provisions relating to the costs arising from such transfers. The act also changes the number of prisoners required to be transferred from an overcrowded jail, permits the sheriff of the jail accepting prisoners to order their removal, assigns liability for transferred prisoners, provides for juries in certain related court cases, and permits county contracts with private organizations for placement of low-risk prisoners.

SENATE JOINT RESOLUTION 13 **SENATE AUTHOR:** Farabee
FOR ELECTION: 11-8-83 **HOUSE SPONSOR:** Rudd

This proposed amendment of Article IV, Section 11, of the Texas Constitution would make the following changes in the pardons and paroles process in Texas:

(1) the composition of the Board of Pardons and Paroles, now required by the constitution to consist of one person appointed by the governor, one person appointed by the chief justice of the Supreme Court of Texas, and one person appointed by the presiding judge of the Texas Court of Criminal Appeals, would be changed to a composition authorized by the legislature;

(2) case law has interpreted the constitution and statutes as requiring the governor's approval before a parole is granted, and this amendment, in conjunction with amendments to the Code of Criminal Procedure, 1965, eliminates the need for that approval; and

(3) the constitution currently authorizes the governor to revoke paroles, and this amendment eliminates that authorization.

SENATE BILL 396 **SENATE AUTHOR:** Farabee
EFFECTIVE: See below **HOUSE SPONSOR:** Rudd

Senate Bill 396 amends the Code of Criminal Procedure, 1965, relating to pardons and paroles and is the enabling legislation for Senate Joint Resolution 13. The act establishes the Board of Pardons and Paroles as a statutory agency with six members appointed by the governor for six-year terms. It gives the board, rather than the governor, the exclusive authority for making parole decisions. This act will take effect on November 8, 1983, if the constitutional amendment proposed by Senate Joint Resolution 13, 68th Legislature, 1983, is adopted by the voters.

SENATE BILL 218 **SENATE AUTHOR:** McFarland
EFFECTIVE: 4-26-83 **HOUSE SPONSOR:** C. Evans

Senate Bill 218 provides that information concerning the date of sentencing of, and any time credits earned by, certain defendants be sent to the Texas Department of Corrections. It also authorizes the Board of Pardons and Paroles to consider for parole certain persons sentenced to the Texas Department of Corrections when the persons are serving sentences in facilities under the jurisdiction of entities other than the Texas Department of Corrections, including county jails, federal prisons, or prisons in other states.

SENATE BILL 622 **SENATE AUTHOR:** McFarland
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Keller

Senate Bill 622 provides for the establishment of a presumptive parole date for certain inmates of the Texas Department of Corrections who are eligible for parole and allows the preparole transfer of selected prisoners to community residential facilities. The transfer may not be made more than 180 days prior to the presumptive parole date. Persons transferred would retain inmate status but would otherwise be treated as if on parole. The act also strengthens language relating to the responsibility of a parole officer or a supervisor for supervising persons placed on conditional pardon or furlough or transferred to preparole status.

SENATE BILL 727 **SENATE AUTHOR:** Caperton, et al.
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Keller

Senate Bill 727 provides measures to reduce the prison population during periods of emergency overcrowding. The act provides for extra credit for administrative good conduct time or for advancement of parole eligibility for certain trusties and other inmates if the inmate population reaches 95 percent or more of capacity.

HOUSE BILL 1289 **HOUSE AUTHOR:** Uher
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Farabee

The Uniform Act for Out-of-State Parolee Supervision, which has been adopted by the State of Texas, allows a person convicted of an offense in one state and placed on probation or released on parole to reside in another state if certain conditions exist. House Bill 1289 establishes guidelines for the State of Texas relating to the imposition of fees and terms of probation on probationers from out-of-state. A court receiving a probationer

for supervision may impose on the probationer an authorized term of probation and may require the probationer to pay an authorized fee not to exceed $15. Fees that are collected must be deposited in the special fund of the county treasury to be used for the provision of adult probation services as well as community-based correctional programs and facilities other than jails or prisons.

Miscellaneous

HOUSE BILL 658 **HOUSE AUTHOR:** Laney, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Howard

House Bill 658 authorizes the establishment of a restitution center program as an alternative to traditional methods of sentencing certain defendants convicted of nonviolent and nondrug related offenses. Under certain conditions, a defendant sentenced to a term of imprisonment in the Texas Department of Corrections may be required to serve an alternative probationary sentence of 6 to 12 months in a restitution center. A probationer required to serve a term in a restitution center must become employed while there and may be required to work on specified community service projects. A probationer's salary is to be deposited into a fund to be given to the probationer upon release, after such items as food and housing costs, travel expenses, support of the probationer's dependents, and restitution to the victims of an offense committed by the probationer are deducted. The act also provides for the financing and administration of, and standards for, restitution centers.

HOUSE BILL 1517 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sims

This act broadens Texas statutory provisions relating to the duty of a county to provide physical facilities, equipment, and utilities for adult probation services. The act states that district judges may authorize the expenditure of district funds in addition to county funds if certain conditions exist. Under this act, the Texas Adult Probation Commission is to set the level of contributions counties must meet or exceed to receive district funds. That level of contributions must be equal to or higher than the average level of funding provided by the county during the county fiscal years 1979 through 1983. The act further states that if the probation department needs to expand and it is determined that effective management of the department requires the department to be moved to rented or leased space outside county-owned buildings, the county shall provide the funds necessary to pay for the same number of square feet provided to the department in county-owned buildings. This act also allows district judges to authorize the expenditure of funds provided by the Texas Adult Probation Commission for the purpose of funding facilities, equipment, and utilities for community-based correctional programs.

HOUSE BILL 1954 **HOUSE AUTHOR:** W. Martinez
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Doggett

House Bill 1954 requires an investigation and a written report concerning the cause of death when any person dies while in the custody of a peace officer or while confined in a jail or a Texas Department of Corrections facility. The reports are to be filed with the attorney general and, subject to privilege considerations, are available to the public. Failure to investigate, to report, or to include all known facts in the report is a Class B misdemeanor.

HOUSE BILL 2046 **HOUSE AUTHOR:** Finnell
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Farabee

House Bill 2046 makes it an offense to provide or attempt to provide alcohol or a controlled substance to an inmate of a county or city jail, as well as the Texas Department of Corrections.

COURTS

General Legislation

HOUSE BILL 33
EFFECTIVE: 8-29-83
HOUSE AUTHOR: Green, et al.
SENATE SPONSOR: Mauzy

Modern office technology has made it possible to transmit court documents electronically to a court that has the equipment to receive the transmission. This act provides for the electronic filing of documents with a district or county court or a court of appeals that has established a system for receiving electronically transmitted information from an electronic copying device. The supreme court must establish rules and procedures to regulate the use of electronic copying devices for filing in the courts. A court clerk who believes there is justification for use of an electronic filing system in his office is required to request approval from the supreme court.

HOUSE BILL 42
EFFECTIVE: 8-29-83
HOUSE AUTHOR: G. Thompson
SENATE SPONSOR: Glasgow

This amendatory act provides that the small claims courts shall exercise concurrent jurisdiction with the justice of the peace courts in all actions for the recovery of money in which the amount in controversy does not exceed $1,000. This concurrent jurisdiction is extended to cases in which the claim is for wages or salary earned or for work or labor performed under any contract of employment. The act also repeals certain provisions relating to fees charged in the small claims courts and stipulates that those fees are the same as those provided by law for cases in justice courts.

HOUSE BILL 164
EFFECTIVE: 9-1-83
HOUSE AUTHOR: Keller, et al.
SENATE SPONSOR: Lyon

This act extends the civil jurisdiction of the justice courts to cases in which the amount in controversy does not exceed $1,000, exclusive of interest. Although this $1,000 limitation on the amount in controversy formerly applied to justice courts in counties having a population of two million or more, the $1,000 limitation is now valid for justice courts in all Texas counties.

HOUSE BILL 790
EFFECTIVE: 9-1-83
HOUSE AUTHOR: Hury
SENATE SPONSOR: Montford

This act amends statutory provisions relating to the collection, deposit, and disposition of certain court costs collected in criminal cases. The act seeks to provide additional revenues to cities and counties by authorizing them to place this money in an interest-bearing account. This money includes that collected under the law enforcement officer standards and education fund, the compensation to victims of crime fund, and the criminal justice planning fund. All interest accrued may be retained by the city or county.

HOUSE BILL 1119
EFFECTIVE: 6-19-83
HOUSE AUTHOR: Khoury
SENATE SPONSOR: Farabee

This act amends statutory provisions relating to the jurisdiction of the supreme court and the courts of appeals in certain civil cases. The act seeks to reduce the docket load for the supreme court by establishing the courts of appeals as the final forum for appeals involving child custody and support as well as the issuance or dissolution of temporary injunctions. The act deletes a provision permitting direct appeal to the supreme court of district court orders based on the validity of administrative orders. Additional provisions are amended to broaden the authority of the courts of appeals and their justices to issue writs of mandamus to compel a district court judge to take or refrain from taking a particular action.

HOUSE BILL 2245
EFFECTIVE: 6-19-83
HOUSE AUTHOR: Polk
SENATE SPONSOR: Caperton

House Bill 2245 amends state law relating to the entry of certain orders and reports in the records of the courts of appeals. The act eliminates the need to enter orders on motions in the minutes of the court and also eliminates the requirement that costs collected by the court clerk be accounted for in the minutes of the court. A report of the costs is now required to be filed with the financial records of the court rather than with the minutes of the court.

SENATE BILL 36 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Bush

Senate Bill 36 increases the interest rates on judgments rendered by state courts. Under previous law, monetary judgments carried an annual interest rate of nine percent except when the judgment was based on a contract that specified a rate of interest, in which case the judgment carried the specified rate up to a maximum of 10 percent. This act provides for the interest rate on judgments to float with the rate on 52-week United States Treasury bills. This rate is specified to never go lower than 10 percent nor higher than 20 percent. The consumer credit commissioner is responsible for computing the rate and having it published in the Texas Register. In cases when a judgment is based on a contract that specified an interest rate, the rate on the judgment will be the lesser of the specified rate or 18 percent. This act does not apply to judgments that earn interest as set by Title 2 of the Tax Code. Finally, this act raises from nine percent to 10 percent the rate earned by the state on a judgment for delinquent taxes.

SENATE BILL 565 **SENATE AUTHOR:** Washington
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Polk

Senate Bill 565 changes the name of the Texas Court Reporters Committee to the Court Reporters Certification Board and increases the membership of the board from nine to 12. The act provides for certification in various methods of shorthand reporting, changes provisions relating to renewal and reinstatement of certification, sets out causes for revocation of certification, and authorizes the board to suspend certification. Certain requirements under this act are not applicable to persons previously or currently serving as court reporters. The supreme court is authorized to issue rules governing certification and conduct of court reporters.

SENATE BILL 660 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** G. Hill

Senate Bill 660 raises certain fees imposed by county and district courts and establishes a fee for furnishing a certified copy of certain court orders restricting a person's driver's license.

SENATE BILL 663 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** G. Hill

Senate Bill 663 raises certain probate court fees collected by county clerks and clerks of county courts. It also changes provisions setting times that additional fees may be charged.

SENATE BILL 1086 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Toomey

Senate Bill 1086 provides new guidelines and procedures relating to the preservation and disposition of records of, and exhibits and papers on file with, the courts of appeals.

New Courts

HOUSE BILL 1031 **HOUSE AUTHOR:** Rangel
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Truan

This act creates the County Court at Law of Kleberg County.

HOUSE BILL 1210 **HOUSE AUTHOR:** McWilliams
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Blake

This act creates the County Court at Law of Rusk County. The act also makes a conforming amendment to include the judge as a member of the Rusk County Juvenile Board.

HOUSE BILL 1473 **HOUSE AUTHOR:** Gilley, et al.
EFFECTIVE: See below **SENATE SPONSOR:** Traeger

This act creates 25 new judicial districts and reorganizes many existing districts. Some of the district courts are directed to give preference to either civil or criminal cases. The act sets the terms for several of the district courts and either establishes or amends provisions relating to the duties and powers of certain district court judges. The office of the district attorney is created in the 156th, 253rd, and 349th judicial districts and is

abolished in the 75th judicial district. The act further establishes or amends provisions relating to the election, duties, and powers of, as well as the compensation for, certain district attorneys. The membership of the juvenile boards in Houston and Hunt counties is amended and the county attorney for Houston County is authorized to handle juvenile cases for the county.

Different sections of this act have different effective dates. Approximately one-half of the sections take effect on September 1, 1983; however, other sections do not take effect until 1984 or 1985.

HOUSE BILL 1834 **HOUSE AUTHOR:** Arnold
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Edwards

This act creates the County Court at Law of Ellis County.

HOUSE BILL 2298 **HOUSE AUTHOR:** Tejeda
EFFECTIVE: 7-1-83 **SENATE SPONSOR:** Vale

Under the provisions of House Bill 2298, the County Courts at Law Numbers 4 and 6 of Bexar County are created effective July 1, 1983. The act also redesignates certain county courts at law in Bexar County as probate courts and brings about uniformity in the procedures of these courts.

HOUSE BILL 2322 **HOUSE AUTHOR:** McWilliams
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Howard

House Bill 2322 creates the City of Marshall Municipal Court of Record and provides for a municipal judge. It further outlines the jurisdiction, administration, and procedures of the court.

HOUSE BILL 2327 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Glasgow

Under the provisions set out in House Bill 2327, the County Criminal Courts Nos. 5 and 6 of Tarrant County are created. It further authorizes the appointment of special judges and court officials.

HOUSE BILL 2329 **HOUSE AUTHOR:** J. Gibson
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Montford

House Bill 2329 creates the County Court at Law No. 2 of Ector County. House Bill 2329 also amends the law creating the County Court at Law of Ector County by outlining its jurisdiction and updating rules and procedures of the court.

HOUSE BILL 2364 **HOUSE AUTHOR:** Grisham
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sharp

House Bill 2364 creates the County Court at Law of Williamson County.

HOUSE BILL 2380 **HOUSE AUTHOR:** Bomer
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Blake

House Bill 2380 creates the County Court at Law of Cherokee County.

HOUSE BILL 2382 **HOUSE AUTHOR:** T. Smith
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Doggett

Under the provisions of House Bill 2382, municipal courts of record are created for Austin. This act prescribes the jurisdiction, administration, and procedures of the courts and further provides for the courts to be presided over by municipal judges.

HOUSE BILL 2395 **HOUSE AUTHOR:** Haley
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Howard

This act creates the County Court at Law of Panola County.

HOUSE BILL 2399 **HOUSE AUTHOR:** Armbrister
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sharp

This act creates the County Court at Law No. 1 of Calhoun County. The act also stipulates that the judge of this new court is to be a member of the Calhoun County Juvenile Board.

SENATE BILL 121 **SENATE AUTHOR:** Caperton
EFFECTIVE: 4-13-83 **HOUSE SPONSOR:** Saunders

Senate Bill 121 creates the 335th Judicial District, to be composed of Washington, Lee, Bastrop, and Burleson counties, and includes an appropriation for the salary and expenses of the judge of the district court.

SENATE BILL 223 **SENATE AUTHOR:** Caperton
EFFECTIVE: 1-1-84 **HOUSE SPONSOR:** Kubiak

Senate Bill 223 creates the County Court at Law of Waller County, to sit in Hempstead.

SENATE BILL 224 **SENATE AUTHOR:** Leedom
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Wolens

Senate Bill 224 authorizes Dallas to create municipal courts of record in addition to its existing municipal court.

SENATE BILL 347 **SENATE AUTHOR:** Whitmire
EFFECTIVE: see below **HOUSE SPONSOR:** Green

Senate Bill 347 creates the County Criminal Court at Law No. 11 of Harris County and the County Criminal Court at Law No. 12 of Harris County. Provisions relating to the first court take effect June 1, 1983; provisions relating to the second court take effect September 1, 1983.

SENATE BILL 631 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Tow

Senate Bill 631 creates the County Court at Law No. 3 of Montgomery County; the court is created on January 1, 1986, or on an earlier date determined by the commissioners court.

SENATE BILL 875 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** G. Thompson

Senate Bill 875 creates the County Court at Law No. 2 of Taylor County; the court is created on January 1, 1988, or on an earlier date determined by the commissioners court.

SENATE BILL 1004 **SENATE AUTHOR:** Sharp
EFFECTIVE: 10-1-83 **HOUSE SPONSOR:** Robinson

Senate Bill 1004 creates the County Court at Law of Caldwell County.

SENATE BILL 1252 **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Gavin

Senate Bill 1252 creates the County Court at Law No. 2 of Wichita County on a date determined by the commissioners court after the commissioners court furnishes a suitable courtroom and office space.

SENATE BILL 1273 **SENATE AUTHOR:** Montford
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** J. Gibson

Senate Bill 1273 authorizes Odessa to create municipal courts of record, in addition to its existing municipal court.

SENATE BILL 1285 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Stiles

Senate Bill 1285 creates the County Court at Law of Liberty County to sit in Liberty. The court is created on January 1, 1986, or on an earlier date determined by the commissioners court.

SENATE BILL 1286 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Price

Senate Bill 1286 creates the County Court of Jefferson County at Law No. 3 to sit in Beaumont; the court is created on January 1, 1986, or on an earlier date determined by the commissioners court. The act also expands the jurisdiction of the County Courts of Jefferson County at Law Nos. 1 and 2 and changes the salaries allowed for the judges of those courts.

SENATE BILL 1312 **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Vowell

Senate Bill 1312 is the El Paso Courts Act. It includes provisions relating to municipal courts of record and provides for the establishment of the El Paso Municipal Court of Appeals.

SENATE BILL 1335 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** W. O. Harrison

Senate Bill 1335 creates the County Court at Law No. 4 of Nueces County; the court is created on January 1, 1986, or on an earlier date determined by the commissioners court.

Existing Courts

HOUSE BILL 373 **HOUSE AUTHOR:** Hinojosa, et al.
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Uribe

This act seeks to maximize the efficiency of certain district courts by providing six-month terms rather than staggering the terms of court to begin at two-month or three-month intervals. The act states that the terms of the district courts of the 92nd and 93rd Judicial Districts shall begin on the first Monday in January and on the first Monday in July of each year. Each term of court continues until the next succeeding term begins.

HOUSE BILL 1183 **HOUSE AUTHOR:** Russell
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Howard

The County Court of Cass County is authorized to exercise jurisdiction of misdemeanor criminal causes over which the district court has jurisdiction and in which the defendant pleads guilty.

HOUSE BILL 1106 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Caperton

This act authorizes the official court reporter for the 155th Judicial District to receive an annual allowance of $3,000 to cover expenses, including travel and hotel expenses, incurred while engaged in the discharge of his duties. The counties in the district, other than that in which the court reporter resides, shall contribute proportionate shares to the allowance.

HOUSE BILL 1440 **HOUSE AUTHOR:** Gilley
EFFECTIVE: 5-27-83 **SENATE SPONSOR:** Lyon

This act amends statutory provisions relating to the jurisdiction of the County Court at Law of Hunt County. The act increases the ceiling on the jurisdictional amount from $20,000 to $50,000 in civil cases. The County Court at Law of Hunt County is also granted concurrent jurisdiction with the district court in suits to set aside rulings of the Industrial Accident Board. Additional qualifications, including four years of active practice in law and two years of residency in Hunt County immediately preceding election, are now required of the county court at law judges. Special judges, who are now required to meet the same qualifications as the regular judges, are to be paid $100 rather than $15 per day for each day of service.

HOUSE BILL 1669 **HOUSE AUTHOR:** Hightower
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Blake

This act seeks to more fully utilize the courts serving Polk County by establishing concurrent misdemeanor jurisdiction between the County Court at Law of Polk County and the district courts of Polk County. The act provides that the Ninth District Court, the Second 9th District Court, and the 258th District Court shall exercise concurrent jurisdiction with the county court in all misdemeanor cases. Cases may be filed in either the district or the county court and may be transferred between the courts provided that jurisdiction exists and the judge of the court of transfer consents. The act also authorizes the Polk County Commissioners Court to provide supplemental compensation to the district court judges serving Polk County in a sum to be set by the commissioners court.

HOUSE BILL 1707 **HOUSE AUTHOR:** Robinson, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sharp

This act changes the terms of the district courts in the 24th Judicial District. Those counties composing the 24th Judicial District include DeWitt, Goliad, Jackson, Refugio, Calhoun, and Victoria.

HOUSE BILL 2189 **HOUSE AUTHOR:** Glossbrenner
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Traeger

House Bill 2189 reorganizes the Sixth and Fourth Administrative Judicial Districts by removing Maverick and Zavala counties from the Sixth and adding them to the Fourth.

HOUSE BILL 2294 **HOUSE AUTHOR:** Robnett
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Montford

House Bill 2294 amends the law relating to the County Courts at Law Nos. 1 and 2 of Lubbock County. The terms of the County Courts at Law Nos. 1 and 2 will begin on the first Monday in January and the first Monday in July of each year. Each term of court will continue until the next succeeding term begins. This act further provides that certain laws do not apply to nor affect or diminish the jurisdiction of these courts.

HOUSE BILL 2302 **HOUSE AUTHOR:** Oliveira
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Uribe

This act amends state law relating to the county courts at law in Cameron County. The act broadens the jurisdiction of the County Courts at Law Nos. 1 and 2 of Cameron County. Several provisions relating to the judges and to the jury selection for these courts are either enacted or amended. The judges of the county court and the county courts at law in Cameron County are authorized to exchange benches and to transfer cases between the courts.

HOUSE BILL 2307 **HOUSE AUTHOR:** Tow
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Caperton

Under the provisions of House Bill 2307, the County Courts at Law Nos. 1 and 2 of Montgomery County are granted jurisdiction over certain civil cases and are further granted concurrent civil jurisdiction with all other county courts at law in Montgomery County. The County Court at Law No. 1 of Montgomery County is given concurrent civil jurisdiction with the district court in certain family law matters. Both county courts are given concurrent civil jurisdiction with the district court in cases where the amount in controversy exceeds $500. This is a change from the former minimum amount of $5,000.

HOUSE BILL 2348 **HOUSE AUTHOR:** Davis
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brown

House Bill 2348 provides County Courts at Law Nos. 1 and 2 of Brazoria County with concurrent jurisdiction with the district court in appeals of final rulings and decisions of the Industrial Accident Board, regardless of the amount in controversy. It further allows each county court at law to enforce an order of the Family District Court for the 300th Judicial District relating to a family law matter.

HOUSE BILL 2385 **HOUSE AUTHOR:** McWilliams
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Howard

House Bill 2385 amends the law relating to the County Court at Law of Harrison County by granting that court concurrent jurisdiction with the district court in certain cases. These cases include civil cases when the amount in controversy is between $500 and $50,000, excluding interest, and eminent domain cases.

HOUSE BILL 2433 **HOUSE AUTHOR:** Garcia
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Uribe

House Bill 2433 grants the County Court at Law of Hidalgo County concurrent jurisdiction with the district court in cases involving amounts between $500 and $20,000, excluding interest. The act also raises the ceiling to $20,000 in eminent domain cases and civil cases over which the County Court at Law No. 2 of Hidalgo County has concurrent jurisdiction with the district court.

SENATE BILL 118 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Kubiak

Senate Bill 118 moves Robertson County from the 20th Judicial District, with Milam County, to the 82nd Judicial District, with Falls County.

SENATE BILL 164 **SENATE AUTHOR:** Williams
EFFECTIVE: 4-26-83 **HOUSE SPONSOR:** Green

Senate Bill 164 authorizes the Harris County Commissioners Court to raise the salary of court managers of certain courts.

SENATE BILL 569 **SENATE AUTHOR:** Vale
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Gamez

Senate Bill 569 revises a previously existing statute relating to judicial districts in Bexar County to conform with the number of courts presently authorized for the county. The act sets out the powers, jurisdiction, organization, practice, and administration of the courts and provides for a practical division of the work.

SENATE BILL 1062 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** A. Smith

The First and Fourteenth Supreme Judicial Districts are coextensive and are composed of 14 counties in the Houston-Galveston area. Harris County has been required to furnish and equip suitable facilities in Houston for the two courts. Senate Bill 1062 requires the other counties in the districts to reimburse Harris County for expenses incurred in furnishing and equipping suitable rooms for the courts.

SENATE BILL 1144 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** A. Smith

Senate Bill 1144 authorizes the First, Second, and Fourteenth Supreme Judicial Districts to transact business in any of the counties in their respective districts and provides procedures for assigning and transferring cases between the first and fourteenth districts. The act also includes provisions relating to offices of court personnel in the Houston-Galveston area districts.

SENATE BILL 1281 **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** P. Moreno

Senate Bill 1281 relates to the county courts at law in El Paso County. It expands their jurisdiction and sets out requirements for juries and court procedures. It also includes provisions designating clerks of the courts and setting qualifications and salaries of judges.

SENATE BILL 1291 **SENATE AUTHOR:** Doggett
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** T. Smith

Senate Bill 1291 provides for the appointment of masters for courts having jurisdiction in certain family matters in Travis County. The act also sets out qualifications, compensation, and duties of the masters.

SENATE BILL 1318 **SENATE AUTHOR:** Sims
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Burnett

Senate Bill 1318 allows the Court of Appeals for the Third Supreme Judicial District to transact its business at the county seat of any of the counties within its district. All cases originating in Travis County, however, are to be heard and transacted in that county.

SENATE BILL 1334 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Rangel

Senate Bill 1334 provides that Nueces County shall pay 50 percent and that Kleberg and Kenedy counties shall pay the remaining 50 percent of the salary of the court reporter for the 105th Judicial District. It also repeals a 1967 statute providing for the appointment and compensation of reporters of the 117th, 94th, 28th, and 105th Judicial Districts, and for the Court of Domestic Relations and County Courts at Law Nos. 1 and 2 of Nueces County.

SENATE BILL 1352 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Stiles

Senate Bill 1352 authorizes the district courts and county courts at law that give preference to criminal cases in Jefferson County to establish a court administrator system to improve criminal justice and to expedite the processing of criminal cases. The act provides for the appointment of court administrators and masters.

HOUSE JOINT RESOLUTION 4 **HOUSE AUTHOR:** Bush
FOR ELECTION: 11-6-84 **SENATE SPONSOR:** Caperton

House Joint Resolution 4 proposes a constitutional amendment relating to the composition and powers of the State Commission on Judicial Conduct. If the voters approve this amendment, the membership of the commission will be altered by eliminating one of the two seats for court of appeals judges and one of the two seats for district judges and by assigning these seats to one county court at law judge and one municipal judge, to be chosen by the supreme court, subject to senate confirmation. The requirement that the supreme court select the commissioner representing justices of the peace from a list of five names submitted by the Justice of the Peace and Constable Association would be deleted.

The provisions for removing from office any justice or judge of a court established by the state constitution or by the legislature would be expanded to include wilful or persistent violation of the rules of the supreme court, wilful violation of the Code of Judicial Conduct, or incompetence in performing the duties of office. In addition, a judge may be disciplined or censured in lieu of removal. Under current law, a judge or justice is immediately suspended from office upon being indicted for a felony offense. This amendment adds being charged with a misdemeanor involving official misconduct to the grounds for suspension.

The proposed amendment would expand the authority of the commission to include masters or magistrates appointed to assist judges and retired or former judges who may continue to hear cases. The commission or the review tribunal may prohibit a retired or former judge from holding future judicial office or from receiving a future assignment. The commission may also issue a private or public warning, reprimand, or requirement that the person obtain additional training or education. A recommendation by the commission for removal or retirement will be referred to a review tribunal composed of seven judges of the courts of appeals who are randomly selected by the chief justice of the supreme court. The review tribunal must take action within 90 days after the report is filed. A justice, judge, master, or magistrate may appeal a decision of the review tribunal to the supreme court under the substantial evidence rule, meaning that the supreme court will review the record to determine if the evidence was sufficient to support the tribunal's findings.

House Joint Resolution 4 proposes to retain the confidentiality of records in judicial misconduct cases, unless otherwise provided by law. Following the institution of formal charges, a judge will have the right to discovery of evidence against him.

The proposed amendment also states that no person shall sit as a member of the commission in any proceeding involving disciplinary action against himself and removes the requirement stating that a commission recommendation concerning a supreme court justice be considered by a tribunal of seven court of appeals judges, rather than by the supreme court.

Finally, a temporary provision is included that addresses the method of changing the composition of the commission. If the amendment is approved by the voters on November 6, 1984, it takes effect January 1, 1985.

HOUSE BILL 44 **HOUSE AUTHOR:** Bush
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Doggett

This act amends certain statutory provisions relating to the discipline of judges and to the powers, duties, and procedures of the State Commission on Judicial Conduct. The act broadens provisions describing what constitutes conduct inconsistent with the performance of a judge's duties. A judge is now considered to engage in that conduct if he wilfully violates a provision of the Texas penal statutes or the Code of Judicial Conduct, persistently or wilfully violates the rules promulgated by the Supreme Court of Texas, or is incompetent in the performance of his duties of the office. The commission is required to inform the judge of the commencement and completion of an investigation as well as of the nature of the matters investigated. If the commission concludes that formal proceedings shall be instituted, written notice must be issued to the judge without delay. This notice must specify the charges against the judge, the alleged facts on which the charges are based, and the specific statute or rule the judge is charged with violating. Rules are provided for the service of this notice on the judge, and it is stipulated that, in the conduct of the investigations and formal proceedings, the judge may elect to have any hearing open to the public or to persons designated by him.

The commission is also required to notify the complainant of the disposition of the complaint. Unless formal proceedings have been instituted, this notification may not contain the judge's name. Papers filed with

the proceedings before the commission are confidential prior to the convening of a formal hearing; however, the papers and proceedings are public after the hearing is convened.

The commission is further required to submit an annual report to the legislature and to cause the report to be printed in the Annual Report of the Texas Judicial Council and in the Texas Bar Journal. This report, which must contain particular matters relating to the activities of the commission, is to be prepared and distributed at state expense.

HOUSE BILL 134 **HOUSE AUTHOR:** Criss
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brooks

This amendatory act authorizes the Galveston County Commissioners Court to supplement the district court judges' salaries. The supplement may be made only if the yearly salary received from both state and county sources by the judges of the district courts does not exceed an amount that is $1,000 less than the yearly salary received from both state and county sources by the associate justices of the courts of appeals of the supreme judicial districts in which Galveston County is located.

HOUSE BILL 218 **HOUSE AUTHOR:** D. Lee, et al.
EFFECTIVE: 5-17-83 **SENATE SPONSOR:** Uribe

This amendatory act authorizes the Cameron County Commissioners Court to supplement the compensation of judges of the district courts having jurisdiction in Cameron County. This supplement may be made in an amount set by the commissioners court; however, the yearly salary received from both state and county sources by the judges of the district courts may not exceed an amount that exceeds $1,000 less than the yearly salary received from both state and county sources by the associate justices of the 13th Supreme Judicial District.

HOUSE BILL 359 **HOUSE AUTHOR:** Hinojosa, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Uribe

This act amends statutory provisions relating to the compensation of certain district court judges. The act repeals a law stipulating that in counties having a population between 159,000 and 600,000, the district court judges shall receive a certain fixed annual compensation for all judicial and administrative services rendered by them. The act also repeals a law stipulating that the Hidalgo County Commissioners Court may supplement the compensation of the judges of certain district courts having jurisdiction in Hidalgo County by an amount not to exceed $3,000 a year. These laws are replaced by a law that allows the Hidalgo County Commissioners Court to supplement the salary paid by the state to each judge of the district courts having jurisdiction in Hidalgo County by an amount set by the commissioners court. This supplement is to be paid to the judges from county funds for services rendered to the county and for the performance of administrative duties. A district court judge may not receive any other compensation by Hidalgo County.

HOUSE BILL 385 **HOUSE AUTHOR:** Willis
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Glasgow

This amendatory act allows the presiding judges of the administrative judicial districts to receive up to $5,000 per annum as additional compensation for performing the duties of the presiding judge. This is an increase of $2,000 over the former amount permitted.

HOUSE JOINT RESOLUTION 70 **HOUSE AUTHOR:** Wright
FOR ELECTION: 11-8-83 **SENATE SPONSOR:** Washington

The proposed amendment, adding Section 16a to Article V of the Texas Constitution, authorizes the legislature to provide a system for statewide assignment of judges of statutory courts with probate jurisdiction to hold court for other statutory court judges with probate jurisdiction or for judges of constitutional county courts.

HOUSE BILL 637 **HOUSE AUTHOR:** Wright
EFFECTIVE: See below **SENATE SPONSOR:** Washington

This act creates new law to authorize the assignment of judges of the statutory probate courts to other courts having probate jurisdiction. The act states that a presiding judge must be elected from among the other statutory probate judges. The presiding judge, for whom adequate facilities must be provided by the commissioners court of the county in which he resides, is responsible for the assignment of judges. Judges

subject to assignment include both current and retired judges of the statutory probate courts. These judges may be assigned to another court when: the regular judge requests an assignment; the regular judge is absent, disabled. or disqualified; the regular judge is present and trying cases; or the office of the regular judge is vacant by reason of death, resignation, or other cause. An assigned judge has the same jurisdiction, powers, and duties of the regular judge. The act also includes provisions for the compensation, expenses, and per diem of assigned judges. The presiding judge is required to call and preside over an annual meeting of the statutory probate judges and is permitted to call additional meetings that he considers necessary for the promotion of the orderly and efficient administration of justice. This act will take effect only if the constitutional amendment proposed by House Joint Resolution 70, 68th Legislature, Regular Session, 1983, is approved by the voters.

HOUSE BILL 657 **HOUSE AUTHOR:** P. Hill
EFFECTIVE: 6-17-83 **SENATE SPONSOR:** Harris

This amendatory act authorizes the governing body of a city, town, or village incorporated and operating under the general laws of this state to appoint an additional person or persons to act as temporary replacements for the regular municipal judges. These temporary appointees would receive the amount of compensation set by the governing body of the city, town, or village.

HOUSE BILL 724 **HOUSE AUTHOR:** Rangel
EFFECTIVE: See below **SENATE SPONSOR:** Truan

Due to an increase in population, this act decreases the geographical coverage of the 28th Judicial District by excluding Kleberg and Kenedy counties from the district. The county of Nueces is now the only county in the 28th Judicial District.

The act also authorizes the Kleberg County Commissioners Court to provide additional compensation in an amount not less than $6,000 a year to the district judges of Kleberg County for performing administrative duties. However, the yearly salary received from both state and county sources by the district judges may not exceed an amount that is $1,000 less than the yearly salary received from both state and county sources by the associate justices of the appellate courts in that district.

This act takes effect on the date a county or circuit court in Kleberg County is created or on January 1, 1986, whichever occurs first.

HOUSE BILL 726 **HOUSE AUTHOR:** Shaw
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Montford

This act authorizes the Howard County Commissioners Court to provide additional compensation in an amount set by the commissioners court to the judge of the 118th Judicial District for performing administrative duties. The yearly salary received from both state and county sources by the judge of the 118th Judicial District may not exceed an amount that is $1,000 less than the yearly salary received from both state and county sources by the judges of the appellate courts in that district.

SENATE BILL 280 **SENATE AUTHOR:** Jones
EFFECTIVE: 5-27-83 **HOUSE SPONSOR:** Schlueter

Previous law provided that retiring judges, within 90 days of the date of retirement from the Judicial Retirement System of Texas, could choose to be subject to periodic assignment as a judge in individual cases in state courts. Senate Bill 280 allows retired judges who did not exercise that option to petition the supreme court to be considered for such assignments.

SENATE BILL 757 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Granoff

Senate Bill 757 authorizes the presiding judge of the First Administrative Judicial District (Dallas County) to appoint retired and former district judges to be senior district court judges and to sit, when assigned, in cases in which the regularly elected judges are not available or need assistance because of the case load. To be eligible for appointment as a senior judge, a person must have served as the judge of a district court for 12 years, may not be more than 65 years of age, and may not have been removed from office by impeachment, by the supreme court, by the governor on address by the legislature, or by the State Commission on Judicial Conduct. The act provides for salaries to be paid by Dallas County throughout the term of appointment and for retirement benefits for the senior judges.

HOUSE BILL 1068 **HOUSE AUTHOR:** Criss, et al.
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Caperton

State law presently authorizes the Texas Judicial Council to accredit courses, programs, and seminars for the continuing legal education of municipal court judges. This act mandates the municipal court judges' attendance at judicial training courses. The act requires all newly elected municipal court judges who are not licensed attorneys to complete a 24-hour course within one year from the date elected and to complete a minimum of 12 hours each succeeding year. All newly elected municipal court judges who are licensed attorneys must complete a 12-hour course within one year from the date elected and must complete a 12-hour course each succeeding year. No later than the 60th day after the day on which an accredited course is completed, each judge successfully completing the course must make a written report of that fact with the Texas Judicial Council. The Texas Judicial Council is required to prepare an annual report listing all accredited courses for the previous year and listing the attendance of each municipal court judge. This report is to be submitted to the chief justice of the supreme court, the attorney general, and the mayor of each municipality in which a judge who did not attend a course presides. A state training fund is created and is to be supported by a 50 cent surcharge on municipal court convictions not involving parking or pedestrian violations. The act also requires the city secretary to notify the Texas Judicial Council within 30 days after the election or appointment of a mayor, municipal court judge, or municipal court clerk.

HOUSE BILL 1212 **HOUSE AUTHOR:** T. Smith, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Caperton

This act mandates continuing legal education and training for each judge of an appellate court, district court, statutory county court, or county court performing judicial functions. Each judge must complete a course of instruction in the administrative duties of office and in procedure before taking office or as soon as possible after taking office. Each judge must also complete a course of instruction in procedure and in the substantive and evidentiary laws of this state each year subsequent to taking office provided that the judge is paid or reimbursed for any expenses reasonably incurred. The supreme court is authorized to approve course content, course credit, and standards; adopt rules and procedures concerning the courses; and report recalcitrant judges to the State Commission on Judicial Conduct.

HOUSE BILL 1644 **HOUSE AUTHOR:** McKenna
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Brown

This act allows the judge in a district court civil case to refer the case to a special judge on agreement of the parties. Each party must file a motion for referral and must pay an equal share of the special judge's fee as well as all administrative costs related to the trial. Neither the state nor unit of local government may pay any costs related to the trial and the trial may not be held in a public courtroom. The special judge, who must be a former district court judge, has all the powers of the district court judge except that he may not award attorney's fees or hold a person in contempt of court unless the person is a witness before him. The special judge's verdict, which is to be submitted within 60 days after the day the trial adjourns, stands as the verdict of the district court.

HOUSE BILL 2244 **HOUSE AUTHOR:** Polk
EFFECTIVE: 6-16-83 **SENATE SPONSOR:** Caperton

This act provides compensation for state justices and judges assigned temporarily to a court of appeals.

SENATE BILL 563 **SENATE AUTHOR:** Washington
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** L. Evans

Senate Bill 563 provides that, in Harris County, district judges trying criminal cases and judges of statutory county courts trying criminal cases may participate in the supervision and administration of the probation office serving those courts.

SENATE BILL 781 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Cain

Senate Bill 781 provides for the appointment of magistrates by certain judges in Dallas County and gives the magistrates jurisdiction in criminal actions.

SENATE BILL 1282 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** L. Evans

Senate Bill 1282 authorizes the selection of a copresiding judge for courts having criminal jurisdiction in Houston. A copresiding judge is to have the same duties and responsibilities as the presiding judge when the presiding judge is absent or disabled.

Jurors

HOUSE BILL 176 **HOUSE AUTHOR:** Turner, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Caperton

Under existing state law, a person who is legally blind is not disqualified to serve as a juror solely by reason of his legal blindness. However, the person could formerly be disqualified unless the court, all parties to the suit, and the prospective juror himself agreed that his blindness did not render him unfit to act as a juror. House Bill 176 amends the law to grant the trial judge sole discretion to determine if a person's blindness renders him unfit for jury service in a particular civil or criminal case.

House Bill 176 also adds a new article to the Revised Statutes to allow the judge of a district court to excuse a person from jury service for a physical or mental impairment or for the inability to comprehend the English language. A person requesting to be so excused must submit an affidavit and, in some instances, a physician's statement to the district court. The clerk of the court must notify the county tax assessor-collector of each person excused and the county tax assessor-collector must maintain a current register of these persons.

HOUSE BILL 533 **HOUSE AUTHOR:** Peveto, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Parker

This act provides for the impaneling of alternate jurors in district and county courts. The act authorizes alternate jurors to replace regular jurors who, prior to the time the jury retires to consider its verdict, become or are found to be unable or disqualified to perform their duties. If alternate jurors are impaneled, as may be directed by the judge, a certain number of additional peremptory challenges are permitted but must be used only against the alternate jurors. Alternate jurors have the same qualifications, functions, powers, and privileges as regular jurors. An alternate juror who does not replace a regular juror shall be discharged after the jury retires to consider its verdict.

This act also amends an article of the Code of Criminal Procedure, 1965, that provides that in district court misdemeanor cases, a verdict may be rendered by as few as nine rather than the regular 12 jurors if one or more jurors have been discharged. The act stipulates that a verdict may be rendered by as few as nine jurors only if all the alternate jurors are included among the nine or have been discharged.

HOUSE BILL 895 **HOUSE AUTHOR:** Laney
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Montford

Under existing law, court clerks may withhold the names of persons who have served as many as four days as jurors from being placed back into the jury wheel and being selected again for jury service. This act deletes a provision that precludes the court clerks from withholding names unless the county has a population of greater than 100,000 according to the last preceding federal census.

HOUSE BILL 1507 **HOUSE AUTHOR:** Pennington
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brooks

This act declares that as a qualification for service on a jury of a municipal court, including a municipal court of record, a person must be a resident of the municipality for which the court is established. The act applies only to persons who are summoned as jurors after August 31, 1983.

SENATE BILL 380 **SENATE AUTHOR:** Vale
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Hernandez

Senate Bill 380 provides that as many as 75, rather than 50, persons may be selected and summoned as prospective grand jurors.

Prosecutors

SENATE BILL 1306 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Armbrister

Senate Bill 1306 extends the application of the Professional Prosecutors Act; the purpose of that act is to increase funds available for use in prosecution, and it provides for state funds for compensation, expenses, and allowances for district attorneys. This act applies to district attorneys for the 29th, 31st, 69th, 90th, 229th, and 266th Judicial Districts and the criminal district attorneys in Cass and Robertson counties. The measure also removes these two counties from a statute providing state and other compensation for either the office of criminal district attorney or the office of county attorney performing the duties of a district attorney.

HOUSE BILL 618 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Montford

House Bill 618 relates to the duties of the county attorney of Andrews County and the district attorney of the 109th Judicial District. The act empowers the Andrews County attorney to represent the state in all matters before the district court in Andrews County rather than the district attorney of the 109th Judicial District who will represent Crane and Winkler counties only, and places the county attorney in the definition of "district attorney" in the Professional Prosecutors Act.

HOUSE BILL 697 **HOUSE AUTHOR:** Russell
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Howard

House Bill 697 places the criminal district attorney of Cass County and the district attorney of the 229th Judicial District under the application of the Professional Prosecutors Act. The purpose of the Professional Prosecutors Act, which provides the compensation as well as the expenses and allowances for certain attorneys, is to increase funds available for use in prosecution. The Professional Prosecutors Act also prohibits the attorneys subject to its application from engaging in the private practice of law during their terms of office.

HOUSE BILL 2013 **HOUSE AUTHOR:** Hightower
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Blake

House Bill 2013 creates the office of the criminal district attorney of Tyler County, effective January 1, 1985. This act establishes the qualifications as well as the powers and obligations of the criminal district attorney. The act provides for the election of the criminal district attorney and allows a vacancy to be filled by appointment of the governor. The act also requires the Tyler County criminal district attorney to fulfill the duties that have been performed by the 88th Judicial District attorney for Tyler County. The 88th Judicial District attorney now has those duties only in Hardin County.

HOUSE BILL 2188 **HOUSE AUTHOR:** Glossbrenner
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Traeger

House Bill 2188 amends state law to allow the district attorney of the 293rd Judicial District to receive a supplemental compensation from the counties comprising the district, provided that this compensation does not exceed $20,000 a year.

Juvenile Boards

In 1981 the legislature created the Texas Juvenile Probation Commission and directed the commission to assist counties in providing their own probation and juvenile services by encouraging the establishment of juvenile boards. Beginning September 1, 1983, the commission is directed to allocate state funds for financial assistance to juvenile boards for the provision of juvenile services; if a county does not provide a juvenile probation department or officer before September 1, 1985, the commission is authorized to directly provide probation or detention services in the county.

HOUSE BILL 333 **HOUSE AUTHOR:** Whaley
EFFECTIVE: 5-17-83 **SENATE SPONSOR:** Farabee

House Bill 333 establishes the 110th Judicial District Juvenile Board consisting of the judges of the county and district courts having jurisdiction in Briscoe, Dickens, Floyd, and Motley counties as well as the judges of any juvenile courts in the counties. This act also delegates certain powers and duties to the board.

HOUSE BILL 672 **HOUSE AUTHOR:** Hollowell
EFFECTIVE: 5-24-83 **SENATE SPONSOR:** Howard

House Bill 672 establishes the Upshur County Juvenile Board consisting of the county judge, the district judge of each judicial district that includes Upshur County, and the judge of any statutory court in the county designated as a juvenile court. This act also provides compensation for board members and delegates certain powers and duties to the board.

HOUSE BILL 970 **HOUSE AUTHOR:** Geistweidt, et al.
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Sims

House Bill 970 creates a juvenile board in each of the counties of Blanco, Burnet, Llano, Mason, and San Saba. Each board is composed of the county judge and the judges of the judicial districts having jurisdiction in the county. The act also delegates powers to each board and provides compensation for board members.

HOUSE BILL 1013 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Sims

House Bill 1013 establishes the Kimble County and Menard County juvenile boards. Each board consists of the judges of the county and district courts having jurisdiction in the county. This act also delegates powers and duties to each board and provides compensation for board members.

HOUSE BILL 1254 **HOUSE AUTHOR:** Parker
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Jones

House Bill 1254 establishes the McCulloch County Juvenile Board. The board consists of the judges of the county and district courts having jurisdiction in McCulloch County. This act also delegates powers and duties to the board and provides compensation for board members.

HOUSE BILL 1441 **HOUSE AUTHOR:** Gilley
EFFECTIVE: 5-27-83 **SENATE SPONSOR:** Lyon

House Bill 1441 establishes the Wood County Juvenile Board and delegates powers to that board. The board consists of the judges of the county and district courts having jurisdiction in Wood County as well as the judge of any statutory court in the county that is designated as a juvenile court. The act also delegates powers and duties to the board and provides compensation for board members.

HOUSE BILL 1833 **HOUSE AUTHOR:** Arnold
EFFECTIVE: 6-17-83 **SENATE SPONSOR:** Edwards

House Bill 1833 establishes the Ellis County Juvenile Board consisting of the judges of the county and district courts having jurisdiction in Ellis County as well as the judge of any statutory court in the county. This act provides for compensation of board members and delegates powers and duties to the board.

HOUSE BILL 2126 **HOUSE AUTHOR:** Shaw
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sims

House Bill 2126 establishes the Ward County Juvenile Board consisting of the judges of the county and district courts having jurisdiction in Ward County and the judge of any statutory court in the county. The act provides compensation for board members and delegates powers.

HOUSE BILL 2295 **HOUSE AUTHOR:** Waldrop
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Edwards

The Juvenile Board of Henderson County was created in 1969. House Bill 2295 amends that act by changing the composition of the board by removing the district attorney for both the 3rd Judicial District and the 173rd Judicial District and by replacing them with the judge of each of these districts. This act further designates the 173rd District Court as the juvenile court of Henderson County and provides compensation for juvenile board members.

HOUSE BILL 2301 **HOUSE AUTHOR:** Whaley
EFFECTIVE: 6-14-83 **SENATE SPONSOR:** Montford

House Bill 2301 establishes the Crosby County Juvenile Board. The board consists of the judges of the county and district courts having jurisdiction in Crosby County and one citizen member appointed by the board. This act also delegates certain powers and duties to the board.

HOUSE BILL 2314 **HOUSE AUTHOR:** Schlueter
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Jones

House Bill 2314 establishes the Lampasas County Juvenile Board. The board consists of the county judge and the judge of each judicial district having jurisdiction in the county. Compensation is provided to board members and powers are delegated to the board.

HOUSE BILL 2324 **HOUSE AUTHOR:** Coody
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Glasgow

House Bill 2324 establishes a juvenile board in Parker County. The board consists of the judges of the county and district courts having jurisdiction in Parker County. The act states that the district court judge is the chairman of the board. The act also provides compensation for members and delegates powers and duties to the board.

HOUSE BILL 2325 **HOUSE AUTHOR:** Coody
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Glasgow

House Bill 2325 establishes the Cooke County Juvenile Board consisting of the judges of the county and district courts having jurisdiction in Cooke County as well as the judge of any statutory court in the county designated as the juvenile court. It also provides compensation for members and delegates powers and duties to the board.

HOUSE BILL 2326 **HOUSE AUTHOR:** Coody
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Glasgow

House Bill 2326 establishes a juvenile board in Jack and Wise counties. The board consists of the judges of the county and district courts having jurisdiction in Jack and Wise counties and the judge of each statutory court in the counties designated as a juvenile court. This act also delegates powers and duties to the board.

HOUSE BILL 2340 **HOUSE AUTHOR:** B. Gibson
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Glasgow

This act authorizes the Johnson County Juvenile Board to appoint the district court clerk in Johnson County to administer child support, spousal support, and separate maintenance payments for the county. The obligor of the payments is required to pay a $1 monthly service fee to the district court clerk. These service fees are to be assessed with all child support, spousal support, and separate maintenance payments ordered after September 1, 1983, and with all other of these kinds of payments when the obligor has defaulted and has been cited for contempt of court.

HOUSE BILL 2365 **HOUSE AUTHOR:** Grisham
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sharp

House Bill 2365 establishes a juvenile board in Williamson County composed of the judges of the county and district courts having jurisdiction in the county as well as the judge of any statutory court in the county that is designated as a juvenile court. This act also permits the board to appoint an advisory council and establishes the duties of the board.

HOUSE BILL 2369 **HOUSE AUTHOR:** Laney
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sarpalius

House Bill 2369 establishes the Lamb County Juvenile Board and delegates certain powers and duties to the board. The juvenile board is composed of the judges of the county and district courts having jurisdiction in Lamb County as well as the judge of any statutory court in the county designated as the juvenile court. The juvenile court judge is permitted to appoint three citizen members to serve on the board.

HOUSE BILL 2370 **HOUSE AUTHOR:** Waldrop
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Edwards

House Bill 2370 establishes a juvenile board in Navarro County. The board is composed of the judges of the county and district courts having jurisdiction in Navarro County and the criminal district attorney. The judges may appoint five citizen members to the board. The act also delegates certain powers and duties to the board and provides compensation for some board members.

HOUSE BILL 2371 **HOUSE AUTHOR:** Presnal
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Caperton

House Bill 2371 establishes the Brazos County Juvenile Board consisting of the district judge, the county judge, the judge of the county court at law, and one citizen member appointed by the judges. This act delegates certain powers and duties to the board and provides compensation for the judges on the board.

HOUSE BILL 2372 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Montford

House Bill 2372 establishes the Cochran County Juvenile Board and delegates powers and duties to it. The board is composed of the judges of the county and district courts having jurisdiction in Cochran County as well as the judge of any statutory court in the county designated as the juvenile court. The juvenile court judge may appoint five citizen members to serve on the board. The act also provides compensation for the judges on the board.

HOUSE BILL 2377 **HOUSE AUTHOR:** Shaw
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Montford

House Bill 2377 establishes the 118th Judicial District Juvenile Board. The board is composed of the judges of the county and district courts having jurisdiction in Glasscock, Howard, and Martin counties. This act delegates powers and duties to the board and further permits the board to appoint an advisory council.

HOUSE BILL 2379 **HOUSE AUTHOR:** Bomer
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Blake

In 1969 the legislature created a juvenile board in Anderson County. House Bill 2379 updates that law so that each district attorney in the county is on the board and so that the commissioners court by order may add the judge of the County Court at Law of Anderson County to the membership of the juvenile board.

HOUSE BILL 2390 **HOUSE AUTHOR:** Bush
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Lyon

This act explicitly authorizes the Collin County Juvenile Board to appoint the district court clerk in Collin County to administer child support, temporary spousal support, and separate maintenance payments for the county. The obligor of such payments is required to pay to the clerk a monthly service fee of an amount set by the juvenile board but not more than $2.50. These service fees are to be assessed with all child support, spousal support, and separate maintenance payments ordered after September 1, 1983, and with all other of these kinds of payments when the obligor has defaulted and has been cited for contempt of court.

HOUSE BILL 2404 **HOUSE AUTHOR:** Hanna
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Farabee

House Bill 2404 establishes the Shackelford County Juvenile Board consisting of the judges of the county and district courts having jurisdiction in Shackelford County as well as the judge of any statutory court in the county designated as the juvenile court. The juvenile court judge may appoint one citizen member. This act also delegates powers and duties to the board and provides compensation to the judges on the board.

HOUSE BILL 2406 **HOUSE AUTHOR:** Finnell
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Farabee

House Bill 2406 establishes the 46th Judicial District Juvenile Board for Wilbarger, Foard, and Hardeman counties. The board consists of the county court and district court judges of Wilbarger, Foard, and Hardeman counties and two citizen members. House Bill 2406 also delegates powers and duties to the board and provides compensation to the judges on the board.

HOUSE BILL 2407 **HOUSE AUTHOR:** Finnell
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Farabee

House Bill 2407 establishes the 50th Judicial District Juvenile Board for Baylor, Cottle, King, and Knox counties. The board consists of the county judges of the counties and the judge of the district court having jurisdiction in the 50th Judicial District. The juvenile court judge may appoint two citizen members. The act further delegates powers and duties to the board and provides compensation to the judges on the board.

HOUSE BILL 2412 **HOUSE AUTHOR:** Hightower
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Caperton

Under prior law, the composition of the juvenile boards in the 12th Judicial District were uniform. House Bill 2412 changes the composition of the juvenile board in Walker County to consist of the judges of the district courts, county courts, and county courts at law having jurisdiction in Walker County. The act further raises the annual salary for Walker County Juvenile Board members to $600.

HOUSE BILL 2432 **HOUSE AUTHOR:** Russell
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Howard

House Bill 2432 removes Morris and Titus counties from the Northeast Texas Juvenile Board and establishes a juvenile board that includes Camp, Marion, Morris, and Titus counties. The board consists of the judges of the county and district courts having jurisdiction in the counties and the judge of any statutory courts in the counties that are designated as juvenile courts. The act also delegates powers and duties to the board and provides compensation for board members.

HOUSE BILL 2435 **HOUSE AUTHOR:** Simpson
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Sarpalius

House Bill 2435 establishes the composition of the Randall County Juvenile Board. The board consists of the judges of the county courts, county courts at law, and district courts having jurisdiction in Randall County.

HOUSE BILL 2440 **HOUSE AUTHOR:** Rangel
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Traeger

House Bill 2440 creates the Starr County Juvenile Board composed of the county judge and the judges of the judicial districts having jurisdiction in the county. The board is authorized to appoint an advisory council, is delegated powers, and is provided compensation.

HOUSE BILL 2441 **HOUSE AUTHOR:** Hanna
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Farabee

House Bill 2441 establishes a juvenile board in Throckmorton County. The board is composed of the judges of the county and district courts having jurisdiction in the county as well as the judge of any statutory court in the county designated as the juvenile court. The juvenile court judge may appoint two citizen members to the board. The act also delegates certain powers and duties to the board and provides compensation for judges who are members of the board.

HOUSE BILL 2447 **HOUSE AUTHOR:** Hanna
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Farabee

House Bill 2447 establishes a juvenile board in Haskell County. The board consists of the judges of the county and district courts having jurisdiction in the county as well as the judge of any statutory court in the county designated as the juvenile court. The juvenile court judge may appoint two citizen members to the board. The act also delegates certain powers and duties to the board and provides compensation for the judges on the board.

HOUSE BILL 2448 **HOUSE AUTHOR:** Carriker
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Farabee

House Bill 2448 amends previous law by abolishing the Nolan County Juvenile Board and establishing a juvenile board in Fisher, Mitchell, and Nolan counties. Composition of this board includes both ex officio and nonsalaried members. The judges of the district and county courts having jurisdiction in the counties and the judge of the Nolan County Court at Law are ex officio members. Nonsalaried members include members appointed by each county commissioners court, the Sweetwater City Commission, and the board of trustees of the Sweetwater Independent School District. The act also provides for the apportionment and payment of costs related to juvenile services in each county and delegates powers and duties to the juvenile board.

SENATE BILL 1217 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** T. Hall

Senate Bill 1217, similar to House Bill 2313, establishes the Denton County Juvenile Board. The board is composed of the county judge and the judges of the district courts and statutory courts having jurisdiction in the county. The act also establishes the duties of the board and provides compensation for the board members.

HOUSE BILL 2313 **HOUSE AUTHOR:** T. Hall
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Farabee

House Bill 2313, similar to Senate Bill 1217, establishes the Denton County Juvenile Board. The board is composed of the judges of the county and district courts having jurisdiction in Denton County and the judge of any statutory court in the county. This act provides compensation to members and delegates powers and duties to the board.

SENATE BILL 246 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Kubiak

Senate Bill 246 establishes a juvenile board for Milam, Robertson, and Falls counties. The board is composed of the judges of the county and district courts having jurisdiction in the counties and the judges of any statutory courts designated as juvenile courts in the counties. This act also delegates powers and duties to the board.

SENATE BILL 421 **SENATE AUTHOR:** Farabee
EFFECTIVE: 5-3-83 **HOUSE SPONSOR:** G. Hill

Senate Bill 421 authorizes a juvenile board to be established in counties where none exists. The act also authorizes a juvenile board to be established jointly by two or more counties. The juvenile boards are to be composed of the judges of the county and district courts having jurisdiction in the counties, and the judges of any statutory courts in the counties designated as juvenile courts. This act also delegates powers and duties to the juvenile boards and authorizes these boards to appoint advisory councils.

SENATE BILL 644 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Buchanan

Senate Bill 644 establishes the Dallam County Juvenile Board. The board consists of the judges of the county and district courts having jurisdiction in Dallam County, the judges of any statutory courts in the county that are designated as juvenile courts, and one member of the general public. Senate Bill 644 also outlines the powers, duties, and financing of the board.

SENATE BILL 778 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Buchanan

Senate Bill 778 establishes the Sherman County Juvenile Board. The board is composed of the judges of the county and district courts having jurisdiction in Sherman County and the judge of any statutory court in the county that is designated as the juvenile court. This act also delegates powers and duties to the board.

SENATE BILL 1192 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Carriker

Senate Bill 1192 establishes the 132nd Judicial District Juvenile Board. The board is composed of the judges of the county and district courts having jurisdiction in Scurry and Borden counties. The act further outlines powers and duties of the board, provides compensation to its members, and permits the board to appoint an advisory council.

SENATE BILL 1194 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Carriker

Senate Bill 1194 establishes the Jones County Juvenile Board. The board consists of the judges of the county and district courts having jurisdiction in Jones County and the judge of any statutory court in the county that is designated as the juvenile court. This act also provides compensation for board members and delegates certain powers and duties to the board.

SENATE BILL 1210 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Buchanan

Senate Bill 1210 establishes the Hartley County Juvenile Board. The board consists of the judges of the county and district courts having jurisdiction in Hartley County and the judges of any statutory courts in the county that are designated as juvenile courts. This act also delegates powers and duties to the board.

SENATE BILL 1224 **SENATE AUTHOR:** Sims
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Shaw

Senate Bill 1224 establishes the Culberson-Hudspeth Counties Juvenile Board consisting of the judges of the county and district courts having jurisdiction in Culberson and Hudspeth counties. This act also allocates the costs between the counties, establishes duties and powers of the board, and provides compensation for board members.

SENATE BILL 1267 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Laney

Senate Bill 1267 establishes a juvenile board for Bailey and Parmer counties. Certain powers and duties are delegated to the board. The board consists of the judges of the county and district courts having jurisdiction in the counties as well as the judge of each statutory court in the counties designated as a juvenile court. The act also authorizes the apportionment and payment of costs by the counties and provides for compensation to juvenile board members.

SENATE BILL 1268 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Laney

Senate Bill 1268 establishes a juvenile board for Castro, Hale, and Swisher counties. The board consists of the judges of the county and district courts having jurisdiction in the counties as well as the judge of any statutory court designated as a juvenile court in the counties. This act also delegates powers and duties to the board, provides compensation to board members, authorizes the apportionment and payment of costs by the counties, and provides for an advisory council composed of five citizen members.

SENATE BILL 1330 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Buchanan

Senate Bill 1330 establishes the Hansford County Juvenile Board. The board, which is delegated powers and duties by this act, is composed of the judges of the county and district courts having jurisdiction in Hansford County as well as the judges of any statutory courts that are designated as juvenile courts in the county.

SENATE BILL 1366 **SENATE AUTHOR:** Truan
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Rangel

Senate Bill 1366 establishes a juvenile board in each of the counties of Brooks, Kenedy, Kleberg, and Willacy. Each board consists of the judges of the county and district courts having jurisdiction in the county. Each board must have at least three but no more than five members. When necessary, citizen members may be appointed. Senate Bill 1366 provides compensation for and delegates powers and duties to each board. The act also authorizes each board to appoint an advisory council.

SENATE BILL 1375 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Stiles

Senate Bill 1375 establishes the Chambers County Juvenile Board. The board is composed of the judges of the county and district courts in the county, and the judge of any statutory court in the county designated as the juvenile court. An advisory council may be appointed by the board and duties are established for the board.

SENATE BILL 1379 **SENATE AUTHOR:** Montford
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Carriker

Senate Bill 1379 establishes the Garza County Juvenile Board consisting of the judges of the county and district courts having jurisdiction in Garza County as well as the judge of any statutory court in the county that is designated as the juvenile court. This act provides for financing and compensation related to juvenile services and board activities. The act also delegates powers and duties to the board.

SENATE BILL 1395 **SENATE AUTHOR:** Montford
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Carriker

Senate Bill 1395 establishes the Lynn County Juvenile Board. The board is composed of the judges of county and district courts having jurisdiction in Lynn County as well as the judge of any statutory court in the county designated as the juvenile court. This act provides for financing and compensation related to juvenile services and board activities. The act also delegates powers and duties to the board.

SENATE BILL 1409 **SENATE AUTHOR:** Truan
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** W. O. Harrison

In 1971, the legislature established the Nueces County Juvenile Board. Senate Bill 1409 amends the provisions for this board by removing the judges of any courts of domestic relations from the board and by increasing the ceiling on compensation to $12,000 annually.

SENATE BILL 1426 **SENATE AUTHOR:** Montford
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Rudd

Senate Bill 1426 establishes the Terry County Juvenile Board. The board consists of the judges of the county and district courts having jurisdiction in Terry County, the judge of any juvenile court in the county, the Brownfield city manager, the superintendent of the Brownfield Independent School District, and one at-large member from the county. This act also delegates powers and duties to the board and provides compensation for the judges who are members of the board.

SENATE BILL 1427 **SENATE AUTHOR:** Montford
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Rudd

Senate Bill 1427 establishes the Yoakum County Juvenile Board consisting of the judges of the county and district courts having jurisdiction in Yoakum County as well as the judge of any statutory court in the county designated as the juvenile court. This act also provides for compensation to board members and delegates powers and duties to the board.

CRIMINAL JUSTICE AND PROCEDURE

Criminal Justice Agencies

SENATE BILL 911 **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Keller

Senate Bill 911 creates the Criminal Justice Policy Council and the Criminal Justice Coordinating Council, which will act in an advisory capacity to the policy council. The councils are charged with the responsibility of developing means to promote a more effective and cohesive state criminal justice system. They will make recommendations to the legislature and to the Criminal Justice Division within the governor's office in developing policies, plans, programs, and proposed legislation for improving the coordination, administration, and effectiveness of the criminal justice system.

Law Enforcement

HOUSE BILL 304 **HOUSE AUTHOR:** Eikenburg, et al.
EFFECTIVE: 5-17-83 **SENATE SPONSOR:** Harris

This act authorizes the state and its political subdivisions to exercise concurrent jurisdiction with the federal government for the purpose of criminal law enforcement in public parks or recreational facilities that are at a water resource development project under the control of the Chief of Engineers of the United States Army.

HOUSE BILL 1061 **HOUSE AUTHOR:** Collazo
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Mauzy

This act requires law enforcement agencies to enter a record into the National Crime Information Center on receipt of a report from a peace officer, probation officer, the Texas Youth Commission, a foster home, or a detention facility for children that a child has escaped its custody or on receipt of a report from a parent, guardian, conservator, or legal custodian that a child is missing.

HOUSE BILL 1291 **HOUSE AUTHOR:** Patronella
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Brooks

Exceptions to Penal Code provisions prohibiting the interception of a wire or oral communication are expanded to include certain situations under which an immediate life-threatening situation exists. Definitions are provided for "immediate life-threatening situations" and for "members of a law enforcement unit specially trained to respond to and deal with life-threatening situations" and it is decreed lawful for such members, acting under color of law, to intercept a wire or oral communication if an immediate life-threatening situation exists and consent is given by a magistrate. It is further decreed legitimate for law enforcement agencies having established units specifically to respond to and to deal with life-threatening situations to manufacture, assemble, possess, sell, send, or carry devices that are designed primarily for the purpose of interception.

HOUSE BILL 2333 **HOUSE AUTHOR:** Berlanga, et al.
EFFECTIVE: 6-17-83 **SENATE SPONSOR:** Farabee

This act provides that, on receipt of a written request from certain persons legally responsible for a child who is reported to be missing, law enforcement agencies must request information from and provide information to the Federal Bureau of Investigation to aid in the identification and location of the child. Each law enforcement agency receiving a written request must also respond to that request within a period of 14 days. For the purposes of this act, "child" means a person under 25 years of age and "law enforcement agency" means a police department of a city in this state, a sheriff of a county in this state, and the Department of Public Safety.

HOUSE BILL 2334 **HOUSE AUTHOR:** Berlanga, et al.
EFFECTIVE: 6-17-83 **SENATE SPONSOR:** Farabee

This legislation requires law enforcement agencies of the state or of any political subdivision of the state to comply with the request of a person to have a record of his fingerprints or a record of the fingerprints of his

child or ward made for future identification purposes. Law enforcement agencies may not charge for such a service and will not retain such records unless specifically requested to do so.

SENATE BILL 1308 **SENATE AUTHOR:** Blake
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Clark

The Code of Criminal Procedure, 1965, is amended by the addition of an article allowing the governor to appoint an authenticating officer and to delegate to that officer the power to sign for the governor or to use the governor's facsimile signature on certain documents relating to criminal justice that do not have legal effect unless signed by the governor. The officer's signature, which must appear in a particular form indicating that it is the signature of an authenticating officer for the governor, gives the document the same legal effect as if it had been signed manually by the governor.

Pretrial Procedure

HOUSE BILL 276 **HOUSE AUTHOR:** G. Thompson
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Blake

Under previous law, the local justice of the peace has had sole discretion in determining the necessity for an autopsy. This act amends the Code of Criminal Procedure, 1965, by adding language that requires the justice of the peace to order an autopsy if requested to do so by the district attorney, criminal district attorney, or county attorney.

HOUSE BILL 413 **HOUSE AUTHOR:** T. Smith
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Farabee

This act seeks to provide alternatives to incarceration by authorizing judicial districts to operate pretrial diversion programs. The act states that district judges may authorize the district probation department personnel to operate programs for the supervision and rehabilitation of persons in pretrial diversion programs. Persons in pretrial diversion programs may be supervised for a period not to exceed 12 months and may be assessed a supervisory fee or a program fee, or both, provided the maximum fees do not exceed a total of $200. The act also empowers the Texas Adult Probation Commission to assist those districts participating in pretrial diversion programs.

SENATE BILL 335 **SENATE AUTHOR:** Parmer
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** L. Hall

The Code of Criminal Procedure, 1965, is amended to provide that, if written notice of a parking violation is filed with the court and a legible duplicate copy is given to the defendant, the defendant's copy may serve as the complaint to which the defendant would make his plea. If the defendant pleads not guilty to the parking offense, a formal sworn complaint will be filed unless the defendant specifically waives this requirement and elects to proceed on his copy of the notice. This legislation is aimed at saving local units of government from the costs and obligations of preparing and processing a separate formal complaint for each notice of a parking violation.

SENATE BILL 343 **SENATE AUTHOR:** McFarland
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** English

This amendatory act extends the period of time in which a felony indictment may be presented for rape, aggravated rape, sexual abuse, aggravated sexual abuse, and rape or sexual abuse of a child from within three years to within five years from the date of the offense.

SENATE BILL 634 **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Rudd

The Code of Criminal Procedure, 1965, is amended to allow a magistrate, when setting a personal bond and on a finding of alcohol or drug abuse related to the offense for which a defendant is charged, to require as a condition of the bond that the defendant participate in an alcohol or drug abuse treatment or education program if such a condition will reasonably assure the appearance of the defendant for trial. The code is further amended to permit the magistrate who set a defendant's bond or before whom a prosecution is pending to issue a warrant for the arrest of a defendant who violated this condition of bond. If, at a hearing, the magistrate

determines that the defendant violated the condition without sufficient cause, the magistrate must forfeit the defendant's bond and enter a final judgment of forfeiture.

Trial Procedure

SENATE BILL 162 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Burnett

Senate Bill 162 is the Uniform Act to Secure Rendition of Prisoners in Criminal Proceedings. It provides procedures for transferring prisoners from one state to another if the prisoners are required to testify in criminal actions.

SENATE BILL 742 **SENATE AUTHOR:** Washington
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** L. Evans

This act defines what constitutes a confidential communication to a clergyman and provides that a defendant in a criminal case has the privilege to refuse to disclose and to prevent another from disclosing such a communication made by the defendant to a clergyman in his professional character as a spiritual adviser.

SENATE BILL 836 **SENATE AUTHOR:** Parmer, et al.
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** L. Hall

This act seeks to minimize the intimidation that a child might experience when serving as a witness in certain civil and criminal proceedings involving a parent or other person who has allegedly sexually or otherwise abused the child. The act provides for the admissibility, under certain conditions, of a visual and aural recording of a child 12 years of age or under made prior to the courtroom proceedings and further provides for the taking of the child's testimony in a room other than the courtroom to be televised in the courtroom via closed circuit equipment. Throughout the recording procedures, a protection is sought for the child from hearing or seeing the defendant while a protection is also sought for the defendant from any abridgment of his constitutional right to face his accuser.

The act also allows certain persons empowered to take possession of a child without a court order to take possession on personal knowledge or on information corroborated by personal knowledge of facts that would lead a person of ordinary prudence and caution to believe that the child has been sexually abused. A person taking possession is required to request the court to appoint a guardian ad litem for the child and the court is required to find that there is a "continuing danger" to the child if evidence of sexual abuse is visible and such abuse is likely to occur again.

SENATE BILL 838 **SENATE AUTHOR:** Lyon, et al.
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Gandy

This amendatory act exempts children under the age of 14 who are the victims of sexual offenses from the requirement that, for a conviction to be supportable on the uncorroborated testimony of the victim of a sexual offense, the victim must have informed a person other than the defendant of the alleged offense within six months from the date on which the offense is alleged to have occurred.

HOUSE BILL 1178 **HOUSE AUTHOR:** Parker
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Farabee

The Code of Criminal Procedure, 1965, has previously allowed the court full discretion in deciding the necessity to order and to utilize a probation officer's investigation and written report of the circumstances of an offense with which a defendant is charged including personal background of the defendant. House Bill 1178 seeks to make the probation officer's presentence investigation and report a more standard part of the sentencing process in felony cases by requiring the court, except under certain circumstances, to direct a probation officer to prepare such a written report. House Bill 1178 also clearly defines when the contents of the report may be revealed to persons or inspected by the court and establishes procedures on disclosure of information to the defendant, counsel for the defendant, or counsel for the state.

HOUSE BILL 326 **HOUSE AUTHOR:** Robnett
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Montford

Under current law, various records pertaining to criminal proceedings are required to be preserved; however, no provisions have been made for maintaining such records by computer or other contemporary devices. House Bill 326 allows the commissioners court of a county to authorize the photographic, microphotographic, mechanical, or electronic entry, storage, and retrieval of such records in lieu of any other manner required or permitted by law. The act also states that an officer authorized to keep these records must provide reasonable security for as well as reasonable public access to the records.

HOUSE BILL 559 **HOUSE AUTHOR:** L. Evans
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Washington

This amendatory act seeks to prevent criminal appeals courts from possibly overlooking certain documents by requiring the clerk of the court from which a criminal case is appealed to include within the appellate record copies of all exhibits on file other than physical exhibits or documents of unusually large bulk or weight.

HOUSE BILL 855 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Farabee

This act relates to the discretion of trial judges to allow defendants to serve their sentences during off-work hours or on weekends. It clarifies the rule that persons who have been sentenced for misdemeanors or who have been sentenced to confinement in county jail for felonies may serve their sentences in this fashion.

HOUSE BILL 861 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Farabee

House Bill 861 gives the court the authority to impose on a defendant a requirement that the defendant participate in a community-service project as a term of probation. The court may specify the length of time the defendant is to participate and may also designate the particular community-service work program.

HOUSE BILL 1048 **HOUSE AUTHOR:** T. Smith
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Farabee

House Bill 1048 eliminates mandatory life sentences for habitual offenders, or criminals who have had three successive felony convictions, the second and third offenses having been committed subsequent to conviction on the prior offense or offenses. Habitual offenders may still receive a life sentence; however, the new law provides for alternative sentencing to a term of 25 to 99 years.

HOUSE BILL 1289 **HOUSE AUTHOR:** Uher
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Farabee

The Uniform Act for Out-of-State Parolee Supervision, which has been adopted by the State of Texas, allows a person convicted of an offense in one state and placed on probation or released on parole to reside in another state if certain conditions exist. House Bill 1289 establishes guidelines for the State of Texas relating to the imposition of fees and terms of probation of out-of-state probationers. A court receiving a probationer for supervision may impose on the probationer an authorized term of probation and may require the probationer to pay an authorized fee not to exceed $15. Fees that are collected must be deposited in the special fund of the county treasury to be used for the provision of adult probation services as well as community-based correctional programs and facilities other than jails or prisons.

HOUSE BILL 1643 **HOUSE AUTHOR:** McKenna, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Leedom

The Code of Criminal Procedure, 1965, is amended to provide for the destruction or forfeiture to the state of devices or materials introduced into evidence and thereafter found obscene by virtue of a final judgment after all appellate remedies are exhausted. The code is further amended to provide procedures for return to the person found in possession of devices or materials that are not found to be obscene by the courts.

HOUSE BILL 2224 **HOUSE AUTHOR:** Gamez
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Mauzy

This act establishes a new law stating that, in any criminal case in which a defendant is sentenced to a term of more than two years and no appeal is taken, the court reporter must file nontranscribed notes of proceedings with the district clerk within 20 days following the expiration of the time for giving notice of appeal. Certain rules are also established for the transcription, if necessary, and the retention of these notes.

SENATE BILL 7 **SENATE AUTHOR:** Farabee, et al.
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Bush

Under prior law, if a defendant accused of a crime claimed that he was insane at the time of the crime, he had to prove either that he did not know his conduct was wrong or that he was incapable of conforming his conduct to the law. If a jury acquitted a defendant on the basis of one of these conditions, the judge could, if he deemed the defendant to be mentally ill, transfer him to civil court for commitment proceedings. If the civil court declared the defendant to be a danger to himself or others, it could then commit him to a mental health or mental retardation facility. Once inside the facility, judicial discretion ceased and the facility director could confine or release the patient as his judgment dictated.

This act amends the law to restrict the insanity defense in criminal prosecutions to only those defendants who, as a result of severe mental illness, did not know that their conduct was wrong. The act also eliminates civil commitment proceedings for defendants who are found not guilty by reason of insanity and who are determined to have committed an act, attempt, or threat of serious bodily injury to another person. In lieu of civil proceedings, the defendant is sent to a maximum security facility designated by the Texas Department of Mental Health and Mental Retardation. Within 30 days, the original trial court must hold a hearing to determine whether to confine the patient or to release him on an out-patient treatment basis. If the patient is confined, he may be released only at the request of the hospital director and with the concurrence of the trial court. The patient may not be confined for a period longer than the maximum sentence provided for the crime committed.

SENATE BILL 84 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Burnett

This act creates the Interagency Council on Sex Offender Treatment to determine if a state-administered program is necessary and to study, evaluate, and report on alternative methods of treatment for sex offenders as well as to distribute any funds appropriated by the legislature for the development, operation, and evaluation of treatment programs. The act establishes the terms, composition, and qualifications of the council's membership and provides that members may not receive compensation for performing the duties of the council but are entitled to be reimbursed for necessary expenses incurred and may accept grants and donations to be used to perform the duties of the council. The council, which is to be abolished on September 1, 1989, must report annually and make any recommendations it considers appropriate to the governor, lieutenant governor, and speaker of the house of representatives.

SENATE BILL 302 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Peveto

Under previous law, all persons committed to a mental health or mental retardation facility pursuant to provisions under the Code of Criminal Procedure, 1965, have been temporarily committed to a maximum security unit. Also under prior law, there have been no provisions clarifying procedures to be followed when a defendant initially found incompetent to stand trial was discharged from a facility and returned to the court but was again found incompetent to stand trial.

This act amends the law to provide that persons charged with misdemeanor offenses and committed to a mental health facility be placed in the facility serving the area in which the committing court is located while persons charged with misdemeanor offenses and committed to a mental retardation facility be placed in a maximum security unit for no longer than 60 days pending alternate placement. The act also provides that, when a defendant is discharged from a facility as competent to stand trial and is again found incompetent to stand trial, the court may civilly recommit the defendant.

SENATE BILL 613 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Peveto

Under existing law, the court of criminal appeals may review decisions of lower appellate courts upon the filing of a petition for review by either the state or the defendant. This act allows the court of criminal appeals or a judge thereof, on timely application and for good cause shown, to extend the time limits for filing such a petition as well as for filing a reply to the petition. The act also provides that, when a conviction is reversed by the decision of an appellate court and the state files a motion for an extension of time in which to file a petition for review by the court of criminal appeals, a defendant in custody is entitled to release on reasonable bail pending final determination of the appeal.

SENATE BILL 779 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Rudd

This act allows a judge to sentence a prisoner convicted of a third-degree felony or an offense punishable by confinement in county jail to an alternate term in the county jail work release program of the county in which the offense was committed. The judge may pronounce such a sentence only if it is determined, on the defendant's request for a special issue, that the defendant did not cause bodily injury or death of another and if the prosecuting attorney makes a written request that the defendant be sentenced to the county jail work release program. A defendant sentenced to the county jail work release program may earn good conduct credit and, if the defendant would otherwise be sentenced to the Texas Department of Corrections, the defendant may also become eligible for release on parole or mandatory supervision.

Under this act, the sheriff must attempt to secure employment for each prisoner sentenced to the county jail work release program. If the sheriff fails to find employment for a prisoner who would otherwise be incarcerated in the Texas Department of Corrections, he may transfer the prisoner to another county jail work release program. A prisoner's salary shall be paid to the sheriff and shall be given to the prisoner on his release after deducting the prisoner's county incarceration costs, costs of restitution to the victim, and support costs of the prisoner's dependents.

This act also provides for the termination of a prisoner's participation in the program if he is determined to be dangerous to inmates in the county jail or to society as a whole.

SENATE BILL 1137 **SENATE AUTHOR:** Brown, et al.
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Hury

Senate Bill 1137 amends the Penal Code to allow associations and corporations, as well as individuals, to admit during sentencing hearings guilt of one or more unadjudicated offenses and to request that the court take this into account in determining the sentence.

Controlled Substances

HOUSE BILL 283 **HOUSE AUTHOR:** Luna
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Vale

Numerous consumer products contain volatile chemicals that vaporize to a gaseous form at normal room temperatures and that may produce intoxicating effects if sniffed or inhaled. This legislation is enacted to catalogue many of these volatile chemicals and to proclaim that it is an offense to use or possess any substance containing such chemicals with the intent to create a condition of intoxication.

It is also proclaimed an offense to intentionally or knowingly sell or deliver a substance containing a volatile chemical subject to special labeling requirements established pursuant to the Federal Hazardous Substances Act to a person under 17 years of age. There are certain exceptions and defenses to a prosecution for sale or delivery of a substance containing a volatile chemical, and proof of an offer to sell or deliver must be corroborated by testimony or evidence other than that obtained from the offeree.

HOUSE BILL 450 **HOUSE AUTHOR:** DeLay, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Henderson

The use of funds forfeited to an agency of the state or an agency or office of a political subdivision of the state under the Texas Controlled Substances Act has been limited to the investigation of alleged violations of

Texas' criminal laws. This act broadens the use of such funds by allowing up to 10 percent to be used for the prevention of drug abuse and for the treatment of persons with drug-related problems.

HOUSE BILL 502 **HOUSE AUTHOR:** Polumbo, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Uribe

Provisions of the Texas Controlled Substances Act are amended to add various derivatives of the drug Fentanyl, which is used to manufacture a substance known as "China White" and often sold as heroin, to Schedule I of the Texas Controlled Substances Act and to Penalty Group 1 of that act. Possession, use, or delivery of a controlled substance listed in Penalty Group 1 makes a defendant subject to the harshest penalties under the act.

HOUSE BILL 1191 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Farabee

During the regular session of the 67th Legislature, several substantive and procedural laws concerning the manufacture, distribution, dispensing, possession, and delivery of marihuana, controlled substances, and drug paraphernalia were enacted as part of the governor's war-on-drugs package. So many bills were aimed at 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, that the act has contained duplications and apparent contradictions in language. House Bill 1191 seeks to resolve these duplications and apparent contradictions while also providing a definition for the word "believes" which was placed in the act by the 67th Legislature. House Bill 1191 also reenacts several provisions challenged in the courts on the basis that they were not covered in the 67th Legislature's bill caption and provides for the expiration of certain provisions of the Texas Controlled Substances Act if not reenacted by December 31, 1985.

SENATE BILL 108 **SENATE AUTHOR:** Vale
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Madla

The scope of "delivery," as defined under the Texas Controlled Substances Act, is broadened to include abusable glue and aerosol paints as well as controlled substances and drug paraphernalia. It is declared a misdemeanor offense, except under certain circumstances, to deliver abusable glue or aerosol paint to a person who is under 17 years of age or to display abusable glue or aerosol paint in a business establishment in a manner that makes the glue or paint accessible to patrons of the business without assistance of personnel of the business.

SENATE BILL 627 **SENATE AUTHOR:** Glasgow, et al.
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** G. Thompson

Several over-the-counter drugs have been advertised and promoted on the market as controlled substances even though they have actually been chemically different from these substances. Senate Bill 627 seeks to minimize the abuse of such "look-alike" drugs by declaring it a third degree felony to deliver or to manufacture with the intent to deliver a simulated controlled substance. Evidentiary rules are provided for determining whether a person has represented a simulated controlled substance as a controlled substance and certain defenses to prosecution are provided for peace officers and for medical practitioners or persons authorized to dispense or administer controlled substances. The act also states that simulated controlled substances are subject to forfeiture and disposition in the same manner as are controlled substances under the Texas Controlled Substances Act.

SENATE BILL 688 **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** D. Lee

Under the Texas Controlled Substances Act, the Texas Board of Health was required to establish a controlled substances therapeutic research program for the supervised use of tetrahydrocannabinols and to appoint a review board to review research proposals and maintain records regarding the research program.

This act amends the law to make the establishment of a therapeutic research program and review board optional rather than mandatory. It is declared that the manufacture, delivery, and possession of tetrahydrocannabinols, their derivatives, or drug paraphernalia for such a therapeutic research program is lawful. The act also protects certain persons from prosecution on the state level for their participation in a federally approved therapeutic research program which the commissioner of health has reviewed and has found, in writing, to contain a medically responsible research protocol.

SENATE BILL 715 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** G. Thompson

The controlled substance methaqualone is transferred to Schedule I from Schedule II of the Texas Controlled Substances Act. Substances listed under Schedule I not only are prohibited from possession or use by the general public but also are prohibited from being dispensed or administered through a practitioner's written prescription.

Restitution and Victim Compensation

HOUSE BILL 411 **HOUSE AUTHOR:** T. Smith
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Farabee

This act governs Texas' county probation departments in relation to the disbursement of certain restitution payments. The act establishes a new fund known as the compensation to victims of crime auxiliary fund. If a payment is received from a probationer for transmittal to a victim of an offense and the victim cannot be located, the probation department must deposit the payment in an interest-bearing account in the probation department having original jurisdiction. If the payment is not claimed by the victim within a period of four years, the probation department must transfer the payment to the comptroller of public accounts after deducting a collection fee and any interest accrued on the payment. The comptroller of public accounts must deposit these payments in the state treasury to the credit of the compensation to victims of crime auxiliary fund. This act further provides for the disbursement of payments to victims who claim the payments either before or after a period of four years.

HOUSE BILL 658 **HOUSE AUTHOR:** Laney, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Howard

House Bill 658 authorizes the establishment of a restitution center program as an alternative to traditional methods of sentencing certain defendants convicted of nonviolent and nondrug-related offenses. Under certain conditions, a defendant sentenced to a term of imprisonment in the Texas Department of Corrections may be required to serve an alternative probationary sentence of from six to 12 months in a restitution center. A probationer required to serve a term in a restitution center must become employed while there and may be required to work on specified community-service projects. A probationer's salary is to be deposited into a fund to be given to the probationer on release, after such items as food and housing costs, travel expenses, support of the probationer's dependents, and restitution to the victims of an offense committed by the probationer are deducted. The act also provides for the financing and administration of, and for standards for, restitution centers.

HOUSE BILL 729 **HOUSE AUTHOR:** D. Hudson
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Lyon

This amendatory act extends the period of time in which a person must file an application for compensation under the Crime Victims Compensation Act from within 180 days to not later than one year after the date of the crime.

HOUSE BILL 1606 **HOUSE AUTHOR:** Blanton
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Santiesteban

The Penal Code declares that a person commits an offense if he issues or passes a check or similar order for the payment of money knowing that sufficient funds are not on deposit for payment in full of the check or order. This act provides that a person charged with such an offense may make restitution through the prosecutor's office if collection and processing were initiated through that office or through the court if approved by the court in which the offense is filed and if made by certified check, cashier's check, or money order only.

SENATE BILL 138 **SENATE AUTHOR:** Doggett
EFFECTIVE: 1-1-84 **HOUSE SPONSOR:** Criss

This act increases certain court costs imposed on criminal convictions for the purpose of funding the compensation to victims of crime fund. Persons convicted of certain traffic violations are specifically excluded from payment of these costs while persons granted a probated sentence or deferred adjudication are required to

pay such costs. Reporting requirements are amended and it is provided that funds collected are subject to audit by the comptroller and funds expended are subject to audit by the state auditor. The Industrial Accident Board, which is responsible for administering the compensation to victims of crime fund, is empowered to issue public letters of warning to courts not assessing or not making a reasonable effort to collect these costs.

Offenses and Penalties

HOUSE BILL 171 **HOUSE AUTHOR:** Hanna, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Montford

The Penal Code is amended to make the theft of equipment designed for use in servicing gas or crude petroleum oil wells a second degree felony as well as to make the conscious or intentional tampering of identification markings on such equipment or on equipment designed for use in production or exploration of gas or crude petroleum oil a third degree felony. The code is further amended to provide that it is a third degree felony to possess any such equipment with the knowledge that identification markings have been tampered with. The Natural Resources Code is also amended to include Texas Rangers among those law enforcement officials empowered to inspect the premises of businesses dealing in used oil and gas equipment.

HOUSE BILL 747 **HOUSE AUTHOR:** Burnett
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sims

This act adds a new subsection to the Penal Code to declare that a person commits a misdemeanor if, while on the premises of a hotel or comparable establishment, he looks into a guest room that is not his own for a lewd or unlawful purpose.

HOUSE BILL 838 **HOUSE AUTHOR:** P. Hill, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Montford

In March, 1982, primarily due to a use of terms having no legal definition, provisions of the Penal Code relating to harassment by telephone and written communications were declared to be unconstitutionally vague. House Bill 838 seeks to clarify these provisions and to thereby provide an enforcement mechanism against certain communications while also expanding these provisions to cover a greater variety of acts. The language of these provisions is rewritten to declare that it is a criminal offense to communicate certain ideas or to commit certain acts "with intent to harass, annoy, alarm, abuse, torment, or embarrass another."

HOUSE BILL 882 **HOUSE AUTHOR:** Danburg
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Doggett

This legislation declares that a person commits a criminal offense if he solicits charitable donations by telephone and intentionally or knowingly either misrepresents that the proceeds of the solicitation would go to a police or firefighter organization or fails to state whether or not the solicitation is authorized by a police or firefighter organization. It is further declared that a corporation or association may be held criminally responsible for conduct by a person acting on its behalf if the person's conduct constitutes such an offense.

HOUSE BILL 1208 **HOUSE AUTHOR:** Granoff
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Mauzy

The Penal Code's definition of "explosive weapons" is amended to strike poison gas bombs and to incorporate explosives or incendiaries designed for the purpose of causing an extremely loud sound that results in undue public alarm or terror. Affiliated provisions are amended to provide definitions for "chemical dispensing devices" and "hoax bombs" and to make it a criminal offense to possess, manufacture, transport, repair, or sell a chemical dispensing device as well as to possess, manufacture, transport, sell, or purchase a hoax bomb with the intent to use it in an alarming or otherwise unlawful manner. It is also a criminal offense to possess components of an explosive weapon with the intent to combine the components for use in a criminal endeavor. Additionally, new law is enacted to govern procedures for the disposition of explosive weapons.

HOUSE BILL 1686 **HOUSE AUTHOR:** Armbrister
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brown

House Bill 1686 raises the offense of indecent exposure from a Class C misdemeanor to a Class B misdemeanor. A Class B misdemeanor is punishable by a fine not to exceed $1,000, confinement in jail for a term not to exceed 180 days, or both such fine and imprisonment.

HOUSE BILL 1708 **HOUSE AUTHOR:** Armbrister
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Vale

The Penal Code provides the general rule as well as exceptions to the general rule that a person commits an offense if he intentionally, knowingly, or recklessly carries a handgun, illegal knife, or club. House Bill 1708 amends the code to provide an additional exception that allows noncommissioned security guards at institutions of higher education to carry a night stick or similar club if the security guard has undergone 15 hours of training in the proper use of the club, including at least seven hours of training in the use of the club for reasonable force not intended and not likely to inflict bodily injury.

HOUSE BILL 1914 **HOUSE AUTHOR:** Kemp
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brown

The Natural Resources Code is amended to provide that it is a third degree felony for a person who is not authorized and is not the owner or operator of an oil or gas well to attempt to or to knowingly tamper with any device that is placed on the well or on associated gathering equipment for the purpose of controlling or limiting operations. The code is further amended to provide that it is also a criminal offense for a person owning or controlling an oil property in this state to knowingly violate a requirement that an accurate measurement be taken and an accurate record be kept of the amount of any oil or gas that is sold or passed on to another person.

HOUSE BILL 2008 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Whitmire

Under previous law, provisions for offenses related to rape and sexual abuse have been included in the Sexual Offenses Chapter of the Penal Code along with provisions for such offenses as public lewdness and indecent exposure. These provisions have been written in masculine gender language which has made classification of the offenses dependent on the sex of the actor and the victim.

House Bill 2008 redefines offenses related to rape and sexual abuse as assaultive offenses by repealing certain sections of the Sexual Offenses Chapter and by replacing these sections with two new sections under the Assaultive Offenses Chapter of the Penal Code. These two new sections, entitled "Sexual Assault" and "Aggravated Sexual Assault," revise the classification and elements of as well as the penalties for the offenses of rape, aggravated rape, rape of a child, sexual abuse, aggravated sexual abuse, and sexual abuse of a child. The sections also stipulate what consent is and provide certain defenses to prosecution. House Bill 2008 additionally revises the elements of the offense of capital murder to include murder committed in the course of committing aggravated sexual assault and amends the language of provisions to be written in neuter gender.

HOUSE BILL 2352 **HOUSE AUTHOR:** Peveto
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Montford

This amendatory act seeks to make the acceptance of a bribe by a fiduciary a criminal offense regardless of whether such acceptance can be shown to have resulted in harm to the beneficiary or to have constituted a breach of the fiduciary's duty. The act provides that a fiduciary commits a criminal offense if, without the consent of his beneficiary, he solicits, accepts, or agrees to accept a benefit taken to influence his conduct in relation to his beneficiary. The act further provides that punishment for this offense may include a fine equal to double the value of the benefit gained by the fiduciary.

HOUSE BILL 2398 **HOUSE AUTHOR:** Eckels
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brown

This act declares that it is a misdemeanor offense to make, provide, or possess a card or document that identifies a person as a peace officer or a reserve law enforcement officer with the knowledge that the person so identified is not actually certified or licensed as a peace officer or reserve law enforcement officer. The act also defines "reserve law enforcement officer" and provides certain defenses to prosecution for this offense.

SENATE BILL 1 **SENATE AUTHOR:** Sarpalius, et al.
EFFECTIVE: 1-1-84 **HOUSE SPONSOR:** T. Smith

Senate Bill 1 is a wide-ranging measure that stiffens the penalties for drunken driving while making it easier to prosecute such cases. The act changes the procedure, sentencing structure, and punishment alternatives that apply to the criminal offenses of driving while intoxicated (DWI), driving under the influence of drugs (DUID), and involuntary manslaughter involving the operation of a motor vehicle while intoxicated (DWI involuntary manslaughter).

Among its major provisions, the act requires suspension of an individual's driver's license upon conviction of a DWI offense, following a specific scheme for first, second, and third offenses. It also provides for an offender a method of reporting completion of an educational program designed to rehabilitate persons with DWI convictions.

The act amends the definition of intoxication to include a blood alcohol concentration of .10 percent or more. It provides a new schedule of punishments that increases minimum fines and jail terms. The act also authorizes the taking of blood or breath tests to determine alcohol concentration and provides that refusal to submit to such a test may be used against an offender in court.

The court now is prevented from granting deferred adjudication to a DWI offender. Deferred adjudication allowed the DWI conviction not to be entered on a driver's record if the driver successfully completed probation. Therefore, some repeat offenders were able under current law to accumulate multiple DWI offenses without facing stiffer penalties.

The act provides for a rehabilitation plan for DWI offenders and requires mandatory jail time for second and third offenses and in case of serious bodily injury or DWI involuntary manslaughter. The court now must send a convicted person to jail, even if probation is granted in these instances, and also must require the offender to undergo rehabilitation evaluation. Defendants facing DWI or DWI involuntary manslaughter charges are prevented from being placed on community service restitution probation, which in the past served as another kind of deferred adjudication.

Another provision of the act disallows early probation release for defendants with DWI or DWI involuntary manslaughter convictions. A defendant now must serve full probation if convicted of these offenses. If a jury assesses probation of a first offense DWI conviction and the defendant's license is not suspended, the defendant is required to complete successfully a DWI educational course. If the course is completed, the jury may permit the defendant to keep his license.

The act creates a misdemeanor offense if a person loans a vehicle to another person whose license has been suspended for a DWI-related offense. It also provides for discretionary forfeiture of a vehicle by a person who receives a DWI conviction while serving probation for an earlier DWI offense. The vehicle may be forfeited only if the offender owns the vehicle and was using it at the time of the offense. This forfeiture procedure is optional with the court and applies only to fourth offenders and to those convicted of a DWI offense while on probation for DWI involuntary manslaughter.

The act provides for license suspension of a repeat DWI juvenile offender for one year, or until legal drinking age is attained, whichever period is longer. A first offender minor is subject to the same license suspension provisions as an adult.

Another provision of the act authorizes an insurance premium surcharge for first offense DWI offenders; the surcharge may be assessed for up to three years following conviction. Upon a subsequent DWI conviction, the surcharge must be assessed for three additional years if the subsequent offense occurs during the period of the first surcharge.

Other important provisions of the act include requiring an evaluation for alcohol or drug dependency for a person charged with a first offense for DWI; allowing certain county courts to transfer misdemeanor DWI cases to another county court or to district court if the judge is not an attorney; allowing the court to require offenders convicted of DWI or DWI involuntary manslaughter offenses who are placed on probation to participate in a community service program; and requiring counties with a population of 25,000 or more to buy and use videotape equipment to record persons who have been arrested for DWI or DUID offenses.

SENATE BILL 22 **SENATE AUTHOR:** Doggett
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Criss

This act amends the Penal Code to define "armor-piercing ammunition" and to declare that it is a criminal offense to intentionally or knowingly possess, manufacture, transport, repair, or sell such ammunition. By prohibiting armor-piercing ammunition, the act prohibits such handgun ammunition as Teflon-coated bullets which are designed primarily for the purpose of penetrating metal or body armor and which are capable of piercing a type of bulletproof vest used by many law enforcement officers. The act also provides a defense to prosecution for persons whose conduct in dealing with armor-piercing ammunition is solely for the purpose of making the ammunition available to the armed forces, national guard, a governmental law enforcement agency, or a penal institution.

SENATE BILL 160 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** E. Barton

The Penal Code is amended to make it a criminal offense to tamper with a consumer product, meaning any product offered for sale to or for consumption by the public and including food or drugs, knowing that the consumer product will be offered for sale to the public or as a gift to another. The commitment of such an offense constitutes a third degree felony unless a person suffers serious bodily injury, in which event it constitutes a felony of the first degree.

SENATE BILL 173 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Peveto

The Penal Code currently provides harsher penalties for assault offenses if the victim of the offense is a peace officer or court participant. This act adds jailers and guards to the category of victims whose assault results in harsher punishment for the offender committing the assault.

SENATE BILL 283 **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** T. Smith

As a result of recent inflation, the previous pecuniary ceilings used to determine the penalties imposed for theft, theft of service, and criminal mischief have become unsuitably low. Senate Bill 283 amends the Penal Code to raise the pecuniary ceiling for a Class C misdemeanor to $20, a Class B misdemeanor to $200, a Class A misdemeanor to $750, and a third degree felony to $20,000.

SENATE BILL 354 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Hilbert

This amendatory act broadens a section of the Penal Code entitled "Places Weapons Prohibited" by adding explosive weapons and illegal knives to those weapons that are prohibited as well as by adding government courts, offices utilized by government courts, and the premises of a polling place while absentee balloting is in progress to those places where such weapons are prohibited. The act also adds guards employed by a penal institution and officers of the court to those persons entitled a defense to prosecution and enhances the criminal liability from a Class A misdemeanor to a third degree felony for going on certain premises with a weapon.

SENATE BILL 557 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** T. Smith

Current provisions of the Penal Code that prohibit cruelty to animals are broadened by the enactment of provisions that specifically prohibit certain acts in relation to dog fighting. It is declared a misdemeanor offense to cause or attend a dog fight as well as to own or train a dog with the intent that the dog be used in a dog fight while it is declared a felony offense to commit certain acts in promotion of dog fighting for monetary profit or for the purpose of providing a facility or property for dog fighting. An accomplice to a felony offense, upon whose uncorroborated testimony a conviction may be had, may be required to furnish evidence or to testify about the offense but may not then be prosecuted for the offense. A defense to prosecution is provided for persons who cause a dog fight to protect property, including livestock, or to protect a person. Provisions are also enacted for the destruction of dogs, if necessary, by a licensed veterinarian as well as for the destruction or forfeiture to the state of dog-fighting equipment.

SENATE BILL 856 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Cain

The maximum fine which may be imposed by a city council is raised to $1,000 for violations of any rules, ordinances, or police regulations promulgated by the council to govern fire safety, zoning, public health, and sanitation other than vegetation or litter violations. For all other violations, the maximum fine remains at $200. The criminal jurisdiction of municipal courts is correspondingly extended to exclusive original jurisdiction over matters in which punishment is by fine only and the fine does not exceed $1,000 for any violation listed above, or $200 for any other violation.

EDUCATION

Public Education

SENATE BILL 27 **SENATE AUTHOR:** Farabee
EFFECTIVE: 4-13-83 **HOUSE SPONSOR:** G. Hill

Senate Bill 27 makes numerous changes in the procedures for adopting public school textbooks. Under prior law, a person could not appear before the State Board of Education in behalf of a textbook proposed for adoption. This act directs the board to adopt rules to provide members of the public with an opportunity to comment in regard to textbook content or to comment for or against adoption of a textbook.

The act also increases the membership of the State Textbook Committee from 15 to 27, stipulating that each member shall represent one congressional district in the state, and it allows members to receive a compensatory per diem allowance. The act makes various changes concerning the requirement that the State Board of Education select and adopt a multiple list of textbooks for each subject matter or course. In addition, the procedures for selection of textbooks for visually handicapped and bilingual students are revised and the requirements for filing affidavits or antitrust compliance by publishers are expanded.

SENATE BILL 131 **SENATE AUTHOR:** Traeger
EFFECTIVE: 4-5-83 **HOUSE SPONSOR:** Kuempel

Senate Bill 131 validates all elections of and actions taken by nine-member school district boards required by law to have seven members. The act also provides for election of a seven-member board in these districts.

SENATE BILL 226 **SENATE AUTHOR:** Leedom
EFFECTIVE: See below **HOUSE SPONSOR:** Ceverha

School-community guidance centers are designed to assist children having problems which interfere with their education. Senate Bill 226 requires the administrator of a school-community guidance center to notify the parents or guardians of a student referred for services before the student may be admitted to the program. It also allows a parent or guardian to refuse psychological testing or treatment of the student and to inspect any instructional or guidance material to be used by the student and the results of any treatment, testing, or guidance method involving the student.

This act takes effect with the beginning of the 1983-1984 school year.

SENATE BILL 326 **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Heflin

Senate Bill 326 adds monetary penalties to existing criminal penalties for knowingly providing on a form required for enrollment of a student in a school district false information that results in the enrollment of a student ineligible for enrollment in that district. The act also provides that before appointing a guardian for a minor, a court must find in addition to other required findings that the guardianship is not being sought for the primary purpose of enabling the minor to establish residency for enrollment in a school or school district in which the student would not otherwise be eligible for enrollment.

SENATE BILL 336 **SENATE AUTHOR:** Uribe
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Hinojosa

Senate Bill 336 allows a rehabilitation school district that does not contain in its boundaries a county industrial training school to add vocational training for handicapped and nonhandicapped scholastics to its program, and the act restricts the portion of the total annual tax rate that may be applied to the principal of and interest on bonds issued by a rehabilitation district.

SENATE BILL 355 **SENATE AUTHOR:** Kothmann
EFFECTIVE: 5-24-83 **HOUSE SPONSOR:** Sutton

This act allows the state commissioner of education to appoint enlisted military personnel to serve on the board of trustees of a military reservation independent school district; however, at least a majority of the trustees appointed must be civilians.

SENATE BILL 383 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Haley

Senate Bill 383 authorizes the State Board of Education under certain specified circumstances to use a method of accounting for the sale and purchase of certain permanent school fund securities in which the gain or loss on the sale is deferred as an adjustment to the book value of the purchased security. By using this method, the board can maximize the yield on the fund's investments without jeopardizing the principal.

SENATE BILL 763 **SENATE AUTHOR:** Parker
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** L. Hall

Senate Bill 763 authorizes a school district board of trustees to enter an economically advantageous contract with either a public or commercial transportation company or system for all or any part of its public school transportation. However, a commercial transportation company or system that contracts with a school district must meet specified requirements.

SENATE BILL 809 **SENATE AUTHOR:** Washington
EFFECTIVE: 5-24-83 **HOUSE SPONSOR:** L. Evans

Senate Bill 809 provides criteria for admission to the Texas School for the Deaf. The act also outlines certain powers and duties of the governing board of the Texas School for the Deaf and requires the State Board of Education to adopt necessary rules.

SENATE BILL 815 **SENATE AUTHOR:** Brooks
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Coody

Senate Bill 815 authorizes a depository bank of a school district to secure school district funds by giving bond, pledging approved securities, or both.

SENATE BILL 1096 **SENATE AUTHOR:** Uribe, et al.
EFFECTIVE: 5-27-83 **HOUSE SPONSOR:** Polk

Many school districts are suffering financially due to high outstanding debt from bonds issued when interest rates were much higher. Now that interest rates are lower, school districts wish to issue new, lower-interest-rate bonds, called refunding bonds, to retire the debt created by the high interest rate bonds. Senate Bill 1096 expands the provisions of the Education Code relating to refunding bonds. The interest rate on the new bonds may not exceed that of the bonds to be refunded and the total debt service on the refunding bonds must be less than that on the bonds to be refunded. The refunding bonds may be issued and delivered in lieu of those to be refunded. They may also be sold for cash to pay the principal and interest to accrue on the refunded bonds to maturity or to redeem any bonds being refunded before maturity including principal, any redemption premium, and the interest accrued to the redemption date. This gives school districts the opportunity to sell low interest bonds and invest the proceeds from the sale until the call date of the bonds to be refunded, which may be several years away. If the new bonds are sold for cash, the proceeds from the sale are placed in an escrow account in an amount sufficient to provide for payment or redemption of the bonds to be refunded. Deposits in the escrow accounts may be invested only in direct obligations of the United States. Refunding bonds may be sold at public or private sale and may be issued to retire any bonds scheduled to mature or that may be redeemed not more than 20 years from the date of the refunding bonds. The interest rate on the refunding bonds is determined by the governing board of the school district or by the local commissioners court.

SENATE BILL 1125 **SENATE AUTHOR:** Parker
EFFECTIVE: See below **HOUSE SPONSOR:** Colbert

Senate Bill 1125 amends the Education Code to provide excused absences from compulsory attendance in public schools for students of all religious faiths on religious holy days, including days of travel, provided a written excuse is submitted by a parent or guardian. The student will not be penalized for the days of absence and those days shall be counted as compulsory attendance, if the student completes the necessary school work in a reasonable time. The State Board of Education is authorized to adopt rules to administer the act.

This act takes effect with the beginning of the 1983-1984 school year.

SENATE BILL 1207 **SENATE AUTHOR:** Brooks
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Watson

Under prior law, if a vacancy occurred on a board of trustees of an independent school district, the board filled the vacancy by appointment if the remainder of the term was less than nine months; if more than nine

months were left, a special election was called to fill the vacancy. Senate Bill 1207 permits the remaining members of the board of trustees to appoint a replacement to a vacant position on the board who will serve until the next regular school board election.

SENATE BILL 1304 — **SENATE AUTHOR:** Mauzy, et al.
EFFECTIVE: 8-29-83 — **HOUSE SPONSOR:** Ragsdale

Senate Bill 1304 permits some or all of the school district trustees in certain independent school districts having an average daily attendance of 3,500 or more to be elected from single-member trustee districts.

HOUSE BILL 21 — **HOUSE AUTHOR:** C. Smith
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Mauzy

House Bill 21 amends the Education Code by making it unlawful for any person to intentionally disrupt the transporting of children on a vehicle owned or operated by a county or independent school district to and from school or school sponsored activities, and provides a penalty. The act also makes it unlawful to and provides penalties for disrupting a class through acts of misconduct or use of profane language after entering the classroom without consent of the teacher or principal.

HOUSE BILL 54 — **HOUSE AUTHOR:** Blanton, et al.
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** G. Jones

This act requires the State Board of Education to develop and implement a statewide plan for career education in public schools. Each school district may develop its own program of career education that is consistent with the statewide plan and that is subject to annual approval by the Central Education Agency. School districts with approved plans are entitled to receive 50 cents for each student in average daily attendance in the district as well as a sum of $2,000 each year. The total cost to the state for a statewide career education plan may not exceed an amount set in the General Appropriations Act.

HOUSE BILL 141 — **HOUSE AUTHOR:** Glossbrenner, et al.
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Brooks

This act authorizes the State Board of Education to allocate appropriated funds to school districts to purchase newspapers for use in high schools in the district.

HOUSE BILL 590 — **HOUSE AUTHOR:** Pennington
EFFECTIVE: 6-16-83 — **SENATE SPONSOR:** Brown

House Bill 590 amends the Education Code by requiring a school district's board of trustees to adopt a budget for the succeeding fiscal year prior to the adoption of the tax rate for the same fiscal year.

HOUSE BILL 634 — **HOUSE AUTHOR:** Haley
EFFECTIVE: 9-1-83 — **SENATE SPONSOR:** Washington

Based on the recommendations of the Advisory Committee of the Subcommittee on Recodification of the Education Code of the Select Committee on Public Education, House Bill 634 substantively revises the laws concerning creation, consolidation, and abolition of school districts contained in Chapter 19, Education Code.

HOUSE BILL 644 — **HOUSE AUTHOR:** DeLay
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Brown

House Bill 644 amends the Education Code by authorizing school districts to adopt a plan for microfilming or microphotographing records and reports. The plan must meet specified requirements.

HOUSE BILL 665 — **HOUSE AUTHOR:** E. Barton
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Leedom

This act requires school districts to report, on a transcript form, the academic achievement record of a student who has completed an advanced high school program and further requires the State Board of Education to set standards for determining what constitutes an advanced high school program.

HOUSE BILL 722 — **HOUSE AUTHOR:** Blanton
EFFECTIVE: 5-27-83 — **SENATE SPONSOR:** Caperton

House Bill 722 amends the Education Code by requiring the legislature to set a limit in the General Appropriations Act on the amount of funds that may be expended for community education services from the foundation school fund.

HOUSE BILL 723 **HOUSE AUTHOR:** Blanton, et al.
EFFECTIVE: See below **SENATE SPONSOR:** Parker

House Bill 723 requires students who fail in the ninth grade to demonstrate mastery of minimum mathematics and English language arts competencies considered appropriate for a high school graduate to retake the assessment instrument each year it is offered. Under prior law, students were given the opportunity rather than required to retake the assessment instrument.

In addition, House Bill 723 authorizes school district trustees to require mastery of minimum mathematics and English language competencies considered appropriate for a high school graduate as a condition of high school graduation.

This act takes effect beginning with the 1983-1984 school year.

HOUSE BILL 784 **HOUSE AUTHOR:** Rudd, et al.
EFFECTIVE: See below **SENATE SPONSOR:** Parker

House Bill 784 expands the authorized uses of sick leave by teachers. It also adds a provision concerning days of leave for teachers and other professional employees who are physically assaulted during the performance of their regular duties.

This act takes effect beginning with the 1983-1984 school year.

HOUSE BILL 1147 **HOUSE AUTHOR:** Hammond
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Jones

There has been increasing concern at both the state and national levels regarding the declining number of students being prepared for careers in math and science. House Bill 1147 adds provisions to the Education Code to encourage school districts to implement more and better quality science and mathematics instruction for its students. To determine the most effective model for a math and science program, the commissioner of education is directed to select school districts to establish and operate various types of math and science pilot programs during the 1983-1985 biennium. A participating school district is authorized and encouraged to provide an amount of up to $5,000 as supplemental pay for each math and science teacher selected to participate in the pilot program. Such funds shall be included in the participating teacher's regular payroll. Certain state funds may be used to support the programs, and local school districts are encouraged to seek private funding as well.

HOUSE BILL 1336 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brown

Under the provisions of House Bill 1336 the Education Code is amended to set compulsory attendance requirements for children enrolled in kindergarten.

HOUSE BILL 1689 **HOUSE AUTHOR:** Schoolcraft
EFFECTIVE: See below **SENATE SPONSOR:** Kothmann

House Bill 1689 provides a new exception to the requirement that a child must be at least six years of age at the beginning of the scholastic year to be enrolled in the first grade of a Texas public school by permitting a child who has completed kindergarten in the public schools of another state to be enrolled in the first grade of a Texas public school before the child has reached the age of six.

This act takes effect with the beginning of the 1983-1984 school year.

HOUSE BILL 1828 **HOUSE AUTHOR:** Hammond
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Edwards

House Bill 1828 changes the maximum interest rate that may be borne on certain school district obligations from six percent to 15 percent.

HOUSE BILL 1848 **HOUSE AUTHOR:** Ragsdale, et al.
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Mauzy

Under previous law, school construction bonds required backing from property tax revenues. House Bill 1848 permits the governing body of any independent school district under specified circumstances to sell surplus real property and to dedicate the proceeds from the sale to the repayment of revenue bonds.

HOUSE BILL 2077 **HOUSE AUTHOR:** Colbert
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Whitmire

House Bill 2077 directs the Central Education Agency to develop guidelines to provide pilot programs for year-round school programs.

HOUSE BILL 2116 **HOUSE AUTHOR:** Hilbert
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Henderson

House Bill 2116 permits a school district board of trustees to adopt guidelines concerning a determination of residency for the purposes of school admission.

HOUSE BILL 2160 **HOUSE AUTHOR:** Grisham
EFFECTIVE: See below **SENATE SPONSOR:** Sharp

House Bill 2160 amends the Education Code by placing all superintendents of school districts having 3,000 or less students in average daily attendance at pay grade 15.

This act takes effect with the beginning of the 1983-1984 school year.

SENATE JOINT RESOLUTION 12 **SENATE AUTHOR:** Jones
FOR ELECTION: 11-8-83 **HOUSE SPONSOR:** Haley

Senate Joint Resolution 12 proposes a constitutional amendment to authorize the legislature to provide for the use of the principal and income of the permanent school fund to guarantee bonds issued by school districts. In addition, Senate Joint Resolution 12 would permit the legislature to appropriate part of the available school fund for administration of the permanent school fund or of a bond guarantee program.

SENATE BILL 384 **SENATE AUTHOR:** Jones
EFFECTIVE: See below **HOUSE SPONSOR:** Haley

Senate Bill 384 is the enabling legislation for Senate Joint Resolution 12. If the voters approve the constitutional amendment proposed by Senate Joint Resolution 12 on November 8, 1983, on approval of the commissioner of education, school district tax bonds will be guaranteed by the corpus and income of the permanent school fund. The act outlines the procedure to be used by school districts to obtain this guarantee and provides for reimbursement of the fund by a school district that defaults on a guaranteed bond.

Higher Education—General

HOUSE JOINT RESOLUTION 19 **HOUSE AUTHOR:** Delco
FOR ELECTION: 11-6-84 **SENATE SPONSOR:** Parker

House Joint Resolution 19 proposes a constitutional amendment to provide funding for the support of all state institutions of higher learning. When the state property tax was repealed in 1982, the state institutions of higher learning that relied on state property tax revenues for financing construction were left without dedicated funding for construction and related activities. This proposed amendment would appropriate $100 million annually from the general revenue fund for a higher education fund to support construction and other designated purposes at the state universities ineligible to benefit from the permanent university fund.

Additionally, this amendment proposes a change in the structure of the permanent university fund by allowing all branches of The Texas A&M University System and The University of Texas System to benefit from the bonds issued under the permanent university fund for construction and related activities. Prairie View A&M University would also receive an additional appropriation of $6 million annually for 10 years from the available university fund.

Should this amendment be adopted, no state institution of higher learning would receive any funds from the general revenue fund for construction or other designated purposes except in the case of fire or natural disaster or by special legislative appropriation.

HOUSE BILL 827 **HOUSE AUTHOR:** Presnal
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Caperton

House Bill 827 specifically provides that interest earned on receipts deposited to a public institution of higher education's separate fund account in the state treasury is to be credited to that separate fund account.

The act also adds cash receipts from designated funds and gift funds to the cash receipt sources that are excepted from the requirement that cash receipts be deposited in the state treasury.

HOUSE BILL 848 — **HOUSE AUTHOR:** Willis
EFFECTIVE: 6-17-83 — **SENATE SPONSOR:** Caperton

House Bill 848 authorizes boards of certain institutions of higher education to provide medical malpractice insurance to veterinary staff members and veterinary students.

HOUSE BILL 1550 — **HOUSE AUTHOR:** Keller
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Glasgow

House Bill 1550 authorizes institutions of higher education to obtain criminal history record information pertaining to an applicant for employment for a security sensitive position. The institutions may deny employment to applicants who fail to provide a complete set of fingerprints on request. The act includes provisions relating to confidentiality and creates penalties for abuse.

HOUSE BILL 2174 — **HOUSE AUTHOR:** Barrientos
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Doggett

House Bill 2174 requires state colleges and universities to offer their employees the option of membership in health maintenance organizations that are approved by the federal or state government, if available. Requirements more stringent than those imposed by the state or federal government may not be imposed on health maintenance organizations.

HOUSE BILL 2289 — **HOUSE AUTHOR:** B. Barton
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Doggett

House Bill 2289 directs the Coordinating Board, Texas College and University System to select schools and colleges to operate pilot programs for researching and demonstrating teaching techniques for instructing postsecondary students with learning disabilities.

SENATE BILL 60 — **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-83 — **HOUSE SPONSOR:** T. Smith

Senate Bill 60 allows a proprietary school to withhold a student's certificate of completion of training until the student has fulfilled his financial obligation to the school. It also increases the amount a school may retain of tuition and fees if a student does not enter, withdraws from or terminates a residence course, and raises the certificate and registration fees of proprietary schools and their representatives.

SENATE BILL 161 — **SENATE AUTHOR:** Glasgow
EFFECTIVE: 6-19-83 — **HOUSE SPONSOR:** Horn

Senate Bill 161 provides that oral interviews obtained by an agreement of confidentiality for historical purposes by institutions of higher education are not public information until the conditions of the agreement of confidentiality have been met.

SENATE BILL 572 — **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-83 — **HOUSE SPONSOR:** Delco

Senate Bill 572 amends the Education Code by adding provisions to establish the Texas Eminent Scholars Program. The purpose of the program is to encourage donations from the private sector to institutions of higher education for attracting to and retaining in this state eminent scholars. The program will be funded by private donations, gifts, and grants, and by matching funds from the state. The act establishes the eminent scholars fund in the state treasury which may be used only for supplementing the salary or directly supporting the research or other academic endeavors of an eminent scholar holding an endowed academic position at an eligible institution of higher learning. The appropriation for matching funds may not exceed the estimated income from private donations. The act also provides for the method of disbursement to the fund and from the fund to the institutions.

SENATE BILL 612 — **SENATE AUTHOR:** McFarland, et al.
EFFECTIVE: 8-29-83 — **HOUSE SPONSOR:** Wright

Senate Bill 612 authorizes a home-rule city, in lieu of or in addition to establishing a higher education authority, to allow a nonprofit corporation to act in the city's behalf in constructing or acquiring higher

education educational and housing facilities, and it changes certain provisions concerning investments that nonprofit corporations acting for higher education authorities may make. The act changes procedures and requirements relating to the issuance of revenue bonds by higher education authorities and allows authorities to repair, renovate, and refinance educational and housing facilities. The authorities are allowed to make, as well as to purchase, student loans; to purchase or make parent loans; and to borrow money for these transactions. The measure also makes other changes in requirements relating to bonds for the purchase of loan notes, alters procedures for the selection of members of authorities' boards of directors, and specifies that private persons may not share in the earnings of higher education authorities.

SENATE BILL 697 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** A. Price

The Coordinating Board, Texas College and University System is required to approve major repair and rehabilitation of buildings and facilities of institutions of higher education. Senate Bill 697 provides that this approval is needed only for projects costing more than $300,000, rather than $100,000.

SENATE BILL 703 **SENATE AUTHOR:** Brooks
EFFECTIVE: 5-24-83 **HOUSE SPONSOR:** Berlanga

The Family Practice Residency Advisory Committee was created in 1977 to review applications for approval and funding of family practice residency training programs by the Coordinating Board, Texas College and University System. Senate Bill 703 authorizes the committee to also review applications for funding of support programs related to family practice residency training programs.

SENATE BILL 1181 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** G. Thompson

Senate Bill 1181 establishes an engineering excellence fund in the state treasury to encourage private donations to Texas colleges of engineering to be used for the acquisition of capital equipment. Gifts to the fund are to be matched on a two-to-one basis by the state, with a limit on state appropriations of $67 million. Institutions eligible for the program, as specified by the act, are The University of Texas System branches at Austin, Arlington, El Paso, San Antonio and of the Permian Basin; Texas A&M University; Prairie View A&M University; Texas Tech University; Lamar University; University of Houston; and Texas A&I University. The commissioner of higher education is directed to administer the program and to distribute the money under procedures set out by the act.

SENATE BILL 1328 **SENATE AUTHOR:** Brooks
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Turner

Senate Bill 1328 relates to a program administered by the State Rural Medical Education Board under which persons wanting to go through medical school may receive loans, grants, or scholarships for educational expenses. The act amends the program to: (1) allow the board to review candidates for assistance to determine their intent concerning future practice; (2) raise the interest rate charged on loans from five percent to 10 percent; (3) raise the default penalties; and (4) increase the population limit for a county to qualify as a rural area from 25,000 to 30,000.

Higher Education—Junior Colleges

HOUSE BILL 100 **HOUSE AUTHOR:** Waldrop
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Edwards

House Bill 100 authorizes a community college to hold courses in the facilities of an independent school district located in a county contiguous to, but not a part of, the community college district. The act requires the governing boards of both districts to approve such agreements and sets out funding provisions.

HOUSE BILL 101 **HOUSE AUTHOR:** Waldrop
EFFECTIVE: 6-16-83 **SENATE SPONSOR:** Edwards

The Coordinating Board, Texas College and University System has the responsibility of reviewing and approving certain new construction and certain major repair and renovation at institutions of higher education. House Bill 101 excepts from the approval requirement a junior college's construction, repair, or rehabilitation

financed entirely with funds from a source other than the state. The act also sets limits on the construction-related uses of junior college students' fees.

HOUSE BILL 793 **HOUSE AUTHOR:** Uher
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Caperton

House Bill 793 authorizes counties and school district governing bodies to levy junior college district branch campus maintenance taxes if the tax is approved by the Coordinating Board, Texas College and University System, and by voters. The proceeds of the tax are to be used only in operating and maintaining the branch campus and its programs and services in the area of the jurisdiction levying the tax. The act sets out limits on the tax and lists requirements for petitions and elections to approve the tax.

HOUSE BILL 936 **HOUSE AUTHOR:** M. Garcia
EFFECTIVE: 6-17-83 **SENATE SPONSOR:** Kothmann

Previous law has provided that a junior college district located within part of a city, town, or village could annex the remaining area if the district had a total annual income of $25 million or less. House Bill 936 removes the income limitation.

HOUSE BILL 2076 **HOUSE AUTHOR:** Colbert, et al.
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Washington

House Bill 2076 authorizes the governing body of certain independent school districts that govern a junior college district in a county with a population of more than one million to dedicate a specific percentage of the local tax levy to the use of the junior college district for facilities and equipment or for the maintenance and operating expenses of the junior college district. The act sets out requirements relating to the dedication and administration of the tax and of property purchased from tax funds. It limits the amount of funds that may be dedicated and provides for an election to limit the dedication of school funds to a junior college.

SENATE BILL 357 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 5-10-83 **HOUSE SPONSOR:** Buchanan

Senate Bill 357 allows a junior college district that has the same boundaries as an independent school district but that is located in less than all of the area of a single county to annex the remaining territory of that county. Voter approval is required and the district may not annex any territory included within the boundaries of another junior college district.

SENATE BILL 461 **SENATE AUTHOR:** Williams
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Luna

Senate Bill 461 authorizes the disannexation of territory within certain junior college districts for the purpose of creating a new junior college district. The act applies to territory within a junior college district containing not fewer than six independent school districts, less than countywide and located within one or more counties, one of which has a population of at least 2,200,000 according to the most recent federal census. It specifies the procedure required to accomplish the disannexation and provides a method for allocating indebtedness, property, bonded indebtedness, and assets of the original and new districts.

Higher Education—Specific Institutions and Systems

HOUSE BILL 1542 **HOUSE AUTHOR:** J. Gibson
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Montford

House Bill 1542 adds language authorizing the board of regents of The University of Texas System to, in addition to accepting and administering gifts, grants, and donations, retain the same in depositories of its choosing.

HOUSE BILL 2102 **HOUSE AUTHOR:** Cain
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Parker

House Bill 2102 authorizes the board of regents of The University of Texas System to fix the rate of incidental fees to be paid by students attending component institutions of The University of Texas System.

SENATE BILL 764 **SENATE AUTHOR:** Doggett
EFFECTIVE: See below **HOUSE SPONSOR:** Delco

Senate Bill 764 defines the student services funded by the student services fee required by The University of Texas at Austin. It establishes a student fees advisory committee to advise the administration of the university on the type, level, and expenditure of fees. In addition, the act requires student approval of all proposed fee increases of more than 10 percent over the amount charged during the previous year, and a limit of $100 on all compulsory fees charged for any semester or summer session is established.

The act provides that general revenue funds appropriated for physical plant operation or maintenance may be used to support these student services excepting intercollegiate athletics and any enterprise that charges a fee directly related to the cost of the service. Senate Bill 764 also states that the law relating to student service fees at other state institutions of higher education no longer applies to The University of Texas at Austin, repeals the compulsory group hospitalization fee at the university, and raises the ceiling on the compulsory Texas Union fee.

This act takes effect with the beginning of the 1983-84 school year.

SENATE BILL 799 **SENATE AUTHOR:** Parker
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Price

Senate Bill 799 raises the ceiling on compulsory student services fees at state institutions of higher education other than at The University of Texas at Austin, from $60 to $90 per semester or summer session.

SENATE BILL 971 **SENATE AUTHOR:** McFarland
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** English

Senate Bill 971 allows for an increase in the student union fee at The University of Texas at Arlington to not more than $39 for each regular semester and to not more than $19.50 for each term of the summer session, but the fee may not be increased above $15 for each regular semester or above $7.50 for each term of the summer session without student approval.

SENATE BILL 1274 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Messer

Senate Bill 1274 clarifies that The University of Texas of the Permian Basin is authorized to teach only junior-, senior-, and graduate-level courses approved by the Coordinating Board, Texas College and University System.

HOUSE BILL 1519 **HOUSE AUTHOR:** B. Gibson
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Caperton

House Bill 1519 authorizes The Texas A&M University System Board of Regents to levy a fixed student center complex fee for the support, maintenance, and improvement of the institution's student center complex. The fee may not exceed $20 per semester nor $10 per summer term. Student approval of this fee is required.

SENATE BILL 468 **SENATE AUTHOR:** Caperton
EFFECTIVE: 6-17-83 **HOUSE SPONSOR:** Presnal

Senate Bill 468 establishes at the Texas Engineering Experiment Station the Institute for Ventures in New Technology (INVENT). The purpose of INVENT is to provide technical assistance in the evaluation and development of new products and processes for small business enterprises and individual entrepreneurs. Among the objectives and duties of the institute are the following: to participate in the creation of a new diversified high-technology tax base for the state; to make available the intellectual resources of the state's higher education faculty to enhance competitive industrialization of the state; and to solicit ideas and innovations for new products and processes from small businesses and individual entrepreneurs.

SENATE BILL 578 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Presnal

Senate Bill 578 authorizes the board of regents of The Texas A&M University System to grant, sell, lease, or otherwise dispose of Texas A&M University property including mineral interests that does not comprise any portion of the original main campus, but provides that any grant, sale, or lease of the surface estate of the original main campus property must be approved by legislative act. It also authorizes the board to lease five acres of the original main campus to the Former Students Association of Texas A&M University for construction of a building to be used by the association.

SENATE BILL 728 **SENATE AUTHOR:** Caperton
EFFECTIVE: 6-17-83 **HOUSE SPONSOR:** Presnal

Senate Bill 728 authorizes the board of regents of The Texas A&M University System to accept and administer donations of property for establishing professorships, chairs, or scholarships for the use of the system or any components of the system or for creating in the system or any of its component institutions a trust for an educational or charitable purpose.

SENATE BILL 1088 **SENATE AUTHOR:** Caperton
EFFECTIVE: 6-17-83 **HOUSE SPONSOR:** Presnal

The professional staff and professional employees of the Texas Veterinary Medical Diagnostic Laboratory of The Texas A&M University System perform a wide variety of toxicology and pathology services for animal owners across the state. These employees are subject to veterinary malpractice claims due to the sensitive nature of their work. Senate Bill 1088 authorizes the board of regents of The Texas A&M University System to establish a separate self-insurance fund, make payments from the fund, purchase veterinary medical malpractice insurance, and employ private legal counsel to represent professional staff covered by this act. The use of general revenue funds for establishing or maintaining the self-insurance fund, employing private legal counsel, or purchasing insurance is prohibited.

SENATE BILL 1166 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 6-17-83 **HOUSE SPONSOR:** Horn

Senate Bill 1166 removes the restrictions on the use of $75,000 donated to Tarleton State University by the citizens of Stephenville and Erath counties. It authorizes the board of regents of The Texas A&M University System to administer the fund for the benefit of Tarleton State University as it deems advisable.

SENATE BILL 1323 **SENATE AUTHOR:** Truan
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Rangel

Senate Bill 1323 authorizes the board of directors of the University System of South Texas to levy a student center fee, not to exceed $20 per semester nor $10 per summer term, with student approval.

HOUSE BILL 680 **HOUSE AUTHOR:** Gilley
EFFECTIVE: 5-24-83 **SENATE SPONSOR:** Lyon

House Bill 680 repeals the prohibition in previous law against members of the East Texas State University Board of Regents residing in Hunt County, where the main campus of the university is located.

SENATE BILL 235 **SENATE AUTHOR:** Sharp, et al.
EFFECTIVE: 4-26-83 **HOUSE SPONSOR:** Armbrister

Senate Bill 235 changes the names of the existing components of the University of Houston System. The University of Houston-Victoria is statutorily established by this act although it was created by the Coordinating Board, Texas College and University System in 1973. The act also removes the restriction on the acquisition and disposal of real property by the University of Houston System. Under previous law, this power was limited to Harris County and the other counties whose borders are contiguous to Harris County.

HOUSE BILL 1704 **HOUSE AUTHOR:** R. Martinez, et al.
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Williams

House Bill 1704 allows the board of regents of the University of Houston System to levy a university center fee. The amount may not initially exceed $15 per student enrolled for five semester credit hours or less for each regular semester, $25 per student enrolled for six semester credit hours or more for each regular semester, or $15 per student enrolled for each summer session. Student approval is required for a fee increase. The fee may be used for financing, constructing, operating, maintaining, and improving facilities for university center activities on the campus of the University of Houston-Downtown.

SENATE BILL 409 **SENATE AUTHOR:** Parker
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Collazo

Senate Bill 409 removes a restriction prohibiting the use of state funds for the acquisition or construction of physical facilities at Lamar University at Port Arthur and Lamar University at Orange.

SENATE BILL 410 **SENATE AUTHOR:** Parker
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Price

House Bill 410 authorizes the board of regents of Lamar University to issue bonds for the purpose of financing the construction of a student center at the educational centers in Orange and Port Arthur. With student approval, the board may levy a student fee at each educational center to pay the principal and interest on the bonds.

SENATE BILL 620 **SENATE AUTHOR:** Parker
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Collazo

Lamar University, located in Beaumont, was created by the Texas Legislature in 1923. Educational centers at Orange and Port Arthur were created in 1971 and 1975, respectively. Senate Bill 620 establishes the Lamar University System to oversee the administration of the current three campuses and any other institution assigned to it. The act provides for appointment of executive officers for the system and its component institutions.

SENATE BILL 91 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 5-27-83 **HOUSE SPONSOR:** Horn

Senate Bill 91 repeals the requirement that not more than one member of the board of regents of North Texas State University may be appointed from or be a resident of any one state senatorial district.

SENATE BILL 156 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Horn

Senate Bill 156 authorizes the North Texas State University Board of Regents to accept donations, gifts, grants, and endowments of any kind for the use of the institution. It also removes language requiring approval of the Coordinating Board, Texas College and University System for execution of agreements entered into by the North Texas State University Board of Regents with any other entity, school, or institution in Texas to provide clinical, postgraduate, including internship and residency, or other levels of medical educational work for the Texas College of Osteopathic Medicine.

SENATE BILL 387 **SENATE AUTHOR:** McFarland
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Horn

The Texas College of Osteopathic Medicine was founded in 1966 in Fort Worth and placed under the direction, management, and control of the North Texas State University Board of Regents. Both institutions have shared the same president since then. Senate Bill 387 provides for a separate president for the Texas College of Osteopathic Medicine who must be a physician who has been licensed to practice medicine in some state of the United States for at least five years and who has a doctor of osteopathy degree.

HOUSE BILL 949 **HOUSE AUTHOR:** A. Moreno
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Uribe

House Bill 949 authorizes the board of regents of Pan American University to levy incidental fees which may not exceed the actual cost to the university of the materials or services for which the fee is collected. It also requires a description of the amount of each fee being charged a student attending the university to be published in the general catalog of the university.

SENATE BILL 210 **SENATE AUTHOR:** Uribe
EFFECTIVE: 4-26-83 **HOUSE SPONSOR:** A. Moreno

Senate Bill 210 repeals the law permitting the board of regents of Pan American University to sue or be sued in the name of the university. This act applies to suits against the university filed on or after its effective date.

SENATE BILL 211 **SENATE AUTHOR:** Uribe
EFFECTIVE: 4-26-83 **HOUSE SPONSOR:** A. Moreno

Under previous law, all contracts entered into by Pan American University required approval by its board of regents. Senate Bill 211 permits the board to delegate this authority to an officer of the university.

HOUSE BILL 178 **HOUSE AUTHOR:** Hinojosa, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Uribe

House Bill 178 authorizes the Texas State Technical Institute to operate temporary vocational and technical training programs as an extension service. The institute may use federal grants as well as state matching funds for this purpose and may enter into contracts with existing political subdivisions, state agencies, or federal agencies to carry out the program.

SENATE BILL 428 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Delco

Senate Bill 428 amends laws pertaining to the board of regents of the Texas State University System. The bill eliminates the current $10 per diem rate for board members and provides for a rate specified by the legislature and also provides that board members shall be reimbursed for actual expenses incurred in the performance of their duties.

The bill authorizes the board of regents to acquire land with improvements; it also eliminates restrictions that permit acquisition of land only in counties in which Texas State University System institutions are located. The board may sell, lease, manage, and control the land in any manner deemed in the best interests of the system that is not in conflict with the constitution.

The board also is authorized to charge administrative fees for management of any trust estate under control of the board and to enter into mineral leases. Money received from mineral leases and income derived from that money will be deposited to a special fund in the state treasury to be used for the university system and its component universities.

SENATE BILL 517 **SENATE AUTHOR:** Montford
EFFECTIVE: 5-20-83 **HOUSE SPONSOR:** J. Gibson

Senate Bill 517 expands the powers of the board of regents of Texas Tech University in its authority to manage and control lands set aside for the university. The act authorizes the board to sell or otherwise dispose of lands under its management except lands that comprise the original main campus unless such action is approved by the legislature. The board is authorized to accept donations, gifts, and endowments for the university. The act also provides that the board of regents may enter into leasing agreements or contracts for oil, gas, sulphur, ore, water, and other mineral developments on lands under their control. Income generated from such leases and agreements must be used for payment of revenue bonds and notes with the remainder deposited in a special fund created by the board and placed in a depository designated by the board. Money deposited in the fund may be used by the board for the administration of the university, payment of principal and interest on bonds or notes issued by the board, or for any other purpose that, in the judgment of the board, is in the best interest of the university.

SENATE BILL 891 **SENATE AUTHOR:** Montford
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** J. Gibson

Senate Bill 891 authorizes the board of regents of Texas Tech University to charge a medical services fee to be used only to provide medical services to students to cover the rising cost of medical expenses. The fee is not to exceed $25 per semester or 12-week summer session nor $12.50 per six-week term of a summer session. Students and administrators at the university are given the opportunity to make suggestions as to the type and scope of medical services that should be provided before the board charges this fee.

SENATE BILL 892 **SENATE AUTHOR:** Montford
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** J. Gibson

Senate Bill 892 authorizes Texas Tech University campus security personnel commissioned as peace officers to enforce criminal laws and Lubbock city ordinances on Lubbock County Hospital District property that is adjacent to property owned or controlled and occupied by Texas Tech University Health Sciences Center.

SENATE BILL 893 **SENATE AUTHOR:** Montford
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** J. Gibson

Senate Bill 893 authorizes the board of regents of Texas Tech University Health Sciences Center to sell obsolete medical equipment to public or nonprofit hospitals.

HOUSE BILL 1958 **HOUSE AUTHOR:** Horn
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Glasgow

House Bill 1958 permits the Texas Woman's University Board of Regents to accept for use by the university gifts, grants, or donations.

The chapter on public lands also contains summaries of legislation relating to land transactions by colleges and universities.

ELECTIONS

Political Campaigns

HOUSE BILL 2154 **HOUSE AUTHOR:** Turner, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Lyon

House Bill 2154 establishes the State Ethics Advisory Commission, includes provisions relating to financial disclosure and campaign financing, and prohibits members of the Railroad Commission of Texas from holding interests in any railroad company.

The ethics commission is authorized to issue advisory opinions on ethics-related matters, including the financial disclosure and ethics law, the lobby registration act, laws relating to the election of the speaker of the Texas House of Representatives, and the political funds reporting and disclosure act. The measure as finally passed does not provide investigative powers for the commission.

The act prohibits candidates and officeholders from converting contributions to personal use except as authorized by the ethics commission. Personal use does not include maintaining an Austin residence by a legislator who does not ordinarily reside in Travis County. The act requires a former candidate or officeholder to dispose of unexpended contributions in certain ways within six years after the person is no longer a candidate or officeholder. The measure also includes a number of changes to the Texas Election Code in matters relating to financial statements, campaign treasurers, general-purpose and special-purpose political committees, corporation and labor organization contributions, penalties relating to disclosure statements, and responsibilities of the secretary of state.

HOUSE BILL 1562 **HOUSE AUTHOR:** Gandy
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Harris

House Bill 1562 is a population bracket law which, in effect, affirms filing requirements for municipal elections contained in the Dallas city charter. It removes that city from coverage under a more general municipal election law by authorizing alternative filing procedures for certain home-rule cities of a population greater than 900,000 that hold nonpartisan elections for city office.

HOUSE BILL 160 **HOUSE AUTHOR:** Staniswalis
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Washington

Texas law requires that every print or broadcast political advertisement must include the name and address either of the agent who contracted for the advertisement or the person represented by that agent. House Bill 160 eliminates the requirement that an address be stated in broadcast political advertisements.

SENATE BILL 42 **SENATE AUTHOR:** Brown
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** G. Hill

This act prohibits a political committee from making a contribution or expenditure in a state or district race unless the committee's designation of campaign treasurer has been filed at least 30 days preceding the election. The act also prescribes new reporting requirements for last-minute contributions involving the offices of state senator and state representative.

SENATE BILL 120 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Presnal

The Texas Election Code establishes residency requirements for candidates for city office. Under old law, a candidate had to have lived in an area which was inside city limits throughout the entirety of the specified residency period. Under amendments as enacted by Senate Bill 120, however, a candidate can qualify if he or she has lived throughout the specified residency period in an area which, though outside the city limits at the beginning of the period, is annexed to the city by the end of the period.

SENATE BILL 510 **SENATE AUTHOR:** Brown
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** B. Gibson

This act requires the secretary of state to submit an annual report to the governor and members of the legislature containing each interpretation, ruling, or opinion issued in regard to the campaign finance law and containing other information regarding the administration of that law.

SENATE BILL 512 **SENATE AUTHOR:** Brown
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** B. Gibson

Senate Bill 512 allows each specific-purpose political committee in an election involving a state or district office or a statewide or district measure and each general-purpose political committee to designate an assistant campaign treasurer to act in the absence of the political committee's campaign treasurer. The act adds language to provide that penalties for false statements or expenditures apply also to the assistant campaign treasurer.

Voting and Voter Registration

HOUSE BILL 210 **HOUSE AUTHOR:** Ragsdale, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Edwards

House Bill 210 designates public high school principals or persons designated by the principal as deputy voter registrars who may distribute voter registration applications to and accept applications from students or employees of the schools. During the final month of each semester, a person serving as a deputy voter registrar under this act must distribute a voter registration form to each high school student who has turned or will turn 18 years of age during that semester.

HOUSE BILL 639 **HOUSE AUTHOR:** G. Hill
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sarpalius

This act deletes the requirement that a federal postcard application for an absentee ballot be sworn and allows the ballot to be mailed to an address anywhere in the United States for delivery to a voter at a location outside the United States. The act also provides that the ballot may be returned to the clerk by mail, common or contract carrier, or courier and that the absence of a postmark does not affect the validity of the ballot.

HOUSE BILL 718 **HOUSE AUTHOR:** E. F. Lee
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brooks

This act deletes the archaic reference to "idiots and lunatics" in the provision listing persons disqualified to vote and substitutes "persons who are mentally incompetent as determined by a final judgment of a court." The reference to paupers supported by the county in that provision is deleted. The act also allows convicted felons to vote after five years have elapsed from the date the person was discharged or completed probation.

HOUSE BILL 972 **HOUSE AUTHOR:** Patronella, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sarpalius

House Bill 972 changes several deadlines in the election code to enable absentee ballots to be mailed to persons outside the United States early enough to allow ample time for receiving and processing the ballots. The act also eliminates the certification of nominees for state offices at the state convention and requires that certification to take place at the same time the nominees for district offices are certified.

HOUSE BILL 998 **HOUSE AUTHOR:** Russell
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Howard

If, on his own, a challenged voter fails to establish his right to vote to the satisfaction of the presiding judge, his vote may not be accepted unless, in addition to his own oath, he submits proof by the oath of one "well-known resident" of the precinct. This act changes the requirement of the person vouching for the challenged voter from being a well-known resident to being a registered voter.

HOUSE BILL 1111 **HOUSE AUTHOR:** Buchanan
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sarpalius

The act changes the date a voter registration application by mail is deemed to be received by the voter registrar from the date it is actually received to the date it is placed in the mail.

SENATE BILL 38 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Wolens

This act places a specific reference to the definition of "qualified voter" in the provision relating to the challenge of a voter's qualifications.

SENATE BILL 306 **SENATE AUTHOR:** Kothmann
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Barrientos

Senate Bill 306 requires that each polling place be accessible to the elderly and physically handicapped and establishes standards of accessibility. The act requires that the county commissioners court and governing bodies of other political subdivisions implement the new standards in each election precinct.

SENATE BILL 555 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Staniswalis

Texas law did not provide a procedure for voting between the closing of absentee voting and election day if there is a death in the voter's immediate family causing the voter to be absent from the county on election day. This act adds such a procedure allowing the voter to vote in the absentee clerk's office on an affidavit.

Election Procedures

HOUSE BILL 166 **HOUSE AUTHOR:** Colbert
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brooks

Special elections to fill a vacancy in office must be held on one of four specified election dates unless the governor finds the existence of an emergency that warrants ordering the election for an earlier date. This act requires the nature of the emergency to be included in the proclamation of a governor-ordered emergency special election. The act also prohibits the holding of an emergency special election on any day of the week other than Tuesday or Saturday.

HOUSE BILL 350 **HOUSE AUTHOR:** S. Hudson, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Edwards

The act prohibits the posting of a sign, card, poster, or similar election-related material at a polling place unless it is permitted or required by law. All signs posted at a polling place must conform to form and content as prescribed by the Texas Election Code, and no person other than an election judge or clerk may post materials within 100 feet of the entrance to the polling place. Violation of the act is a Class C misdemeanor.

HOUSE BILL 355 **HOUSE AUTHOR:** Willis, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Parmer

This act increases the maximum rate of pay for election judges and clerks from $4 to $5 per hour.

HOUSE BILL 1020 **HOUSE AUTHOR:** Polumbo, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brooks

This act provides that, in counties of two million or more (Harris County), the county school trustees shall be elected at the general election for state and county officers. In addition, this office is to be considered a county office for purposes of nomination and election and for the commencement of the term of office.

HOUSE BILL 1100 **HOUSE AUTHOR:** E. Barton
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brooks

Before this act, on authorization of the commissioners court in counties with more than two million population, the county clerk had to conduct absentee voting in each justice precinct involved in an election for which the clerk was the absentee voting clerk. This act provides that the voting is conducted in one or more justice precincts containing territory covered by the election and that the commissioners court has the duty to designate those precincts and the locations for the branch offices.

HOUSE BILL 741 **HOUSE AUTHOR:** Jackson
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brown

House Bill 741 requires that an application for a place on the party primary ballot required to be filed with the county chairman must be received by the filing deadline in order to be accepted, regardless of when it was mailed. Filings with the state party chairman by certified or registered mail postmarked before the deadline may be accepted even if received after the deadline. The act also requires chairmen to file with the secretary of state a list of all candidates whose names are to appear on the primary election ballot.

HOUSE BILL 957 **HOUSE AUTHOR:** Kubiak, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Caperton

This act repeals the provision requiring the county clerk to post, for at least 10 days before ordering the printed ballots, in his office the names of the candidates certified to him for placement on the general election ballot.

HOUSE BILL 1038 **HOUSE AUTHOR:** G. Hill
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Vale

The act makes the transfer of voter registration duties from the county tax assessor-collector to the county clerk contingent on an agreement to the transfer by those officers. The act allows the county clerk's election duties to be transferred to the county tax assessor-collector. The act changes the appointive office of county elections administrator to a position of employment that may be terminated at any time. The act also requires ballots to be furnished to each election precinct in a number equal to the percentage of voters who voted in the precinct in the most recent corresponding election plus 25 percent of that number, except that the number furnished may not exceed the total number of registered voters in the precinct.

HOUSE BILL 1121 **HOUSE AUTHOR:** Schlueter, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brown

The act requires the secretary of state to tabulate the unofficial returns for constitutional amendments and for certain contested races in the primary and general elections and authorizes the secretary to tabulate the returns in any other contested races, political party referenda, and any special elections ordered by the governor. The act prescribes procedures for the tabulation and establishes an appointive advisory panel to review and evaluate the tabulation. The act also prohibits the holding of party precinct conventions until the precinct's ballots have been counted.

HOUSE BILL 1141 **HOUSE AUTHOR:** Shea, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** McFarland

This act requires joint elections for certain political subdivisions with any territory in a county containing a city with a council-manager form of government, which city has a population of 900,000 or more. The act also requires a countywide junior or community college district that contains a city with a population of more than 800,000 to hold the election of trustees on the first Saturday in April of even-numbered years.

HOUSE BILL 1148 **HOUSE AUTHOR:** E. F. Lee
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Washington

The act exempts the presiding election judge and election clerks at a central counting station from the qualifications and disqualifications, except for being related to a candidate, that apply to the other judges and clerks. The disqualification as to relationship, however, does not apply if the candidate is the county clerk. The act also changes the requirement that election clerks at a counting station be residents of the county to a requirement that they be qualified voters of the county.

HOUSE BILL 1269 **HOUSE AUTHOR:** Uher
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sharp

This act increases from 3,000 to 5,000 the maximum number of registered voters in election precincts that use voting machines or electronic voting systems in counties of less than 175,000 population.

HOUSE BILL 1293 **HOUSE AUTHOR:** E. F. Lee
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Doggett

The act increases from $3 per unit to $5 per unit the maximum fee that may be charged by the county to political parties for the use of a county-owned electronic voting system.

SENATE BILL 67 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Gandy

The act allows a candidate for the office of precinct chairman to file his application for a place on the ballot during the 90 days immediately before the filing deadline rather than during the 30 days before the deadline. The act also prohibits the county chairman from being reimbursed for expenses incurred in processing early filings by those candidates.

SENATE BILL 122 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Hernandez

This act changes the last day that a candidate's name may be removed from the ballot from the 45th day to the 65th day before general election day. The act also provides that a political party may not make a substitute nomination following the declination of the nomination unless the nominee declines because of a catastrophic illness evidenced by a doctor's certificate.

SENATE BILL 587 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** G. Hill

The act requires each voter registrar, not later than the 90th day before primary and general election day, to deliver to the secretary of state, for updating the master voter file, a list of additions, deletions, and changes that have occurred in the lists of registered voters since the registrar's last report. The voter registrar must comply with this new duty in order to receive a state warrant from the comptroller of public accounts for voter registration. The act also requires the voter registrar to send to the secretary of state, on or before September 15 of each even-numbered year, a list of persons who were on the list of returned registration certificates indicating the status of each registration after August 15.

Miscellaneous

HOUSE BILL 1006 **HOUSE AUTHOR:** Shea
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** McFarland

The provisions dealing with contested legislative elections leave some questions unresolved. For example, what happens if the election contest is withdrawn, and may a contestee take the oath of office and be seated if the election contest is still pending? Also, the law was vague as to the timing of certain procedures, such as when a master of discovery is appointed and when the election contest is referred to a committee. This act resolves these questions.

HOUSE BILL 1818 **HOUSE AUTHOR:** Oliver
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Mauzy

To prevent surprise in a primary election contest, the act requires "due diligence" to be exercised in the service of process on the contestee and requires a copy of the papers served to be mailed to the contestee when the contestee has not been served in person. The act also changes the deadline for filing an answer in the contest from five days after the filing of the contest to five days after the date of service on the contestee. Finally, the act provides that failure to file an answer by the deadline is not a ground for a default judgment and a contestee may plead orally in court if the trial date is within the period for filing the answer.

SENATE BILL 664 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** G. Hill

This act changes the composition of a re-count committee for paper ballots from three to at least four disinterested registered voters.

SENATE BILL 1228 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** G. Hill

The act deletes language providing a formula for selecting delegates to a political party's county, senatorial district, and state conventions and requires that the delegates be selected in accordance with party rules.

ENERGY

Besides the enactments summarized in this chapter, the 68th Legislature considered sunset renewal legislation for several state agencies having duties in the area of energy. The Public Utility Commission of Texas, with regulatory authority over electric utilities, and the Railroad Commission of Texas, with regulatory authority over gas utilities and various forms of energy extraction and conveyance, were both renewed. The Texas Energy and Natural Resources Advisory Council, with administrative authority over various federal and state energy programs, was allowed to expire, however. Some of its energy duties, including those conferred by Senate Bill 360 found in this chapter, are to be assumed by the Public Utility Commission of Texas. The chapter on sunset legislation discusses the sunset process and includes pertinent summaries of renewal legislation for the Public Utility Commission of Texas (Senate Bill 232) and Railroad Commission of Texas (House Bill 593). Renewal legislation for the Texas Department of Community Affairs (Senate Bill 515) confers on that agency certain other energy functions.

Oil and Gas

HOUSE BILL 1775 **HOUSE AUTHOR:** Hanna
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Traeger

Until now, Texas law has offered recipients of oil and gas royalties little support in seeking timely payment of royalties, nor have royalty payment deadlines usually been written into oil and gas leases. House Bill 1775 addresses this situation. It requires: (1) an initial royalty payment to be made within 120 days of the end of the month in which the first sale of oil or gas from a well occurs; and (2) subsequent payments to be made within 60 days of the end of each month in which oil sales occur and within 90 days of the end of each month in which gas sales occur. An exception to these requirements is provided if the accrued amount due is less than $25, in which case payment may be made annually. Exceptions also are provided if there are certain title questions or title disputes. Otherwise, late payments are subject to an interest penalty based on the lending rate of the New York Federal Reserve Bank or on a rate of interest established by written agreement. With 30 days' notice, a royalty owner may sue to obtain payment. House Bill 1775 does not apply to royalties payable to the State of Texas.

HOUSE BILL 846 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Montford

A security interest is a legal instrument that provides to a seller a priority claim on the assets of a purchaser who defaults on a payment because of insolvency or some other reason. In most cases, Texas law requires the filing of a "financing statement" to legally establish the security interest. This act protects oil and gas operators and holders of oil and gas royalties by creating an automatic security interest in their behalf, without the prerequisite of financing statements, if their respective interests in an oil or gas well are evidenced by a deed, mineral lease, or other filed document. Also, the act creates a lien to secure the rights of the persons granted this automatic security interest, and to secure all state taxes that are due on the oil and gas. The act establishes an order of precedence among these security interests, liens, and other competing claims, and governs the priority by which they are to be settled.

HOUSE BILL 687 **HOUSE AUTHOR:** G. Hill, et al.
EFFECTIVE: 5-3-83 **SENATE SPONSOR:** Uribe

Marginal oil wells, which are exempt from certain production limits imposed by the Railroad Commission of Texas, are those that can achieve only modest production in spite of the use of pumps or other supportive systems. They are defined according to maximum daily production and well depth, based on a test production period. This act shortens the test period from 30 to 10 consecutive days.

HOUSE BILL 1277 **HOUSE AUTHOR:** Clark
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Farabee

This act authorizes the Railroad Commission of Texas, through its administrative process, to levy civil penalties for violations of safety standards pertaining to gas pipelines and gas transportation. The commission is directed to consider the violator's past record in determining the amount of the fine, the maximum for which

shall be $10,000 per day of violation. The act requires that fined parties seeking judicial review of the commission's administrative action post a bond or pay into an escrow account pending a judicial determination in the matter.

HOUSE BILL 1345 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Traeger

This act gives the Railroad Commission of Texas safety regulatory jurisdiction with respect to the intrastate pipeline transportation of certain hazardous liquids. Those liquids include petroleum, petroleum products, and other federally designated liquids, other than liquefied natural gas. The act requires the commission to adopt rules setting safety standards compatible with standards of the United States Department of Transportation. Such rules apply to intrastate pipeline transportation of hazardous liquids and to related pipeline facilities, though not to gathering lines, manufacturing or refining facilities, or in-plant piping systems associated with manufacturing or refining facilities. Owners and operators of pipelines carrying hazardous liquids are required to keep various records for examination by the commission and must allow commission officials to enter their properties for purposes of determining safety compliance. Violators of the act, including those who damage or attempt to damage pipelines carrying hazardous liquids, are subject to criminal and civil penalties. The act preempts local safety ordinances pertaining to such pipelines, except that cities retain ordinance-making authority to establish conditions for pipeline placement near public streets or alleys within city limits.

HOUSE BILL 1346 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Traeger

In situ mining involves injection of a fluid into the mined material, in order to bring it to the surface in dissolved form. This act recognizes the Railroad Commission of Texas as having regulatory jurisdiction over injection wells for in situ recovery of tar sands, a source of hydrocarbon fuel. Clarification of this authority is necessary because the Texas Department of Water Resources also regulates certain types of injection wells. The act validates permits previously issued by either agency for in situ recovery of tar sands and directs pending permit applications to the railroad commission.

HOUSE BILL 2135 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sims

Under prior law, a landowner having a mineral interest in an oil or gas well could be held responsible for plugging the well upon its abandonment. House Bill 2135 relieves landowners entirely of this responsibility. Plugging is instead the responsibility of the prior operator of the well, other parties who had a working interest in the well, or if neither the operator nor other parties are available, the Railroad Commission of Texas.

HOUSE BILL 2165 **HOUSE AUTHOR:** DeLay
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brooks

State law requires a license from the Railroad Commission of Texas for certain activities relating to liquefied petroleum gas (LPG). This act amends a provision that exempted from the license requirement all sales of LPG containers below a certain size, so that the exemption applies only to sales of new containers of that size or smaller. The act also reduces monetary penalties for first offenses under the LPG statutes, reserving the previous level of penalties only for subsequent offenses.

HOUSE BILL 2194 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Farabee

Pursuant to certain federal laws and regulations, House Bill 2194 extends the regulatory authority of the Railroad Commission of Texas to review and approve applications of gas utilities to purchase natural gas produced by an affiliate in the federal offshore areas of the Gulf of Mexico. The price charged the distributor is presumed to be reasonable if it: (1) does not exceed the price permitted under federal regulations; or (2) in the absence of federal regulation, does not exceed the price for offshore gas charged to parties who are affiliated with the producer. Persons challenging the price have the burden of showing that it is not reasonable.

SENATE BILL 617 **SENATE AUTHOR:** Williams
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Hanna

Use of compressed natural gas (CNG) to fuel school buses and other public transit vehicles is expanding in Texas. Senate Bill 617 gives the Railroad Commission of Texas safety regulatory authority over this fuel.

Licenses from the commission are required for the manufacture, sale, installation, or repair of CNG equipment. Also, training and examination of persons to be employed in these activities is required.

Registration with the commission is required for motor vehicles operating on, or used to transport, CNG.

Senate Bill 617 calls for the cooperation of the Department of Public Safety in enforcing the chapter's provisions and commission rules. Criminal penalties are provided for each day of violation and for higher administrative penalties in the case of violations that pollute the air or water or pose a threat to public safety. Miscellaneous provisions require that CNG be odorized and that a registered CNG motor vehicle carry a conspicuous warning tag.

SENATE BILL 946 **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Turner

This act addresses potential conflicts, in expanding urban areas, between the use of outlying land for mineral exploitation and the use of that land for urban development. The act applies to unincorporated areas in counties with a population of 400,000 or more (Bexar, Dallas, El Paso, Harris, Tarrant, and Travis) and to adjacent counties with a population of 140,000 or more (Brazoria, Collin, Denton, and Galveston), and provides that the surface owner of a parcel of land of 160 acres or less, on approval of the Railroad Commission of Texas and the filing of a plat with the county clerk, may create a "qualified subdivision" on the parcel that includes two or more "operations sites" to be set aside for mineral exploration and development. Each operations site would include at least two acres, and owners of associated mineral interests would be guaranteed access by road and pipeline easements. The rest of the parcel would be reserved for residential, commercial, or industrial use unless, within three years, the surface owner failed to sell any lots or construct any roads or utilities. The new law does not affect, in incorporated areas, the authority of cities generally to approve subdivision plats or the authority of home-rule cities specifically to regulate exploration or development of mineral interests.

Summaries of other enactments relating to oil and gas can be found in other chapters of this publication. House Bill 2112 and House Bill 2005, found in the chapter on environment, are intended to mitigate the impact of oil well operations on surrounding water supplies. Senate Bill 739 and Senate Bill 643, found in the chapter on public lands, amend procedures for oil and gas leases on state-owned lands. Finally, Senate Bill 617, found in the chapter on transportation, extends the regulatory authority of the Railroad Commission of Texas to encompass compressed natural gas used as a fuel for motor vehicles.

Energy Conservation and Efficiency

SENATE BILL 1140 **SENATE AUTHOR:** Brown
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Fox

Senate Bill 1140 directs the Public Utility Commission of Texas to adopt, prior to March, 1984, statewide efficiency standards for the performance rating and certification of solar energy equipment. Under prior law this equipment has been exempt from state sales taxes, but in order to continue to qualify for that exemption, it must now meet the commission's standards. Site-built solar energy equipment, however, is not subject to the standards.

HOUSE BILL 651 **HOUSE AUTHOR:** Polk
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Caperton

The Texas Housing Agency was created by the 65th Legislature in 1979 to finance housing loans for low-income individuals and low- to moderate-income families. House Bill 651 allows the agency to assist in making financing available to those parties for the purchase, installation, or repair of energy conservation devices or renewable energy systems. It amends the Texas Housing Agency Act's definition of "mortgage loans" to include all liens.

SENATE BILL 360 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Oliver

Senate Bill 360 designates, as a resource center to assist school districts in developing energy-efficient facilities, the Texas Energy and Natural Resources Advisory Council (TENRAC) or a successor agency.

TENRAC is being abolished in 1983, as explained in the sunset chapter. Consequently, based on provisions of Senate Bill 232 renewing the Public Utility Commission of Texas, summarized in the chapter on sunset legislation, these assistance responsibilities and certain other energy responsibilities will be transferred to the latter agency. The activities of the resource center are to be funded to the extent possible by money obtained from settlements in oil overcharge litigation.

SENATE BILL 1408 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Glossbrenner

A 1977 Texas law adopted to foster energy conservation requires that construction plans for new apartment complexes provide for individual metering of each dwelling unit. Senate Bill 1408 exempts from that law any apartment complex constructed by a nonprofit organization for the low-income elderly if savings evidenced by engineering and cost data are passed on to the prospective tenants.

Three other pieces of energy conservation legislation are found in the chapter on environment. House Bill 1719, Senate Bill 649, and Senate Bill 317 deal with the recovery of energy and other resources from solid wastes.

Energy Utilities and Cooperatives

HOUSE BILL 1255 **HOUSE AUTHOR:** Haley
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Blake

Previously, electric cooperatives have been allowed to sell electricity only to their own members and to other cooperatives. House Bill 1255 amends state law to allow electric cooperatives to sell also to: (1) investor-owned public utilities; (2) municipal power agencies that co-own, with the cooperative, an electric power plant; (3) a political subdivision of the state with an installed electric generation capacity greater than 500 megawatts; (4) a political subdivision engaged in resale of electricity to which the cooperative was selling electricity prior to 1983; (5) the state; or (6) a federal agency. Restrictions on other sales are continued.

HOUSE BILL 1608 **HOUSE AUTHOR:** J. Gibson
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Jones

Under Texas law, public utility corporations supplying gas, electricity, or power have the power of eminent domain. This act provides that partnerships and combinations of corporations acting similarly as energy suppliers have the same power.

HOUSE BILL 2232 **HOUSE AUTHOR:** A. Hill, et al.
EFFECTIVE: 6-17-83 **SENATE SPONSOR:** Harris

Electric utilities serving an unincorporated area certificated by the Public Utility Commission of Texas may continue and extend their service among customers within the area, even following its annexation by an adjacent city. House Bill 2232, which applies to the city of Garland, continues this principle but provides that the commission is to separately certificate each newly incorporated area in that city that is served by more than one electric utility. In so doing, however, the commission must preserve the respective electric utilities' rights to serve their present customers. Also, certain customers who had previously given cancellation notice may proceed to terminate a utility's service.

Waste Management

HOUSE BILL 487 **HOUSE AUTHOR:** Watson, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brooks

Under state law, the Texas Department of Water Resources and Texas Department of Health have responsibility for the issuance of permits for hazardous waste management facilities, TDWR having authority over industrial hazardous wastes and TDH having authority over municipal hazardous wastes. House Bill 487 requires the two agencies, by September 1, 1984, to adopt rules defining the characteristics that make an area unsuitable for hazardous waste management facilities, with attention to such factors as flood dangers, soil conditions, and effects on underground aquifers. A permit for a new or expanded facility will be conditional on selection of a site that minimizes contamination of surface water or groundwater, and issuance of a permit will be prohibited in an area determined by its characteristics to be unsuitable for the facility, unless design features incorporated in the facility will prevent any adverse effects. The two agencies, in developing rules under House Bill 487, are required to consult with the State Soil and Water Conservation Board, Bureau of Economic Geology, and other appropriate state sources. Rules may distinguish between different types of hazardous wastes and different methods of management.

HOUSE BILL 1719 **HOUSE AUTHOR:** Madla
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Parmer

House Bill 1719, the Comprehensive Municipal Solid Waste Management, Resource Recovery, and Conservation Act, is designed to promote the safe disposal of solid wastes and to encourage the recovery of energy and useful materials from solid wastes. It results from recommendations of the Texas Department of Health made pursuant to a state solid waste management plan adopted in 1981. The department, which is responsible for the portion of that plan dealing with municipal solid wastes (as opposed to industrial solid wastes, regulated by the Texas Department of Water Resources), found that many waste disposal operations have been managed improperly, often due to insufficient financial resources or lack of economies of scale on the part of isolated local governments. Also, the sheer volume of discarded wastes has been a growing problem, leading to proposals to increase recycling efforts. House Bill 1719 seeks to overcome these difficulties by encouraging local governments to more efficiently coordinate their solid waste management activities.

House Bill 1719, applicable to solid wastes regulated by the Texas Department of Health, requires each city and county, by December 31, 1987, to review the provision of solid waste management services in its jurisdiction and ensure that service is available everywhere in that jurisdiction. A local government participating in a regional council of governments or other regional planning entity designated by the governor may join in development of a regional solid waste management plan. Plan development involves three stages of required study, aimed at generating detailed data on waste composition, optional management technologies, markets for recovered materials, financing alternatives, and other matters dealing with feasibility. The regional plan must be consistent with the state plan and must be submitted to and approved by the Texas Department of Health. It is binding on all public and private solid waste management activities within the region, except for those granted variances by the department. Subsidiary local plans, adopted by cities or counties pursuant to and in conformity with the regional plan, likewise require department approval. If no regional plan exists, however, a city or county may submit its own independent local plan.

House Bill 1719 confers on public agencies, including cities, counties, and certain other local-government entities, the power to contract to furnish or be furnished solid waste management services. Required contract payments may be met through user fees or utility revenues. An agency may elect to finance, through the creation of an industrial development corporation, resource recovery systems contemplated under its contracts.

If a public agency seeks to acquire or expand its own solid waste management system, it may issue revenue or tax bonds for purposes of financing the improvement. A resource recovery system owned by the agency itself is exempt from property taxes of other political subdivisions.

A public agency may adopt various regulations to govern solid waste management activities within its jurisdiction. City and county regulations, however, may not contradict any prohibitions of applicable federal or state laws or regulations. Moreover, a city or county not having a local plan that has been approved by the

Texas Department of Health may not prohibit solid waste disposal in specific areas of the city or county, except by designating other areas where disposal is allowed.

State support is provided through the authorization of two new funds, a planning fund and an applied research and technical assistance fund. The first is to be used to assist regional entities and local governments in developing their solid waste management plans and in conducting requisite feasibility studies. The regional entity or local government must provide matching funds in an amount of at least 50 percent of the total cost of funded projects. The second fund is to be administered by the Texas Department of Health to conduct research related to improved resource recovery and solid waste management practices. To assist the department, House Bill 1719 authorizes the appointment of a new, 15-member Municipal Solid Waste Management and Resource Recovery Advisory Council. The applied research and technical assistance fund is to consist entirely of legislative appropriations; the planning fund, of legislative appropriations, private-sector contributions, and federal funds. House Bill 1719, however, appropriates no money to either fund.

SENATE BILL 649 **SENATE AUTHOR:** Brown
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Pennington

Senate Bill 649, like House Bill 1719, seeks to encourage solid waste management practices enabling the recovery of energy and useful materials. It clarifies the authorization of cities to own and operate garbage reclamation projects and to issue bonds to finance related facilities. In contrast to the financing mechanism of House Bill 1719, which requires voter approval only of bonds secured by taxes, the financing mechanism of Senate Bill 649 requires voter approval of both tax and revenue bonds.

SENATE BILL 317 **SENATE AUTHOR:** Parmer
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Madla

This act adds a provision to the Solid Waste Disposal Act, extending the jurisdiction of the Texas Department of Health and Texas Department of Water Resources to extraction of energy resources and other materials from closed or inactive solid waste facilities. The agency with jurisdiction over a particular facility may require anyone extracting material from the facility to obtain a permit to do so, and it must adopt standards to ensure that the site is properly maintained when extraction occurs.

HOUSE BILL 1769 **HOUSE AUTHOR:** Eckels, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brown

House Bill 1769 clarifies that the authority of the Texas Department of Water Resources and Texas Department of Health to require permits for solid waste facilities extends not only to the operation and maintenance of such facilities, but also to their initial construction. Other provisions authorize the department of water resources to impose an annual fee, ranging from $100 to $2,000, to cover waste treatment inspection costs related to permits for the discharge of treated waterborne wastes. Additional provisions of House Bill 1769 are covered in the chapters on special districts and general government.

HOUSE BILL 1845 **HOUSE AUTHOR:** DeLay
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brown

Texas cities sometimes have been prevented from receiving federal funds for solid waste management because of city charters restricting the duration of city contracts to a period shorter than the federal government requires. Under House Bill 1845, home-rule cities are authorized to exceed the maximum contract term if necessary to qualify for these funds.

HOUSE BILL 1953 **HOUSE AUTHOR:** Craddick
EFFECTIVE: See below **SENATE SPONSOR:** Traeger

In 1981, the 67th Legislature passed the Texas Litter Abatement Act, a nonsubstantive revision of prior law by which various statutes pertaining to litter were reorganized into one act. The same legislature passed various other items of legislation adding to Texas litter law, but did not include them in the revision. House Bill 1953 is a second nonsubstantive revision that transfers these 1981 laws to the Texas Litter Abatement Act passed that year. All but one section are transferred effective August 29, 1983. The other section, dealing with illegal disposal of solid waste, is transferred effective September 1, 1983.

HOUSE BILL 1970 **HOUSE AUTHOR:** Geistweidt, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Caperton

House Bill 1970 amends the Natural Resources Code and the Water Code to expand the authority of the Railroad Commission of Texas with respect to the prevention of water pollution as a result of oil field operations. The bill makes the following changes:

—Raises certain penalties under the oil and gas laws to a maximum of $10,000 for violations relating to safety and pollution.

—Creates a new $100 drilling permit fee.

—Establishes a state well plugging fund to be used by the commission to plug abandoned wells and for costs of administration and enforcement of laws or rules relating to pollution.

—Allows the commission, in the absence of a hearing, to plug leaking wells that are causing or are likely to cause a serious health or pollution threat.

—Deletes landowners from the chain of liability for well plugging.

—Standardizes all venue requirements.

—Gives the commission expanded enforcement powers, such as broad right of entry to property and records and the ability to recover civil penalties and obtain injunctive relief for violations.

HOUSE BILL 2112 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sims

This act would minimize the use of fresh water for enhanced oil recovery activities. The act provides that before a permit may be granted for an injection well to be used for enhanced recovery of oil, the applicant must provide to the Railroad Commission of Texas written information as to the material that the applicant plans to inject into the well, plus information on alternative substances available to the applicant for that purpose. Should the applicant propose to use fresh water for injection, the commission must consider whether an alternative substance is economically and technically feasible, and, if so, the commission must include as a condition of the permit that the applicant may not use fresh water or may use fresh water only to the extent specifically stated in the permit. Injection well permits for enhanced recovery wells in effect on September 1, 1983, are exempt from this act; a person may not continue use of industrial or municipal waste for enhanced recovery without first obtaining a permit from the Texas Department of Water Resources. Permits granted subsequent to that date remain in force until canceled by the Railroad Commission of Texas.

HOUSE BILL 2005 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sims

This act adds to the Texas Natural Resources Code a subchapter relating to saltwater disposal pits used to store or evaporate brine or other mineralized water that results from oil and gas development or production, geothermal operations, or underground hydrocarbon storage operations. Before using a saltwater disposal pit, one must obtain authorization from the Railroad Commission of Texas or its designated employee. The authorization is conditioned on use of impervious lining materials in the pit, protection from pollution of surrounding farmland and water supplies, and compliance with standards established by the commission, including specifications for eventual closure of the pit. The act gives the commission enforcement power to order the closure either of an authorized pit or of an unauthorized pit being operated in violation of the subchapter. Criminal and civil penalties are provided, and money from those penalties is to be deposited to the credit of a newly created fund in the state treasury and used by the commission to close these saltwater pits.

SENATE BILL 1241 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Craddick

Senate Bill 1241 amends a 1975 legislative act aimed at the prevention and control of oil spills or other unauthorized discharges of hazardous substances into the coastal waters of the state, expanding the scope of that act to the surface waters of the state generally. It designates the Texas Department of Water Resources as the principal state agency for spill response and authorizes the department, acting independently in the absence of a federal on-scene response coordinator, to appoint a state coordinator and enter property for purposes of cleanup. Under the new law, parties who are responsible for a spill may be assessed penalties when a discharge

is the result of their own negligence, even if they report the accident and remove the discharged material. Senate Bill 1241 increases civil penalties under the act to not less than $100 and not more than $2,000 per day per violation. Felony provisions regarding falsification of spill or cleanup reports remain the same.

SENATE BILL 1018 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 5-18-83 **HOUSE SPONSOR:** Laney

The United States Department of Energy has narrowed to nine sites located in six states, the choice of a permanent underground repository for high-level nuclear wastes generated throughout the nation. Two of those six sites are found in Texas, in Deaf Smith and Swisher counties, where, in either case, the repository would be placed in a deep salt formation underlying vital groundwater supplies. Although it does not limit or even explicitly address itself to the nuclear-waste siting issue, Senate Bill 1018 is aimed at environmental and resource protection related to the energy department's exploratory studies and possible disposal activities.

Senate Bill 1018 requires a permit from the Texas Department of Water Resources for excavation through the topmost groundwater aquifer of a vertical shaft for subsurface transport of workers and materials. A permit must be accompanied by certain geophysical data obtained from test drillings, a letter from the Railroad Commission of Texas stating that the shaft will not negatively affect oil or gas recovery, and any environmental document required by federal law. The department is to circulate the application to other state agencies and reviewers that it designates and is to hold an adjudicatory hearing on the application with allowance for public notice and participation. A permit may be approved if: (1) after considering siting alternatives, the Texas Water Commission finds a public need for construction of the shaft at the chosen location; (2) the applicant demonstrates adequate financial responsibility; (3) existing water and mineral rights are not harmed; and (4) surface water and groundwater are protected from pollution. Regarding this last criterion, the Texas Department of Water Resources may impose technical specifications designed to seal the shaft from the water formation through which it is excavated. The department may also require the applicant to pay for the costs of monitoring compliance with the permit.

A permit recipient must file a copy of the permit with local county commissioners, whose representatives, along with those of the Texas Department of Water Resources, are authorized entry to the shaft site for purposes of inspection and monitoring. Senate Bill 1018 provides for various enforcement powers, including criminal and civil penalties and allowance for the filing of complaints by local governments or any other person. The department must propose rules in accordance with the new law by September, 1983, and no shaft permits may be issued until those rules are adopted.

HOUSE BILL 2276 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sims

Section 11.024 of the Water Code establishes the order of preference for use of state water. House Bill 2276 amends this section to emphasize that domestic and municipal uses are superior to the rights of the state to appropriate water for all other purposes.

For legislation relating to water districts, see the chapter on special-district government.

Air Quality

SENATE BILL 1205 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Hackney

The federal Clean Air Act establishes a timetable by which regions of the United States experiencing unacceptable levels of pollution must improve their air quality sufficiently to meet specified national standards for several pollutants. Urban areas projected to be unable to meet the air quality standards using only emission controls on industry are required to implement special vehicle inspection programs aimed at maintaining emission control devices on recent automobile models. Ultimate failure to meet the standards, or failure to implement a vehicle inspection program when required, may result in the imposition of sanctions by the United States Environmental Protection Agency. In Texas, the main problem area is Harris County, which has been unable to reduce its ozone pollution to a level that would meet the national standard.

Senate Bill 1205 requires the Department of Public Safety to implement a vehicle inspection program in any county for which such a program has been requested by the Texas Air Control Board. To cover the costs of the new program, the department could impose on subject motorists an inspection fee of up to $5. This fee would be in addition to the fee for annual safety inspections required of all Texas motorists.

Miscellaneous

HOUSE BILL 1199 **HOUSE AUTHOR:** Berlanga
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Brown

The Texas Open Beaches Act protects public access to state-owned beaches bordering the Gulf of Mexico (practically the entire Texas coast) by prohibiting the placement of barriers or markers that interfere with public access. House Bill 1199 provides that the prohibition does not apply to fences or other barriers erected by county governments for purposes of catching sand to protect or reestablish coastal dunes.

HOUSE BILL 1445 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Farabee

Prior to this act, the surface mining division of the Railroad Commission of Texas was the only division with statutory authority to impose administrative fines. House Bill 1445 expands the authority of the railroad commission to levy administrative civil fines for violations of laws relating to safety or the prevention or control of pollution or of a rule, order, license, permit, or certificate relating to safety or the prevention or control of pollution within its jurisdiction.

HOUSE BILL 1766 **HOUSE AUTHOR:** Shaw
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brown

House Bill 1766 authorizes the use of conservation easements, by which an owner of real property may convey to a qualifying nonprofit conservation or historical organization, or to a governmental entity, powers of oversight to guarantee the future preservation of special characteristics of the property. Conservation easements may be used, under the new law, to: (1) protect the natural, scenic, or open-space value of the property; (2) assure its availability for agricultural, forest, recreational, or open-space uses; (3) protect natural resources; (4) protect air or water quality; or (5) preserve historical, architectural, archaeological, or cultural values. A property owner voluntarily places restrictions and obligations on its subsequent use and development, which are enforced by the party to which the easement is conveyed or by certain enumerated third parties, and which can be binding on future owners of the property depending on the conditions of the easement. Conservation easements conveyed by Texas property owners are exempt from some of the restrictions applicable to common law easements. They qualify as charitable donations for federal income tax purposes.

SENATE BILL 176 **SENATE AUTHOR:** Doggett
EFFECTIVE: 5-3-83 **HOUSE SPONSOR:** G. Hill

This act preserves, with respect to future state and university building construction, an unobstructed view of the state Capitol from two points on the campus of The University of Texas at Austin. Construction could not block any part of the Capitol dome as seen from the south steps of the university's Main Building or from the terrace adjacent to the Lyndon Baines Johnson Library and Museum. The prohibition does not extend to construction for which plans are prepared and ground broken prior to the effective date above.

FAMILY LAW

General Legislation

HOUSE BILL 1169 **HOUSE AUTHOR:** Khoury
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Mauzy

This act clarifies state law relating to orders and decrees in suits for the dissolution of marriage or in suits affecting the parent-child relationship. The act explicitly forbids the issuance of certain temporary restraining orders but allows the issuance of similar temporary injunctions, which require notice and a hearing, when those orders or injunctions contain provisions relating to a party's business, living expenses, or occupancy of the residence during the pendency of a suit for the dissolution of marriage. A new subchapter is added to the Family Code to allow the parties to a dissolution of marriage, within a certain two-year statute of limitations, to file a motion for the enforcement of a court-ordered division of property. The court may not amend, modify, alter, or change any division of property approved by a prior order but may enter further orders solely for enforcement or clarification purposes. Provisions included within the new subchapter also authorize court-ordered delivery of property or payment of damages, certain contempt proceedings, enforcement of decrees awarding future benefits, and recovery of legal fees incurred in proceedings to enforce a property division.

In regard to suits affecting the parent-child relationship, this act amends language of the Family Code to provide a more precise definition for who is entitled to bring suit affecting the parent-child relationship and amends additional language of the code to authorize the court to issue a temporary order prohibiting a person from removing a child beyond a geographical area identified by the court. The act states that a decree in a suit affecting the parent-child relationship, in which any person is ordered to pay child support, must contain the social security number of each party to the suit. The act entitles a man to deny his paternity of a child who is the subject of a suit and who was born or conceived during the marriage of the man and the mother of the child. Decrees providing for the appointment of certain possessory conservators are required to stipulate that the managing conservator and each possessory conservator must give written notice of an intended change of residence. Certain orders changing the designation of managing conservator are prohibited unless necessary standards are met or unless there is a serious, immediate question concerning the welfare of the child. The act amends provisions of the Family Code that allow the court, after a hearing, to modify an order or portion of a decree that designates a managing conservator or provides for the support of a child. The act also creates provisions to allow the court, after a hearing, to modify an order or portion of a decree that sets the terms and conditions for possession of or access to a child or that prescribes the relative rights, privileges, duties, and powers of conservators. The provisions of this act apply to the enforcement of orders or decrees made by a Texas court before or after the effective date of this act.

Additionally, the Licensed Professional Counselor Act is amended to exempt from its provisions persons who provide counseling services exclusively related to marriage and family concerns and who hold a masters or doctorate degree in the field of marriage and family therapy from an accredited college or university.

Delinquency

HOUSE BILL 475 **HOUSE AUTHOR:** G. Hill
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Farabee

This amendatory act authorizes the Texas Department of Corrections to inspect certain juvenile records for the purpose of maintaining statistical information about recidivism and for diagnosis and classification of children. The act also makes available to certain persons, agencies, and institutions, including the Texas Department of Corrections, records of the Texas Youth Commission that were formerly available only on the order of a district court.

SENATE BILL 99 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Khoury

This act broadens provisions of the Family Code to encourage juvenile courts, after finding that a child has engaged in delinquent conduct or conduct indicating a need for supervision, to order parental or joint family

counseling. The act explicitly provides that a juvenile court, after notice and a hearing of all persons affected, may order any person living in the same household with the child to participate in social or psychological counseling to assist in the rehabilitation of the child and to strengthen the child's family environment.

SENATE BILL 669 **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Keller

After a juvenile has been found in need of rehabilitation, a juvenile court may order the juvenile or his family to provide restitution to the victim of the juvenile's acts. Senate Bill 669 amends and expands provisions relating to such restitution requirements and allows for voluntary restitution. The act also authorizes cities, towns, and counties establishing juvenile restitution or community service programs to insure to cover claims arising from participating juveniles' actions and places a maximum limit on the liability of the governmental entities.

Legislation relating to juvenile boards is described in the Courts chapter.

Family Violence

HOUSE BILL 358 **HOUSE AUTHOR:** Willis
EFFECTIVE: See below **SENATE SPONSOR:** Parmer

The Family Code is amended to permit members of the Texas Department of Human Resources or other agency designated to be responsible for the protection of children, in the course of conducting an investigation of alleged child abuse, to interview the child at any reasonable time and place including the child's school and to permit the investigation to include an interview with the child's parents. The Open Records Act is amended to allow persons conducting child abuse investigations to have access to the child's student records at educational institutions funded wholly, or in part, by state revenue. The changes in law created by these amendments take effect on September 1, 1983.

SENATE BILL 878 **SENATE AUTHOR:** Brooks
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Danburg

In 1979, the 66th Legislature enacted provisions addressing the protection of the family and allowing battered spouses to seek protective relief without seeking a permanent breakup of their families. This act clarifies ambiguities that have become apparent in the language of these provisions while also making these provisions more effective and procedurally workable. Provisions stipulating who may file an application for protective relief are expanded to include certain prosecuting attorneys, and the court is permitted to assess a reasonable attorney's fee as compensation for the services of the prosecuting attorney. Other provisions are amended to provide for a waiver of the filing fee and court costs if the applicant is determined to be unable to pay such fees and costs and to delete the requirement that an application for protective relief state the applicant's address. The act also requires the dismissal of an application that is filed after a suit for dissolution of marriage is filed.

SENATE BILL 997 **SENATE AUTHOR:** Doggett
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Armbrister

This act amends provisions of the Family Code that allow adults to file an application for a protective order to deter family violence. The act states that the court may issue a protective order on the motion of any party to a suit for the dissolution of marriage and on a showing that the other party to the suit has committed family violence. Such an order, which may be made only after notice and a hearing, remains valid only until the order is vacated by the court, the suit is dismissed, or the decree in the suit becomes final. In a protective order, the court may prohibit a party from committing family violence, directly communicating with a family or household member in a threatening or harassing manner, or going to or near the residence or place of employment or business of a family or household member. The court must specifically describe the prohibited locations and the minimum distances from those locations that the party must maintain.

This act also amends certain provisions of the Penal Code to establish a separate misdemeanor offense for the knowing or intentional violation of a protective order to deter family violence. If conduct constituting a

violation of such a protective order also constitutes another offense, the party may be prosecuted for either or both offenses.

Marriage

HOUSE BILL 1819 **HOUSE AUTHOR:** Oliver
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Mauzy

Existing law empowers various clergymen, federal judges, and state judges including justices of the peace to perform marriage ceremonies. In response to the recent refusal of several justices of the peace to wed interracial couples, the attorney general declared in an opinion, which does not carry the same weight as law, that justices of the peace must wed all qualified applicants if they choose to perform marriage ceremonies. This act provides for the removal from office of any judge or justice who is found to have intentionally discriminated on the basis of race, religion, or national origin against any applicants qualified to be married.

SENATE BILL 258 **SENATE AUTHOR:** Uribe, et al.
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** DeLay

Senate Bill 258 is the Texas Venereal Disease Act. It repeals obsolete laws and includes provisions relating to currently accepted methods and practices for venereal disease control.

In addition, the requirement of submitting a medical examination certificate when applying for a marriage license is repealed.

Parent-Child

HOUSE BILL 94 **HOUSE AUTHOR:** M. Garcia
EFFECTIVE: 5-20-83 **SENATE SPONSOR:** Caperton

Provisions of the Family Code have not previously allowed a possessory conservator the right to view the medical, dental, and educational records of a child unless that right was expressly granted in the decree awarding possession of the child. House Bill 94 provides that a possessory conservator has the same right of access to these records as the managing conservator and requires the custodian of records to delete all references in the records to the place of residence of the managing conservator prior to the release of the records to the possessory conservator.

HOUSE BILL 197 **HOUSE AUTHOR:** Cain, et al.
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Mauzy

This act amends the statute of limitations period during which a man may be sued to establish the man's paternity of and the obligation for child support for the man's illegitimate child. The former law provided for a four-year period of limitations, while the amendment provides for a period ending on the second anniversary after the day on which the child becomes an adult. The change in the law was prompted by several United States Supreme Court decisions holding that an illegitimate child is entitled under the "equal protection clause" of the United States Constitution to an equal opportunity to receive support from his or her father that a legitimate child has to receive support from his or her father.

HOUSE BILL 229 **HOUSE AUTHOR:** S. Hudson
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Washington

This amendatory act provides that a paternity affidavit executed by the father of an otherwise illegitimate child may be filed with the Texas Department of Health and maintained with the original birth record although it will not become a part of that record. Once filed, the affidavit becomes privileged and is made available only on motion of the trial judge in a court of competent jurisdiction in which a suit of paternity respecting the subject of the affidavit is pending.

HOUSE BILL 553 **HOUSE AUTHOR:** W. O. Harrison
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sharp

Under existing law, the natural or adoptive parent of a minor who is not a ward may apply to the court to be allowed to sell the minor's interest in an estate without being appointed guardian. This act amends

provisions of the Texas Probate Code previously allowing the parent to make such an application only when the value of the entire property did not exceed $10,000 to allow the parent to make such an application when the minor's interest in the property does not exceed $10,000.

HOUSE BILL 642 **HOUSE AUTHOR:** Willis
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Lyon

House Bill 642 amends the Family Code to give the courts the authority to award a reasonable fee to the Texas Department of Human Resources for a court-ordered social study in suits affecting the parent-child relationship.

HOUSE BILL 2218 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Glasgow

Although a guardian or receiver appointed for a child may bind the child to an agreement concerning inherited property or future interests, state law has not previously allowed a parent or managing conservator to execute such agreements on behalf of the child. Consequently, many state residents have been unable to qualify for an exemption from taxation on the child's property or future interests. This act amends the Family Code to empower parents and managing conservators, except when certain persons are appointed for the child, to act as an agent of the child in relation to the child's estate if the child's action is required by a state, the United States, or a foreign government.

Child Custody

HOUSE BILL 544 **HOUSE AUTHOR:** Bush
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Doggett

This act explicitly authorizes a civil cause of action against any person who takes or retains possession of a child or who conceals the whereabouts of a child in violation of a court order. Liability is extended to persons who aid or assist in the commission of such a violation and is exempted from persons who do not have notice or cause to believe that the child has been the subject of a court order. The petitioner, who must give notice to the defendant in a specified manner prior to filing suit, is entitled to recover damages including the actual costs of locating and recovering the child and the actual costs of obtaining and enforcing a court order. Court-ordered counseling and posting of security are permitted to minimize the possibility of future custody disputes or violations, and the Department of Human Resources is required, in its administration of the federal Parent Locator Service, to provide assistance to persons showing evidence that their custody or visitation rights have been violated. The act also embodies associated provisions to govern affirmative defenses, venue, joinder of proceedings, frivolous suits, and other available remedies not affected by a suit under the provisions of this act.

HOUSE BILL 1370 **HOUSE AUTHOR:** Khoury
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brooks

Under prior law, when a court acquired continuing jurisdiction over a child pursuant to the initiation of a suit affecting the parent-child relationship, the clerk has been required to file any succeeding petitions and accompanying papers with the suit affecting the parent-child relationship under the same docket number. This act provides that if a succeeding petition requests the adoption of a child and alleges that the child has been placed for adoption with the petitioners by the Texas Department of Human Resources or by an agency authorized by the department to place children for adoption, then the clerk is required to file the petition and all other related papers in a new file having a new docket number.

HOUSE BILL 1677 **HOUSE AUTHOR:** Salinas
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Montford

This legislation was enacted in response to recent United States and Texas Supreme Court decisions indicating that, in suits for termination of the parent-child relationship, the state must provide the parents with fair court procedures and the court findings must be based on more than just a "preponderance of the evidence."

The Family Code is amended to provide for the appointment of an attorney ad litem to represent indigent parents in suits brought to terminate the parent-child relationship and to provide that the attorney ad litem is

entitled to a reasonable fee paid from the general funds of the county where the suit is heard. The code is further amended to require each court finding in a parental termination suit to be based on "clear and convincing evidence."

HOUSE BILL 1933 **HOUSE AUTHOR:** Glossbrenner
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Truan

Because of typical docket delays and possible complications, the final decision in a civil case that is appealed may not be rendered for as long as five years. To protect children from the severe emotional trauma that may accompany protracted litigation and to provide parents with a degree of fairness, the Family Code is amended to grant suits affecting the parent-child relationship wherein termination of that relationship is in issue precedence over other civil cases in the appellate process.

SENATE BILL 79 **SENATE AUTHOR:** Brooks
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Madla

This act abrogates the rule established by Texas courts which have held that a managing conservator must be appointed for a child before a grandparent may sue to acquire access rights to the child. The act allows a court to award grandparent access to a child in a suit brought for that purpose, irrespective of whether conservatorship is at issue, if such access is in the best interests of the child, if a parent is the natural parent of the child when relief is sought, and if any one of several other enumerated circumstances is determined to exist.

SENATE BILL 439 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Bush

This legislation adds a subchapter to the Family Code adopting the Uniform Child Custody Jurisdiction Act and thereby adds Texas to the list of 48 states which are currently UCCJA adherents. Purposes of the UCCJA include the avoidance of jurisdictional competition and the promotion of the exchange of information and other forms of mutual assistance between the courts of this state and those of other states concerned with matters of a child's custody. The UCCJA establishes jurisdictional considerations and procedures to be followed by Texas courts involved in interstate custody disputes. Certain classes of persons with an interest in the child, regardless of whether or not such persons are in this state, are required to be given reasonable notice and opportunity to be heard. Certain procedures must be followed in acquiring jurisdiction over persons outside this state; however, all parties properly served or notified are bound to the custody decree of a court in this state having jurisdiction. Unless all the contestants are residing in Texas, every party to a proceeding must give certain information under oath regarding past and present custody of the child. Texas courts are required to recognize and to enforce certain out-of-state custody decrees and are not permitted to modify these decrees except under particular circumstances. Guidelines are established for cooperation between the states in acquiring evidence, testimony, records, studies, or a person's presence before a court. The general policies of the UCCJA are extended to the international area. Several related provisions of the Family Code are amended to harmonize in form and in substance with the UCCJA.

Child Support

HOUSE JOINT RESOLUTION 1 **HOUSE AUTHOR:** Oliveira, et al.
EFFECTIVE: See below **SENATE SPONSOR:** Farabee

House Joint Resolution 1 proposes an amendment to the Texas Constitution to allow garnishment of wages for the enforcement of court-ordered child support payments. This proposed constitutional amendment will be submitted to the voters at an election to be held on November 8, 1983.

HOUSE BILL 2 **HOUSE AUTHOR:** Oliveira, et al.
EFFECTIVE: See below **SENATE SPONSOR:** Farabee

This act amends provisions of the Family Code relating to the enforcement of court-ordered child support and relating to the possession of and access to a child. Section 1 of the act allows an obligor of child support to voluntarily assign a portion of his earnings for the payment of support and allows the court, on proper motion and after a hearing, to withhold a specific ascertainable amount from the assignor's disposable earnings. Any assignment or order for assignment is required to contain particular data and the court is required to follow

certain procedures and to take certain actions in the course of ordering an assignment. The employer is permitted to make a motion for hearing on the validity and application of an assignment. Section 1 of the act also provides procedures and rules to be followed by the employer and stipulates what the employer's liabilities are.

Section 2 of the act provides that if House Joint Resolution 1 is adopted by the voters, then the Family Code is amended to allow a court of continuing jurisdiction to order an involuntary assignment of earnings on proper motion, notice to all parties, and a hearing. An involuntary assignment of earnings may be ordered only if the court finds that the total amount of child support in arrears was equal to or in excess of the amount due for a two-month period at the time the motion for involuntary assignment was filed with the court.

Section 3 of the act amends the Family Code to allow the court to require certain obligors of child support, including "self-employed" persons, to execute a bond or to pay security to the court as a means of enforcing the payment of court-ordered support when a designated amount of support is in arrears.

The final sections of this act stipulate that if the possession of or access to a child is court-ordered, then the times and conditions for such possession or access must be specific and expressly stated in the order unless a party shows good cause why specific orders would not be in the best interest of the child. These sections of the act also require the court to consider certain factors in determining the amount of child support and allow the court by local rule to establish and publish schedules, guidelines, and formulas to be used in determining the amount and manner of child support as well as the times and conditions for possession of and access to a child.

While Section 2 of this act is contingent and stipulated to take effect on the adoption of the constitutional amendment proposed by House Joint Resolution 1, all other sections became effective when the act was signed by the governor on June 17, 1983.

HOUSE BILL 2340 **HOUSE AUTHOR:** B. Gibson
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Glasgow

This act authorizes the Johnson County Juvenile Board to appoint the district court clerk in Johnson County to administer child support, spousal support, and separate maintenance payments for the county. The obligor of the payments is required to pay a $1 monthly service fee to the district court clerk. These service fees are to be assessed with all child support, spousal support, and separate maintenance payments ordered after September 1, 1983, and with all other of these kinds of payments when the obligor has defaulted and has been cited for contempt of court.

HOUSE BILL 2390 **HOUSE AUTHOR:** Bush
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Lyon

This act explicitly authorizes the Collin County Juvenile Board to appoint the district court clerk in Collin County to administer child support, temporary spousal support, and separate maintenance payments for the county. The obligor of such payments is required to pay to the clerk a monthly service fee of an amount set by the juvenile board but not more than $2.50. These service fees are to be assessed with all child support, spousal support, and separate maintenance payments ordered after September 1, 1983, and with all other of these kinds of payments when the obligor has defaulted and has been cited for contempt of court.

HOUSE BILL 2449 **HOUSE AUTHOR:** D. Hudson, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Lyon

This amendatory act, relating to the child support collection service fee in Smith County, makes the court's assessment of such fees mandatory rather than optional. The act also stipulates that a payor or payee whose annual income is equal to or less than the federal poverty income guideline in effect when the support order is made is not required to pay the service fee.

SENATE BILL 45 **SENATE AUTHOR:** Farabee
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** T. Smith

This act empowers the commissioners court of a county to establish a domestic relations office, which may be administered by the juvenile board of the county, to collect and disburse child support payments, to make and keep records of payments and disbursements, and to provide services to enforce orders providing for the possession of, the support of, and the access to a child. A domestic relations office may, if authorized by its governing agency, also provide certain additional services. A court having proper jurisdiction may order that payments of child support be made through the domestic relations office and the commissioners court is

authorized to impose certain court and service fees for deposit in a special domestic relations office fund. The act repeals certain prior provisions relating to the child support fund in counties having a population of more than 350,000 inhabitants and stipulates that its own provisions are cumulative of other statutes relating to juvenile boards and child support collection offices.

SENATE BILL 394 **SENATE AUTHOR:** Leedom
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Wright

Senate Bill 394 clarifies the nature of child support and how it is to be considered and charged by the Texas Department of Mental Health and Mental Retardation for the support, maintenance, and treatment of patients in state facilities who are under 18 years of age. It also authorizes the department to seek a modification of a court order to require that the child support be paid directly to the state facility.

SENATE BILL 872 **SENATE AUTHOR:** Jones
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Bush

The Uniform Reciprocal Enforcement of Support Act governs the collection of child support when the obligor and obligee are in different states. Although federal law has been amended to allow the states to charge for their services in a majority of URESA collection activities, Texas law has not previously authorized the charging of such fees. This legislation amends state law to authorize the charging of fees, including attorney's fees, for collection activities in URESA cases. The charging of fees is not authorized by either federal or state law if a support payment is ordered to be made for the benefit of a child receiving financial assistance pursuant to the Aid to Families with Dependent Children program. However, in all other cases, Texas courts are now permitted to order that a portion of each child support payment be deducted until the full amount of certain costs incurred in the state are paid.

Annexation

SENATE BILL 551 **SENATE AUTHOR:** Farabee
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Hanna

The boundary of the State of Texas extends into the Gulf of Mexico to a distance of three marine leagues, or 10.35 miles. The state, as owner of this area, leases its submerged lands for offshore oil and gas development, from which it draws related revenues. Prior to 1981, in the absence of limits on their annexation powers, certain coastal home-rule cities extended their city limits into the gulf, with Port Arthur annexing all the way to the three-league line. City attempts to tax oil and gas wells in this area led to state and federal lawsuits, with the Texas Supreme Court upholding Port Arthur but with a federal district ruling against it on constitutional grounds. An appeal to higher federal courts is pending. In the meantime, the 67th Legislature in 1981 imposed on home-rule cities a temporary moratorium on gulfward annexations beyond a one-mile distance from the coast. Other major cities affected by this issue include Galveston and Corpus Christi.

Senate Bill 551 represents a legislative compromise regarding annexations by coastal home-rule cities extending into the Gulf of Mexico. It sets the seaward perimeter for city annexations at one marine league, or 3.45 miles, with prior annexations beyond that perimeter being rolled back to the one-league line. Within this offshore area, when annexed by a home-rule city, the city would have full taxing authority, plus authority to regulate oil and gas drilling and production (e.g., to protect city shores from spills and other hazards). Farther out, moreover, home-rule cities could create industrial districts extending as far as five miles into the gulf. In the industrial-district area between the one-league and five-mile lines, they would be denied regulatory authority over oil and gas development, but would be entitled to payments from the owners or lessees of property in the area in amounts up to 35 percent of the revenue that would be collected if property taxes were allowed there. Finally, irrespective of the new taxing arrangements, Port Arthur would remain entitled to any back taxes that might be awarded it as a result of final court decisions on its pending litigation.

HOUSE BILL 2227 **HOUSE AUTHOR:** Davis
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brown

Whereas Senate Bill 551 deals with offshore annexation by home-rule coastal cities, House Bill 2227 deals with offshore annexation by general-law coastal cities, towns, or villages. It authorizes the governing bodies of such municipalities, by means of ordinance, to extend city limits into the Gulf of Mexico to a distance of up to one mile.

HOUSE BILL 555 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** McFarland

This amendatory act modifies hearing requirements associated with municipal annexation proceedings. Existing law calls for two public hearings on an annexation, at least one of those to be held in the area to be annexed. The amendment eliminates the need for a hearing within the area, unless more than 20 adult residents there protest the annexation in writing within 10 days of published notice on the intended annexation.

HOUSE BILL 2226 **HOUSE AUTHOR:** Davis
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sharp

This act authorizes a general-law city, town, or village by ordinance to annex a navigable stream lying adjacent to its city limits and within its extraterritorial jurisdiction. It validates all prior annexations of this nature, and resultant boundary lines and related governmental proceedings, except in cases where pending litigation results in a final court judgment invalidating the annexation.

SENATE BILL 220 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Turner

Senate Bill 220 permits a municipality by ordinance to annex an area if the area has been treated as a part of the municipality, with provision of police protection and other services, for 20 years, and if no final judicial determination within that period, nor any pending lawsuit, has ruled against or challenged the inclusion of the area within the municipality. If an area is made a part of a municipality under provisions of this act, the date

on which the area is considered to have become incorporated is retroactive to the date on which the municipality began its continuous treatment of the area as a part of its territory.

Public Improvements

SENATE BILL 787 **SENATE AUTHOR:** Vale
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Pierce

The 65th Legislature enacted the Public Improvement District Assessment Act of 1977, providing an alternative means for a city to undertake and finance public improvements within a specified portion of the city. Senate Bill 787 expands the scope of that act to include special supplemental services such as advertising and promotion, business recruitment, development, public safety and security, health and sanitation, recreation, and cultural enhancement. It also modifies the method for initiating improvement districts, changing from a citywide election system to a petition system involving property owners in the proposed district. A similar petition system is adopted for the dissolution of existing districts.

Petitioners for a new district must submit a proposed management structure for its administration, with provision for possible appointment of an advisory body from among the district's property owners. Senate Bill 787 reduces published notice provisions related to public hearings on a petition, but it adds a requirement that all property owners be notified of hearings by mail. An established district, through its advisory body or some other responsible group, must develop an ongoing five-year service plan, to be updated annually. Other amended provisions deal with assessments on tax-exempt properties in a district and with changes in the interest rate on assessments.

HOUSE BILL 1304 **HOUSE AUTHOR:** Criss
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Brooks

State law authorizes Gulf Coast cities having a population greater than 5,000 to develop, maintain, and operate port facilities. The governing body of a city may issue tax and revenue bonds to finance the facilities, provided that bonds payable from ad valorem taxes receive the approval of city voters. The law also allows the city governing body to delegate the management and control of its port facilities to a separate board of trustees.

House Bill 1304 clarifies and expands the authority of these boards of trustees, with the proviso that a board's statutory authority be consistent with the charter of any home-rule city. Generally, a board of trustees may exercise various budgeting, contracting, property management, and port operation powers, and may issue revenue bonds and other nontax obligations. Certain contracts are subject to competitive bidding, however, and any issuance of bonds or obligations or any sale of real property must be approved by means of city ordinance. Under House Bill 1304, a board of trustees may also commission peace officers to establish a port security force.

HOUSE BILL 1480 **HOUSE AUTHOR:** A. Smith
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Henderson

House Bill 1480 requires a housing authority to hold a public hearing concerning a proposed housing project before a permit for any part of the construction of the project may be issued or obtained.

HOUSE BILL 1505 **HOUSE AUTHOR:** Pennington
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brown

House Bill 1505 expands the definition of "housing project" for purposes of the Housing Authorities Law. It also prohibits, with certain exceptions, a commissioner or employee of a housing authority from owning, acquiring, or controlling any interest in a housing project, and provides penalties for violations of the act.

HOUSE BILL 2068 **HOUSE AUTHOR:** Cain
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Lyon

Current law authorizes cities over 650,000 in population (Houston, Dallas, and San Antonio) to issue revenue bonds to construct off-street parking facilities. House Bill 2068 clarifies the law to allow the combining of two or more such facilities into a unified parking system, the previously authorized revenues from each facility to be pledged to the payment of bonds to construct the system. A city may also pledge revenues from parking meters located on city streets outside the off-street parking facility.

HOUSE BILL 2092 **HOUSE AUTHOR:** Barrientos, et al.
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Doggett

House Bill 2092 provides that urban renewal land may be sold by a city to a public or private nonprofit corporation or foundation at a price not less than the fair market value of the land.

SENATE JOINT RESOLUTION 17 **SENATE AUTHOR:** Brown
FOR ELECTION: 11-8-83 **HOUSE SPONSOR:** Wright

The Texas Constitution prohibits cities and towns from lending their credit or spending public money for the benefit of a private group or individual. Senate Joint Resolution 17 proposes a constitutional amendment to eliminate this restriction where a city or town is replacing or relocating connective sewer lines on private property in the course of replacing or relocating the sewer main serving the property. The amendment would allow the legislature by general law to authorize municipal expenditures for this purpose, provided that the property owner consented to the affixing of a lien on the property. The owner would then be responsible, over the course of five years, for repaying the city or town via installments. The proposed amendment is to be submitted to Texas voters on November 8, 1983, and, if adopted, will take effect on the date of the official canvass of the election returns.

SENATE BILL 595 **SENATE AUTHOR:** Brown
EFFECTIVE: See below **HOUSE SPONSOR:** Wright

Senate Bill 595, the enabling legislation for the constitutional amendment proposed by Senate Joint Resolution 17, takes effect if and when Texas voters approve the amendment. It calls for a written contract, executed by ordinance, by which the property owner consents to the sewer work and to the assessment of associated costs against the property. The city or town must obtain bids on the work and, having accepted a bid, must notify the property owner of the bid price, after which the owner has 45 days to withdraw consent and reject the contract. The contract price may not be increased by more than 10 percent without the owner's consent, a fact that must be specified in the notice to the owner. Also, the city or town may not charge the owner in excess of 10 percent simple interest.

Hotel Occupancy Taxes

HOUSE BILL 1836 **HOUSE AUTHOR:** English
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Jones

Home-rule cities, towns, and villages in Texas are authorized to levy hotel occupancy taxes, the maximum rate for which in most cities has been four percent of the price of hotel accommodations. Resulting income is directed to tourist and convention promotion, encouragement of the arts, and historical preservation and restoration. House Bill 1836 raises the maximum hotel occupancy tax to seven percent but provides that the extra revenue may be used only for purposes of tourist and convention promotion. Furthermore, with respect to the other uses financed under the original four-percent maximum, it: (1) restricts expenditures for historical preservation and restoration to projects and activities that would be frequented by tourists and conventioneers; and (2) restricts expenditures for encouragement of the arts to an amount equivalent to a one-percent tax.

HOUSE BILL 1409 **HOUSE AUTHOR:** Jackson
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Harris

House Bill 1409, also dealing with hotel occupancy taxes, is a bracket law that affects cities with a council-manager form of government and a population of at least 900,000. Applicable effectively to Dallas, it removes that city from coverage by hotel occupancy tax rate provisions applicable to home-rule cities in general. House Bill 1409 raises the maximum rate in Dallas from four to five percent, the extra revenue to be directed 65 percent toward a convention center complex and 35 percent toward other promotional activities related to tourism and conventions. Revenue from the original four-percent portion may be used for the same purposes as apply to home-rule cities in general, though without the new restrictions on arts projects imposed by House Bill 1836.

HOUSE BILL 2158 **HOUSE AUTHOR:** Turner
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Caperton

House Bill 2158 authorizes a city's attorney, when a hotel operator has not paid a city hotel occupancy tax or filed a required occupancy report, to seek a court injunction to enjoin further hotel operations until the operator has complied with requirements of the injunction. An injunction would cover all hotels in the city that were managed by the incompliant operator.

Municipal Elections and Officers

HOUSE BILL 1562 **HOUSE AUTHOR:** Gandy
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Harris

House Bill 1562 is a population bracket law which, in effect, affirms filing requirements for municipal elections contained in the Dallas city charter. It removes that city from coverage under a more general municipal election law by authorizing alternative filing procedures for certain home-rule cities of a population greater than 900,000 that hold nonpartisan elections for city office.

SENATE BILL 120 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Presnal

The Texas Election Code establishes residency requirements for candidates for city office. Under old law, a candidate had to have lived in an area which was inside city limits throughout the entirety of the specified residency period. Under amendments as enacted by Senate Bill 120, however, a candidate can qualify if he or she has lived throughout the specified residency period in an area which, though outside the city limits at the beginning of the period, is annexed to the city by the end of the period.

SENATE BILL 1180 **SENATE AUTHOR:** Sharp
EFFECTIVE: 6-17-83 **HOUSE SPONSOR:** Russell

This act allows general-law cities more freedom in determining the qualifications of appointees to city office. It repeals a statute restricting most appointees to elector residents of the city.

Validating Statutes

A validating or curative statute is a form of retrospective legislation designed to remedy defects and irregularities in past proceedings and to make valid proceedings that otherwise would be invalid for the purposes intended. Validations do not extend to proceedings occurring beyond the effective date of the statute.

HOUSE BILL 1187 **HOUSE AUTHOR:** DeLay, et al.
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Sharp

House Bill 1187 validates annexations by cities, towns, and villages of a population of 200 or more, occurring before January 1, 1983, plus governmental actions of the same political subdivisions occurring since those annexations. Excluded from the validation are: (1) annexations within the extraterritorial jurisdiction of another city, town, or village; (2) annexations extending into the Gulf of Mexico; and (3) governmental acts for which litigation results in or has already resulted in an adverse judgment.

HOUSE BILL 1189 **HOUSE AUTHOR:** Khoury
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Edwards

House Bill 1189 validates all debt obligations issued by a city for the acquisition of a waterworks system, notwithstanding the city's failure to comply with certain posting and presentation requirements and notwithstanding the business status or relationship among persons acting on the acquisition and issuance of the obligations. Excluded from the coverage of the statute are proceedings for which litigation results in or has already resulted in a final judgment of invalidity by a court of competent jurisdiction.

HOUSE BILL 1838 **HOUSE AUTHOR:** Davis
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brown

House Bill 1838 validates incorporations and other governmental proceedings of all general-law cities of a population of 5,000 or less. Not validated are proceedings for which litigation results in or has already resulted in an adverse judgment.

HOUSE BILL 2434 **HOUSE AUTHOR:** A. Moreno, et al.
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Uribe

House Bill 2434 validates certain secured or unsecured interest-bearing notes, and certain related refunding bonds, issued by cities with a population of 3,500 or less. The validation applies to notes and bonds issued with respect to public works projects and land purchases except for matters for which litigation results in or has already resulted in an adverse judgment.

SENATE BILL 1351 **SENATE AUTHOR:** Sharp
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** W. O. Harrison

Senate Bill 1351 applies to any city or town that has adopted or attempted to adopt a home-rule charter and has since functioned as a home-rule city. It validates all related and subsequent governmental proceedings, except for: (1) annexations into the Gulf of Mexico; and (2) proceedings for which litigation results in or has already resulted in a final court judgment of invalidity.

Miscellaneous

HOUSE BILL 310 **HOUSE AUTHOR:** Valles
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Leedom

House Bill 310 removes a population bracket provision which, under old law, was applicable to El Paso through the end of 1983. The provision pertained to the city's authorization to forego competitive bidding in the case of certain municipal airport facilities destined for private lease. Previous expenditures for the facilities are not affected.

HOUSE BILL 430 **HOUSE AUTHOR:** Cain
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Mauzy

This act expands the zoning powers of cities, enabling them to zone based on architectural considerations, as well as on historical and cultural considerations under existing law. The act does not apply to property managed by a federal or state agency.

HOUSE BILL 1861 **HOUSE AUTHOR:** Clark
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Caperton

This act modifies restrictions on participation in municipal power agencies, with respect to certain cities, towns, and villages receiving most of their power from an interstate electric system. It lifts a requirement tying such participation solely to hydroelectric power generated at a federal reservoir, thus opening agencies to other types of energy sources. On the other hand, the act requires that municipalities comprising a municipal power agency may construct or acquire new electric generating plants only in conjunction with partners from the private sector.

HOUSE BILL 1987 **HOUSE AUTHOR:** Pierce
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Traeger

The state's Bond Registration Act requires that public securities be registered with the comptroller of public accounts or with a designated commercial bank. House Bill 1987 adds an amendment providing that, alternatively, home-rule cities having a population over 100,000 may serve as registrar for public securities that they themselves issue.

HOUSE BILL 2067 **HOUSE AUTHOR:** Cain
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Glasgow

House Bill 2067 clarifies that city ordinance powers conferred by the state's Municipal Airports Act with respect to management and regulation of airports generally, does not extend to zoning, height, or natural growth restrictions beyond those allowed under the state's Airport Zoning Act.

HOUSE BILL 2228 **HOUSE AUTHOR:** Davis
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sharp

State law authorizes any Texas city, regardless of how it was incorporated, to codify its civil and criminal ordinances. This act confers the same power on a town or village.

SENATE BILL 171 **SENATE AUTHOR:** Doggett
EFFECTIVE: 4-13-83 **HOUSE SPONSOR:** G. Hill

This act repeals a 1917 law that limited, except in cases of riot or other emergencies, the working hours of patrolmen in cities of 50,000 or more to an eight-hour day. The repeal affects 33 Texas cities ranging in size from Victoria to Houston.

SENATE BILL 358 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 5-3-83 **HOUSE SPONSOR:** Buchanan

Current state law allows a city to issue certificates of indebtedness, in the case of a final court judgment or decree against the city, to pay cash awards to a successful plaintiff. This power is conditional, a city being allowed to incur such indebtedness only if it does not have available funds with which to make the payment. Senate Bill 358 extends the same conditional authority, in the case of general-law cities having municipally owned and operated natural gas systems, to situations short of a final judgment or decree, in which a city has merely reached a settlement of a lawsuit with a plaintiff. Issuance must be preceded by newspaper notice, and it must be ratified in a city election whenever an election is requested by a petition of five percent of the city's qualified voters.

SENATE BILL 612 **SENATE AUTHOR:** McFarland, et al.
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Wright

Senate Bill 612 authorizes a home-rule city, in lieu of or in addition to establishing a higher education authority, to allow a nonprofit corporation to act in the city's behalf in constructing or acquiring higher education educational and housing facilities, and it changes certain provisions concerning investments that nonprofit corporations acting for higher education authorities may make. The act changes procedures and requirements relating to the issuance of revenue bonds by higher education authorities and allows authorities to repair, renovate, and refinance educational and housing facilities. The authorities are allowed to make, as well as to purchase, student loans; to purchase or make parent loans; and to borrow money for these transactions. The measure also makes other changes in requirements relating to bonds for the purchase of loan notes, alters procedures for the selection of members of authorities' boards of directors, and specifies that private persons may not share in the earnings of higher education authorities.

SENATE BILL 856 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Cain

The maximum fine which may be imposed by a city council is raised to $1,000 for violations of any rules, ordinances, or police regulations promulgated by the council to govern fire safety, zoning, public health, and sanitation other than vegetation or litter violations. For all other violations, the maximum fine remains at $200. The criminal jurisdiction of municipal courts is correspondingly extended to exclusive original jurisdiction over matters in which punishment is by fine only and the fine does not exceed $1,000 for any violation listed above, or $200 for any other violation.

SENATE BILL 1034 **SENATE AUTHOR:** Sharp
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Robinson

This act raises from $7.50 to $25 the maximum fee collected by a city, town, or village for special expenses involved in serving warrant on a person who fails to appear in court after release on personal bond. The act also clarifies the application of the fee.

SENATE BILL 1388 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Presnal

This act affects home-rule cities whose charters enable their operation of separate municipal and rural electric utilities to furnish power within and outside city limits, respectively. Where in the best interests of the two systems, a city by ordinance may merge them into an enlarged municipal electric utility, all laws pertaining to such utilities to apply thereafter.

HOUSE BILL 2153 **HOUSE AUTHOR:** Luna
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Henderson

State law authorized cities of a population of 161,000 or more to issue warrants for payment of current expenses. Aggregate warrants issued during a fiscal year may not exceed 80 percent of the leftover revenue anticipated for the fiscal year after deductions are made for debt service. House Bill 2153 amends this law, authorizing cities of the requisite population to issue notes, as well as warrants, to pay current expenses, and authorizing them further to issue notes and warrants to refund past issuances. It also changes the nature of the 80 percent limitation, basing it not on the aggregate amount issued over a fiscal year, but on the aggregate amount outstanding at any time during the fiscal year. The law applies to cities ranging in size from Lubbock to Houston.

Several measures relating to municipal solid waste management are included in the chapter on environmental legislation. Among these is House Bill 1719, which encourages cities, counties, and regional governments to pursue solid waste management methods to obtain energy, or to recycle useful materials, from solid wastes. Senate Bill 649, passed with a similar intent, deals with city bonds issued in support of solid waste management projects to recover energy or materials. House Bill 1845 removes certain home-rule charter restrictions on contracts for federal solid waste management funds.

GOVERNMENT—COUNTY

This chapter describes legislation concerning county government, including those laws applicable generally to all counties in the state and those laws applicable selectively to only certain counties. Legislation relating 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.

HOUSE BILL 147 **HOUSE AUTHOR:** Green, et al.
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Whitmire

House Bill 147 amends the Bingo Enabling Act regarding a justice precinct gaining or losing territory. This change allows the added or detached territory in a county of more than two million population to assume the status of the justice precinct of which it becomes a part. According to the 1980 census, the change applies to Harris County only.

HOUSE BILL 493 **HOUSE AUTHOR:** Price
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Santiesteban

This act amends the law allowing county commissioners to approve the sale of alcoholic beverages in professional sports stadiums or regional airports of certain counties if the county has legalized the sale of alcoholic beverages in all or part of the county. House Bill 493 lowers the population limitation from 500,000 to 240,000 or more and thereby increases the number of eligible counties from four to nine. Those counties are Harris, Dallas, Bexar, Tarrant, El Paso, Travis, Hidalgo, Nueces, and Jefferson.

HOUSE BILL 570 **HOUSE AUTHOR:** E. Barton
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brooks

House Bill 570 requires county treasurers to successfully complete a course of instruction in the performance of the duties of county treasurer within two years of the day the persons take office or not later than two years after the effective date of this act. County treasurers are also required to successfully complete a continuing education course at least one time in any 24-month period. Failure to complete continuing education courses is a cause to remove a county treasurer from office.

HOUSE BILL 624 **HOUSE AUTHOR:** Laney, et al.
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Sarpalius

House Bill 624 increases the population level from 6,500 to 8,200 in state law relating to the authority of counties to use public funds for maintenance and upkeep of public and private cemeteries in their counties and to sell the right of burial within the county cemetery.

HOUSE BILL 713 **HOUSE AUTHOR:** DeLay
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brown

This act allows a county to pay all or a part of the expenses that an adjoining county necessarily incurs in the extension of a farm-to-market road if the county finds that it would receive a significant benefit from the extension.

HOUSE BILL 755 **HOUSE AUTHOR:** Hury
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Lyon

This act removes the population limit and authorizes the commissioners courts of all 254 counties to contract with their depository or other entity for the destruction of certificates, bonds, interest coupons, or other evidences of indebtedness issued and paid by the counties.

HOUSE BILL 773 **HOUSE AUTHOR:** Eckels
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Henderson

House Bill 773 amends the Harris County Road Law to empower the commissioners court of Harris County to prohibit the discharge of waste and sewage into drainage ditches in the county and to adopt rules to enforce or administer this prohibition. The act also authorizes the commissioners court to adopt rules and regulations relating to the construction and maintenance of county roads and rights-of-way.

HOUSE BILL 804 **HOUSE AUTHOR:** D. Hudson
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Whitmire

This act amends law relating to county and precinct officials and employees who are paid wholly from county funds. It restructures the grievance procedures and the composition of the salary grievance committee.

HOUSE BILL 1157 **HOUSE AUTHOR:** Messer, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sharp

House Bill 1157 grants persons owning land that has been subdivided and under the control of a county the authority to apply to the commissioners court of the county for a permit for revision of a subdivision plat or cancellation of a subdivision.

HOUSE BILL 1322 **HOUSE AUTHOR:** D. Lee
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Uribe

House Bill 1322 adds the county auditor of Cameron County to the statute regarding compensation of county auditors.

HOUSE BILL 1421 **HOUSE AUTHOR:** A. Jones
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sims

House Bill 1421 allows the county tax collector to deposit money received from motor vehicle registrations and certificates of title in an interest-bearing account or certificate in a financial institution.

HOUSE BILL 1460 **HOUSE AUTHOR:** Edwards
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brown

This act authorizes the commissioners court of a county with a population of two million or more to set court costs for persons convicted of a Class C misdemeanor in the justice of the peace courts. According to the 1980 census, this act applies only to Harris County.

HOUSE BILL 1475 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sims

House Bill 1475 gives the commissioners court of a county the authority to issue and sell revenue bonds in the name of the county to finance a public library building. This act will provide the county with an alternative source of funding other than general obligation bonds or certificates of obligation.

HOUSE BILL 1481 **HOUSE AUTHOR:** Delco
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Doggett

House Bill 1481 amends state law to allow a county commissioners court to adopt a special budget for the limited purpose of expending nonprojected grant or aid money available for disbursement but not included in the current budget.

HOUSE BILL 1501 **HOUSE AUTHOR:** Peveto
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Parker

This bill removes the maximum ceiling on the amount of salary and other necessary expenses the commissioners court may authorize for a veterans county service officer and assistant service officer.

HOUSE BILL 1517 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sims

This act broadens Texas' statutory provisions relating to the duty of a county to provide physical facilities, equipment, and utilities for adult probation services. The act states that district judges may authorize the expenditure of district funds in addition to county funds if certain conditions exist. Under this act, the Texas Adult Probation Commission is to set the level of contribution counties must meet or exceed to receive district funds. That level of contribution must be equal to or higher than the average level of funding provided by the county during the county fiscal years 1979 through and including 1983. The act further states that if the probation department needs to expand and it is determined that effective management of the department requires the department to be moved to rented or leased space outside county-owned buildings, the county shall provide the funds necessary to pay for the same number of square feet provided to the department in county-owned buildings. This act also allows district judges to authorize the expenditure of funds provided by the Texas Adult Probation Commission for the purpose of funding facilities, equipment, and utilities for community-based correctional programs.

HOUSE BILL 1991 **HOUSE AUTHOR:** Pierce
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Vale

This act authorizes the county payroll officer to withhold the compensation of certain county officers who wish not to be paid for their services. The elected county officer must file an affidavit with the county clerk stating that the officer does not want to be paid for his services.

HOUSE BILL 2414 **HOUSE AUTHOR:** Uher
EFFECTIVE: 6-17-83 **SENATE SPONSOR:** Sharp

This act empowers the commissioners court of Matagorda County and the governing body of the city of Palacios to establish a seawall commission. The jurisdiction, composition, taxing authority, and powers of the seawall commission are established in the act.

HOUSE BILL 2443 **HOUSE AUTHOR:** W. Martinez
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Vale

This act authorizes the Bexar County Commissioners Court to create a child support services department to establish and enforce court orders providing for support or visitation rights to a child. The commissioners court may assess fees, with limits provided in the act, in cases affecting the parent-child relationship to provide supplemental funding for the child support services department.

HOUSE BILL 2452 **HOUSE AUTHOR:** T. Smith, et al.
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Doggett

House Bill 2452 amends The Certificate of Obligation Act of 1971 so that the provisions relating to constructing and equipping a jail apply to any county within the state regardless of population. This act allows Travis County to apply certificates of obligation to complete the construction of its jail.

HOUSE JOINT RESOLUTION 91 **HOUSE AUTHOR:** D. Harrison
FOR ELECTION: 11-8-83 **SENATE SPONSOR:** Sims

This proposed amendment of Article V, Section 18, of the Texas Constitution authorizes each county commissioners court to determine, within a range based on county population, the number of precincts for justices of the peace and constables of the county. Under the amendment, a county with a population of 30,000 or more may have not less than four or more than eight precincts and a county with a population of 18,000 or more but less than 30,000 may have not less than two or more than five precincts. A county with a population of less than 18,000 would be designated as a single precinct, unless the commissioners court finds a greater need and divides the county into not more than four precincts. Each precinct is required to have one justice of the peace and one constable, and the amendment would call for two justices of the peace in each precinct in which there is a city of 18,000 or more population. A county would have until January 1, 1987, to comply with the new requirements. The amendment also provides for a transition in office for justices of the peace, constables, and commissioners each time their respective precinct boundaries are changed.

SENATE BILL 10 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 4-19-83 **HOUSE SPONSOR:** A. Hill

This act authorizes the commissioners court of a county to establish and administer an alternative system for the resolution of certain citizen disputes not requiring formal court action. Court costs may be set by the commissioners court in an amount not to exceed $5 on each civil case, except suits for delinquent taxes, to cover administrative costs of the system.

SENATE BILL 11 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 1-1-84 **HOUSE SPONSOR:** Cain

Senate Bill 11 amends law relating to the quorum and the number of votes required for a county commissioners court to levy a tax, and the meetings at which a tax may be levied. The act deletes language that allowed for the levying of a county tax by four members of the court when a member is certified as being incapacitated and provides that a county tax may be levied at any regularly scheduled meeting of the court when at least four members are present and at least three vote in favor of the levy.

SENATE BILL 127 **SENATE AUTHOR:** Williams
EFFECTIVE: 5-3-83 **HOUSE SPONSOR:** Heflin

This act defines a crime stoppers organization and allows the commissioners court of a county to donate not more than $25,000 in a calendar year to a local crime stoppers organization for expenditure by the organization for its rewards.

SENATE BILL 257 **SENATE AUTHOR:** Farabee
EFFECTIVE: 5-10-83 **HOUSE SPONSOR:** Gavin

This act allows the commissioners court of Wichita County to create the office of public defender for that county. It provides for the funding and operation of the office, the powers and duties of the public defender, and the qualifications, compensation, appointment, and removal of personnel.

SENATE BILL 259 **SENATE AUTHOR:** Sharp
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Robinson

Senate Bill 259 amends a state law regarding the power of the commissioners court to fill vacancies in county offices. Prior law did not provide for the manner of filling a vacancy in the joint district-county clerk position. This amendment adds the office of joint district-county clerk to the list of offices covered in the provision for filling vacancies.

SENATE BILL 320 **SENATE AUTHOR:** Henderson
EFFECTIVE: 5-10-83 **HOUSE SPONSOR:** Colbert

Under current statutory provisions, counties of a specified population or in which there is no incorporated city or town are authorized to levy a tax on the cost of sleeping rooms furnished by hotels. This act, which expresses that the owner or operator of a hotel shall report and remit these taxes as provided by law, also provides penalties and interest for the delinquent payment of county hotel occupancy taxes. The act further provides that if the owner fails to pay the tax when due or file a report when required, the owner must pay a penalty of five percent of the amount of the tax due. After 30 days, he must pay an additional penalty of five percent of the tax due. After 60 days, delinquent taxes and accrued penalties draw interest at the rate of 10 percent annually.

SENATE BILL 379 **SENATE AUTHOR:** Henderson
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Toomey

Senate Bill 379 amends law relating to the construction and financing of certain facilities as part of parking stations in counties of more than 900,000 population. The act permits the construction of a jury assembly room, office space, nursery, bathrooms, snack bar, and other related facilities.

SENATE BILL 395 **SENATE AUTHOR:** Leedom
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Hammond

Senate Bill 395 exempts certain county purchases of $5,000 or less from competitive bidding requirements. The exemption covers those items that are available from only one supplier.

SENATE BILL 547 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Patronella

The act empowers county assessors-collectors or their employees to administer oaths and take acknowledgements relating to any document required or authorized to be filed with the office of the county assessor-collector, including documentation relating to automobile registration, applications for transfer of title, certificates of title, and bills of sale.

SENATE BILL 661 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Green

To protect a security interest, or lien in personal property, current law requires that a financing statement be filed with a designated filing officer of a county. This information is a matter of public record, and copies of such statements may be obtained from the filing officer by any interested person. Financing statements on fixtures attached to real property are filed in the real estate records of a county and not in the financing statement records. Senate Bill 661 amends the Business & Commerce Code to provide that a filing officer of a county is required only to provide information about financing statements and statements of assignment on file

in financing statement records of the county and is not required to provide information from the real estate records of the county. The act also provides for an increase in fees for statements in excess of a certain amount.

SENATE BILL 710 **SENATE AUTHOR:** Lyon
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Keller

Senate Bill 710 relates to civil service system policies in the sheriff's departments of counties having a certain population. (See the subsequent description of Senate Bill 786 for information about the counties that are covered.) It changes transfer policies for persons in exempt positions when a new sheriff takes office.

SENATE BILL 786 **SENATE AUTHOR:** Vale
EFFECTIVE: 5-24-83 **HOUSE SPONSOR:** Hernandez

This act gives Bexar County the authority to create a sheriff's department civil service system. Prior law gave this authority to Dallas and Harris counties only.

SENATE BILL 826 **SENATE AUTHOR:** Williams
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Emmett

This act authorizes the commissioners court of a county to set and collect fees for the use of county recreational facilities, services, and supplies. The fees may be waived or altered based on factors established by the commissioners court. Explicitly excluded in the act are fees for admission to a park, use of restrooms or a team sports facility, and the sale of water for human consumption. Total annual revenue raised from such fees is limited to the annual expense of providing all county recreational facilities and services. All fees collected under this act are to be deposited in the general fund of the county.

SENATE BILL 969 **SENATE AUTHOR:** Henderson
EFFECTIVE: 6-17-83 **HOUSE SPONSOR:** E. F. Lee

This act gives the commissioners court of a county with over two million inhabitants the authority to determine if county roads and highways need improvement, to contract for the construction of the improvements, and to assess the cost of the improvements to property owners whose property increases in actual market value as a result of the road improvement. Based on the 1980 census, the act applies only to Harris County.

SENATE BILL 1033 **SENATE AUTHOR:** Sharp
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** W. O. Harrison

Senate Bill 1033 authorizes a county commissioners court to determine if a nondomestic animal is dangerous and in need of control and expands a county commissioners court's authority to prohibit or regulate the keeping of wild animals to include those kept at a residence or within 1,000 feet of a residence.

SENATE BILL 1225 **SENATE AUTHOR:** Jones
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Simpson

Senate Bill 1225 amends law relating to liability insurance for county officers and employees. Under the new act, the county may insure an officer or employee against liability to anyone. Under the previous law, the insurance could cover only liability to third persons.

SENATE BILL 1260 **SENATE AUTHOR:** Truan
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Berlanga

Senate Bill 1260 relates to the composition, selection, and terms of office of members of the port commission for the Port of Corpus Christi Authority of Nueces County. The act increases the number of commissioners from five to seven and changes the two-year concurrent terms to three-year staggered terms.

SENATE BILL 1359 **SENATE AUTHOR:** Williams
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Toomey

Senate Bill 1359 gives a commissioners court of a county having a population in excess of two million the authority to create a domestic relations office to provide services to establish and enforce court-ordered child support and rights of visitation and other family-related services. Based on the 1980 census, the law applies only to Harris County.

SENATE BILL 1397 **SENATE AUTHOR:** Truan
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** W. O. Harrison

The act gives the Nueces County Commissioners Court the authority to collect a child support service fee not to exceed $3 per month and to assess a fee as costs in certain contempt actions dealing with default in the payment of child support. Failure to pay a fee subjects a person to an action for contempt by the court or as otherwise provided by law.

SENATE JOINT RESOLUTION 20 **SENATE AUTHOR:** Vale
FOR ELECTION: 11-6-84 **HOUSE SPONSOR:** Tejeda

Senate Joint Resolution 20 proposes a constitutional amendment to abolish the office of county treasurer in Bexar and Collin counties. All powers, duties, and functions of the office in each of these counties would be transferred to the county clerk. The proposed amendment would take effect January 1, 1985, if approved by voters at the general election to be held on November 6, 1984.

GOVERNMENT—GENERAL

This chapter summarizes legislation that affects more than one level of government.

HOUSE BILL 490 **HOUSE AUTHOR:** T. Smith
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Doggett

House Bill 490 amends state law relating to subdivision controls in counties and extends it to apply to all counties, except for counties of more than 2.2 million population whose residents may elect to operate under another section of the act. The major change is the addition of an enforcement section which allows the county attorney, at the request of the commissioners court, to issue injunctions for violations and sue for damages on behalf of the county. In addition, there is now a criminal penalty for noncompliance except under the section for counties of more than 2.2 million population.

A new section is added pertaining to a city's extraterritorial jurisdiction whereby a subdivision must comply with city and county regulations and if a conflict arises between the two sets of regulations, the more stringent provisions shall govern. In counties of more than 2.2 million, a subdivision in the city's extraterritorial jurisdiction must comply with the city's regulations.

HOUSE BILL 1263 **HOUSE AUTHOR:** Hightower, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Santiesteban

House Bill 1263 gives the tribal council of the Alabama-Coushatta Indian Tribe or of the Tigua Indian Tribe authority to contract with local governments, the state, or state agencies. It also gives a tribal council and businesses owned by a tribal council authority to act as a nonprofit corporation. Finally, the act provides that the tribal council or a business owned by the tribal council is exempt from sales, excise, or use taxes on all taxable items sold, leased, or rented to, or stored, used, or consumed by it. Also, items sold, leased, or rented by them are exempt from these taxes if the item is made by a member of the Indian tribe, is a cultural artifact of the Indian tribe, and is sold at a location within the boundaries of the reservation.

HOUSE BILL 1769 **HOUSE AUTHOR:** Eckels, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brown

House Bill 1769 contains provisions affecting three different areas of law. Sections 6 through 8 are discussed below. The other provisions of this act are described in the chapters on special districts and on environment.

Sections 6 through 8 of House Bill 1769 amend the Bond Procedures Act of 1981 by providing that the interest rates on bonds issued by or on behalf of public agencies may be periodically determined by a formula or contractual arrangement to be set forth in the instrument providing for the issuance of the bonds. It also states that an issuer of bonds may provide for the transfer or exchange of previously issued bonds by the trustee or paying agent of the bonds. Lastly, this act establishes that pledges or liens securing bond issues are valid without further action on the part of the issuer and are effective from the time of payment for and delivery of the bonds.

HOUSE BILL 2009 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** McFarland

Under previous law, a joint airport board could enter into contracts, leases, or other arrangements for the improvement of the facility or for the privilege of supplying goods or services at the facility without the consent of its constituent public agencies. House Bill 2009 provides that if such contract, lease, or other arrangement shall be for a term, including any renewal terms, in excess of 40 years, the arrangement is subject to the approval of each constituent public agency unless the necessity for approval is waived by the agency.

HOUSE BILL 2066 **HOUSE AUTHOR:** Cain
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Glasgow

House Bill 2066 clarifies existing law concerning airport zoning regulations. It authorizes the creation of a joint airport zoning board in areas where an airport hazard area or controlled compatible land use area is located outside the territorial limits of a certain political subdivision. It permits state agencies owning and operating an airport within an area governed by a joint zoning board to have two representatives on the board. The act raises the minimum population requirement applicable to airport hazard zoning. It also expands the

scope of this act to include airports with runways of at least 3,200 feet. Previous law applied to those airports having runways at least 4,000 feet in length. In addition, House Bill 2066 requires at least 15 days' notice of a public hearing for zoning airport hazard areas or compatible land use areas.

HOUSE JOINT RESOLUTION 73 **HOUSE AUTHOR:** A. Smith
FOR ELECTION: 11-6-84 **SENATE SPONSOR:** McFarland

Current law prohibits political subdivisions from purchasing insurance from a mutual insurance company because policyholders are also owners of the company and have, sometimes in the past, been assessed additional premiums. House Joint Resolution 73 proposes a constitutional amendment to permit the use of public funds or credit for paying premiums on nonassessable life, health, or accident insurance policies and annuity contracts issued by a mutual insurance company authorized to do business in Texas.

SENATE BILL 109 **SENATE AUTHOR:** Vale
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Keller

Senate Bill 109 is the Local Public Health Reorganization Act. It repeals 16 old laws relating to city and county health officers and local health programs and compiles and revises those provisions in one comprehensive act. The act includes sections relating to the authority of cities and counties to enforce public health laws, to appoint health authorities, and to cooperate in providing public health care; the duties and qualifications of health authorities; and the establishment and responsibilities of public health districts, local health departments, and public health regions. Coordinated public health organizations created under previous laws may continue to operate but must meet the provisions of this act within one year.

SENATE BILL 277 **SENATE AUTHOR:** Leedom
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Hammond

Senate Bill 277 specifies that alarm system records and information held by a governmental body are confidential and may be disclosed only to the Texas Board of Private Investigators and Private Security Agencies or as required by law.

SENATE BILL 374 **SENATE AUTHOR:** Jones
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Carriker

Senate Bill 374 allows certain counties and cities to jointly establish an auditorium. It also specifies guidelines for financing, equipping, operating, and maintaining such a facility. The act applies to a county having a population of 20,000 or less and an incorporated city or town in the county that has a population of 10,000 or more.

SENATE BILL 682 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** J. Gibson

The regional historic resources depository and records division of the Texas State Library and Archives Commission was created in 1971 for the purpose of preserving valuable local records in regional depositories. These depositories are fast becoming overcrowded, and Senate Bill 682 authorizes a microfilming service to provide for the preservation of records that are too bulky to be preserved in their original paper form. The commission is authorized to accept privately donated funds to defray the costs of this program. Microfilm produced under this program is admissible in courts and administrative proceedings. Previous law relating to the maintenance and disposition of certain county records is repealed.

SENATE BILL 800 **SENATE AUTHOR:** Traeger
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Kuempel

This act authorizes a city, town, or village to purchase from a conservation and reclamation district supplies of hydroelectric power or energy. Purchases are to be based on contract terms negotiated between the two entities. The act validates agreements or contracts of this nature executed prior to its effective date.

SENATE BILL 906 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Rangel

Senate Bill 906 provides for cities and counties to furnish emergency medical services to one another under certain circumstances.

SENATE BILL 1044 **SENATE AUTHOR:** Lyon
EFFECTIVE: 1-1-84 **HOUSE SPONSOR:** Tejeda

Senate Bill 1044 clarifies the law relating to conflict of interest for local officials. It provides procedures for reporting a possible conflict and establishes penalties for violation of this act. Previous law relating to limitations for city councilmen is repealed.

SENATE BILL 1167 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Millsap

Senate Bill 1167 authorizes certain cities, river authorities, navigation districts, joint power agencies, and certain transit authorities to issue short-term obligations. It prescribes the use of the funds generated by the obligations and outlines the terms and conditions under which such obligations may be issued and delivered.

GOVERNMENT—SPECIAL DISTRICTS

The acts summarized in this chapter relate to water districts and authorities, hospital districts, and several other categories of special districts. Excluded are school districts, which are covered in the chapter on education. Some enactments apply generally to a certain type of district, while others create, dissolve, or otherwise affect individual districts. Unless stated otherwise, creation of newly authorized districts is contingent on a favorable confirmation election.

Water Districts

This section includes water supply districts, water control and improvement districts, municipal utility districts, river authorities, flood control districts, drainage districts, sewage districts, underground water conservation districts, navigation districts, port authorities, and other conservation and reclamation districts. The following laws are of general application to particular types of water districts.

SENATE BILL 1283 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Stiles

Article III, Section 52, of the Texas Constitution authorizes creation of water districts for various purposes including navigation. It specifies that a district's total debt cannot exceed one-fourth of its assessed property valuation and that sales of tax bond issues require a two-thirds vote of the district electorate. Article XVI, Section 59, of the Texas Constitution authorizes creation of similar districts with much broader financial authority. For these districts, tax bond approval necessitates only a simple majority of district voters.

Senate Bill 1283 amends the law relating to the conversion of a navigation district from the first type to the second. Under current law, the conversion can be implemented by the board of directors of the navigation district subsequent to a hearing on the matter. Under the new law, a board subsequent to its hearing may have the proposed conversion confirmed by a district election. Voters must confirm both the conversion and the continuation of the district's annual maintenance tax. The election confirmation requires a simple majority.

HOUSE BILL 1858 **HOUSE AUTHOR:** D. Harrison
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Traeger

House Bill 1858 changes to four years the terms of office for directors of most general-law water districts. Exceptions include: (1) directors of certain navigation districts created under Article XVI, Section 59, of the Texas Constitution, who continue to serve six-year terms; and (2) appointed directors, where applicable, of drainage districts, who continue to serve two-year terms. House Bill 1858 further provides that most water district elections be held in even-numbered years. Exceptions include: (1) Article XVI, Section 59, navigation districts; (2) drainage districts having elected directors; and (3) levee improvement districts. House Bill 1858 does not affect districts created by special law.

HOUSE BILL 1769 **HOUSE AUTHOR:** Eckels, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brown

House Bill 1769, other portions of which are discussed in the chapters on environment and on general government, adds a new chapter to the Water Code providing for the conversion of certain member-owned, consumer-owned water supply corporations into a new type of water district known as a special utility district. Conversion to a special utility district will provide access as a governmental body to state water funds, allow issuance of tax-exempt bonds, and provide additional fee-based services, so as to improve financing capabilities. Most water supply corporations, in contrast, depend heavily on the federal Farmers Home Administration for loans that are becoming increasingly unavailable.

The new chapter provides for conversion to a special utility district that may own and operate sources of water supply, build and operate water transportation facilities, sell water to public entities and private customers, perform water purification functions, and establish and maintain fire-fighting units. Conversion is initiated by a petition of a cooperative's governing body and requires approval by the Texas Water Commission as well as confirmation by voters included within the boundaries of the proposed district. Simultaneous to confirmation, voters elect a board of directors having terms of up to three years.

A special utility district may issue revenue bonds to support its functions. Also, the district may derive revenues from fees, charges, and rentals for the provision of district facilities and services.

HOUSE BILL 1341 **HOUSE AUTHOR:** Emmett
EFFECTIVE: 5-17-83 **SENATE SPONSOR:** Henderson

This act raises to $50 the per diem compensation for directors of levee improvement districts and for directors or supervisors of general law water improvement districts, water control and improvement districts, fresh water supply districts, municipal utility districts, and drainage districts. Except for drainage district directors, who formerly received $7.50, previous per diem compensation levels for these officials were set at $25. The act increases from $100 to $200 the monthly maximum compensation for directors of general-law water control and improvement districts and directors of municipal utility districts.

HOUSE BILL 1840 **HOUSE AUTHOR:** Hinojosa
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Uribe

The act authorizes two contiguous irrigation districts having a joint main canal and diversion system to combine their respective offices on suitable jointly owned land.

SENATE BILL 339 **SENATE AUTHOR:** Uribe
EFFECTIVE: 5-10-83 **HOUSE SPONSOR:** Berlanga

Under prior law, port development activities of navigation districts have been slowed by financial restrictions related to the sale of district land and facilities. Facilities financed with revenue bonds cannot be sold until the bonds are retired, and sales are effectively limited to surplus properties disposed of under bidding procedures. Senate Bill 339 amends this scheme, allowing a navigation district to issue revenue bonds to finance port facilities and to sell the facilities to private parties, the bonds to be retired from the proceeds of the sale. The new financing mechanism, as opposed to privately financed development, provides the advantages of tax-exempt bonds, resulting in lower interest rates. Under this new authority, a district may enter into installment sales or may lease port facilities. To protect district taxpayers, the act incorporates a prohibition on the use of taxes or general revenue to secure or retire debt incurred under the new financing mechanism.

SENATE BILL 346 **SENATE AUTHOR:** Traeger
EFFECTIVE: 5-17-83 **HOUSE SPONSOR:** Saunders

This act clarifies the status of law enforcement personnel employed by water control and improvement districts by including them among those peace officers enumerated in the Code of Criminal Procedure. A district may commission individuals as peace officers subject to their certification by the Commission on Law Enforcement Officer Standards and Education.

SENATE BILL 588 **SENATE AUTHOR:** Jones
EFFECTIVE: 5-10-83 **HOUSE SPONSOR:** Laney

Senate Bill 588 grants to water control and improvement districts broad authority to enter into contracts with other public entities and private parties for the joint construction, ownership, and operation of properties or facilities. Under prior law, these joint activities were confined to contracts with other similar districts.

SENATE BILL 732 **SENATE AUTHOR:** Henderson
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Emmett

Senate Bill 732 provides that director elections for municipal utility districts, exclusive of initial director elections held in conjunction with a district's confirmation election, be scheduled on the first Saturday in April. Prior law provided for use of any of the four uniform election dates depending on when the district was confirmed.

SENATE BILL 733 **SENATE AUTHOR:** Henderson
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Emmett

Generally, a municipal utility district retains 10 percent from the progress payments it makes on construction contracts until completion of the contract work or, in the discretion of the board, until: (1) the contract work is half completed; and (2) the board finds satisfactory progress, after which remaining payments are made in full. Senate Bill 733 continues a district's exemption from paying interest on retained amounts, except for those retained subsequent to the project's halfway point. The interest rate, in the latter case, is based on certain rates paid on interest-bearing accounts by the district's depository bank.

SENATE BILL 870 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Laney

Senate Bill 870 revises the borrowing authority of general-law water control and improvement districts, authorizing them to issue revenue notes and bond anticipation notes in the same manner as general-law municipal utility districts. Notes may mature in terms of up to 20 years and may bear interest at a rate of not more than that allowed by state law. Borrowing prior to the August 29, 1983, effective date is governed by earlier law.

The following special laws create or abolish individual districts:

HOUSE BILL 2427 **HOUSE AUTHOR:** Tow
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Caperton

House Bill 2427 authorizes creation of the Montgomery County Flood Control District, coextensive with the boundaries of Montgomery County, and authorizes the district to levy a local sales and use tax on approval by the voters of the district.

SENATE BILL 486 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 4-26-83 **HOUSE SPONSOR:** Buchanan

This act authorizes creation of the Wheeler County Water Supply District, coextensive with the boundaries of Wheeler County.

SENATE BILL 1029 **SENATE AUTHOR:** Williams
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Emmett

Senate Bill 1029 authorizes creation of the San Jacinto Place Municipal Utility District No. 1, located in Harris County.

SENATE BILL 1030 **SENATE AUTHOR:** Williams
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Emmett

Senate Bill 1030 authorizes creation of the San Jacinto Place Municipal Utility District No. 2, located in Harris County.

SENATE BILL 1031 **SENATE AUTHOR:** Williams
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Emmett

Senate Bill 1031 authorizes creation of the San Jacinto Place Municipal Utility District No. 3, located in Harris County.

SENATE BILL 1032 **SENATE AUTHOR:** Williams
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Emmett

Senate Bill 1032 authorizes creation of the San Jacinto Place Municipal Utility District No. 4, located in Harris County.

SENATE BILL 1269 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Simpson

Senate Bill 1269 authorizes creation of the Buffalo Lake Water District, to be composed of the area in Potter, Randall, and Deaf Smith counties.

SENATE BILL 1350 **SENATE AUTHOR:** Caperton
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Saunders

Senate Bill 1350 authorizes creation of the New Ulm Municipal Utility District, located in Austin County.

SENATE BILL 1363 **SENATE AUTHOR:** Henderson
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Connelly

Senate Bill 1363 creates the Harris County Municipal Utility District No. 233, to be located in a defined part of Harris County. A confirmation election is not required for creation of this district.

SENATE BILL 1381 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Stiles

Senate Bill 1381 authorizes creation of the Broussard Sewage District, located in a defined portion of western Jefferson County.

SENATE BILL 1382 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Stiles

Senate Bill 1382 authorizes creation of the Fannett Sewage District, located in a defined portion of western Jefferson County.

SENATE BILL 1383 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Stiles

Senate Bill 1383 authorizes creation of the Hillebrandt Sewage District, located in a defined portion of western Jefferson County.

SENATE BILL 1384 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Stiles

Senate Bill 1384 authorizes creation of the North Cheek Sewage District, located in a defined portion of western Jefferson County.

SENATE BILL 1385 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Stiles

Senate Bill 1385 authorizes creation of the South Cheek Sewage District, located in a defined portion of western Jefferson County.

SENATE BILL 1386 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Stiles

Senate Bill 1386 authorizes creation of the North LaBelle Sewage District, located in a defined portion of western Jefferson County.

SENATE BILL 1387 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Stiles

Senate Bill 1387 authorizes creation of the South LaBelle Sewage District, located in a defined portion of western Jefferson County.

SENATE BILL 1398 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** T. Hall

Senate Bill 1398 authorizes creation of the Argyle Municipal Utility District, located in a defined portion of Denton County.

SENATE BILL 1404 **SENATE AUTHOR:** Lyon
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** D. Hudson

Senate Bill 1404 authorizes creation of the Emerald Bay Municipal Utility District, located in a defined portion of Smith County.

SENATE BILL 1356 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Hackney

Senate Bill 1356 provides for the dissolution of the Northwest Harris County Municipal Utility District No. 7, on disposal of its assets and payment or removal of its outstanding debts.

The following special laws rename, reorganize, or modify the authority of individual existing districts:

HOUSE BILL 2161 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Traeger

House Bill 2161 relates to the Edwards Underground Water District, comprising portions of Hays, Comal, Bexar, Medina, and Uvalde counties. The act authorizes the district to require a permit to transport groundwater from wells inside the district for use outside the district. Exempt from the permit requirement are persons who already were transporting water outside the district before the act took effect, provided that annual shipments are no more than 110 percent of the 1982 amount transported. Also exempt are cities or agents for cities lying partly inside and partly outside the district, provided that the water is used within those cities' boundaries as they existed on the effective date of the act. Exempt transporters may still be required to register with the district.

Issuance of a permit is conditioned on compliance with specified criteria and must be approved by a two-thirds vote by the district's board of directors. The directors will impose a permit application fee of up to $2,500 to cover the cost of processing the permit. Recipients of permits, as well as exempt transporters directed to register with the district, are required to file quarterly reports on the amount of water transported.

HOUSE BILL 399 **HOUSE AUTHOR:** Buchanan
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sarpalius

This act renames an underground water district in the upper Panhandle as the North Plains Ground Water Conservation District No. 2 and expands its boundaries to include Lipscomb County. The terms of office of the district's directors are increased from two- to four-year staggered terms with elections to be held on the third Saturday in January of each even-numbered year.

HOUSE BILL 854 **HOUSE AUTHOR:** Grisham, et al.
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Jones

House Bill 854 validates a 1975 order of the Meadowlakes Municipal Utility District located in Burnet County, relating to the disannexation from the district of portions of a certain subdivision. See summary of House Bill 2320, which follows.

HOUSE BILL 2320 **HOUSE AUTHOR:** Grisham, et al.
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Jones

House Bill 2320, enacted in conjunction with House Bill 854, also concerns the Meadowlakes Municipal Utility District located in Burnet County. It validates certain 1977 and 1979 annexation and disannexation agreements, so as to change the territory of the district beyond the change validated by House Bill 854.

HOUSE BILL 1250 **HOUSE AUTHOR:** Peveto
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Parker

House Bill 1250 increases the terms of office for directors of the Orange County Drainage District from two to four years and changes the filing deadline for candidates for director from 30 to 35 days preceding the election so that it will be compatible with other requirements of the Texas Election Code. Also, a $100 per month limit is placed on the amount a director may receive as reimbursement for expenses. The directors acting collectively are authorized to establish the exact amount, up to the $100 maximum.

HOUSE BILL 2292 **HOUSE AUTHOR:** Buchanan
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Sarpalius

House Bill 2292 increases from two to four years the terms of office of directors of the Panhandle Ground Water Conservation District No. 3, South of the Canadian River, in Texas. Also, the act provides for staggered terms and for the scheduling of elections on the third Saturday in January of each even-numbered year.

HOUSE BILL 2299 **HOUSE AUTHOR:** Criss
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brooks

House Bill 2299 amends various provisions of the 1981 enabling act creating the Dickinson Bayou Watershed Drainage District, located in Galveston County, to make legislative findings, change the boundaries of the district, and make desired changes in the powers, duties, and financial authority of the district.

HOUSE BILL 2304 **HOUSE AUTHOR:** A. Moreno
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Uribe

House Bill 2304 exempts the Hidalgo County Drainage District No. 1 from a statutory requirement, applicable to general-law drainage districts, that bond authorization changes must be approved by a two-thirds vote of a district's electorate. The vote necessary for approval is reduced, in this instance, to a simple majority.

HOUSE BILL 2305 **HOUSE AUTHOR:** Robinson
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Sharp

Prior law required the Lavaca-Navidad River Authority to use, for purposes of assessing and collecting taxes, the Jackson County tax assessor-collector. House Bill 2305 allows the authority to contract for these services instead with the Jackson County Appraisal District or with any other political subdivision having authority to assess or collect taxes in Jackson County.

HOUSE BILL 2306 **HOUSE AUTHOR:** Whaley
EFFECTIVE: 6-14-83 **SENATE SPONSOR:** Montford

House Bill 2306 increases from two to four years the terms of office for directors of the Lubbock County Water Control and Improvement District No. 1. District elections are scheduled to be held on the third Saturday in January of each odd-numbered year.

HOUSE BILL 2323 **HOUSE AUTHOR:** Horn
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Farabee

In 1959 the 56th Legislature created the Clear Creek Watershed Authority encompassing portions of Montague, Wise, Cooke, and Denton counties. The enabling act for the authority excluded from its boundaries, and from the benefits it was intended to provide, areas then lying within specified city limits. House Bill 2323 clarifies that this exclusion applies to all other areas incorporated, since that time, within any city. It also makes incidental statutory changes to reflect intervening changes in statewide property tax policies.

HOUSE BILL 2335 **HOUSE AUTHOR:** Armbrister
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Sharp

House Bill 2335 amends the 1977 enabling act creating the Port O'Connor Municipal Utility District so as to resolve problems resulting from noncompliance with the act's original requirements for election of district directors.

HOUSE BILL 2343 **HOUSE AUTHOR:** Hury
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Brooks

The seven directors of the Galveston County Water Authority are appointed by the commissioners court of Galveston County, with three of those appointed based on the recommendation of the city council of Galveston. House Bill 2343 further qualifies these appointments, requiring that one of the other four directors be appointed on the recommendation of the city council of Texas City.

HOUSE BILL 2345 **HOUSE AUTHOR:** Messer
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Jones

House Bill 2345 increases from two to four years the terms of office for directors of the Comanche Hills Utility District.

HOUSE BILL 2346 **HOUSE AUTHOR:** Messer
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Jones

House Bill 2346 increases from two to four years the terms of office for directors of the Bell County Water Control and Improvement District No. 3.

HOUSE BILL 2347 **HOUSE AUTHOR:** Messer
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Jones

House Bill 2347 increases from two to four years the terms of office for directors of the Bell County Water Control and Improvement District No. 1.

HOUSE BILL 2359 **HOUSE AUTHOR:** Messer
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Jones

House Bill 2359 increases from two to four years the terms of office for directors of the Bell County Water Control and Improvement District No. 6.

HOUSE BILL 2368 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Sims

Under the Texas Constitution, the bonds of various conservation and reclamation districts, secured in whole or in part by taxes, must be approved by the districts' electorate. In the case of the Upper Guadalupe River Authority which is a conservation and reclamation district, Senate Bill 2368 extends the election requirement to bonds secured by revenue, except for issues of less that $2 million, to finance land acquisitions, structural improvements, or the completion of previously approved construction. Also the act confers on the authority powers common to water control and improvement districts, powers common to municipal utility districts, and certain powers exercised by multicounty river authorities under the state's Regional Waste Disposal Act.

HOUSE BILL 2391 **HOUSE AUTHOR:** Shea, et al.
EFFECTIVE: 10-1-83 **SENATE SPONSOR:** McFarland

House Bill 2391 reorganizes and validates as a separate and independent conservation and reclamation district the Irving Flood Control District Section III. Formerly, this district was a part of a larger Dallas County flood control district.

HOUSE BILL 2425 **HOUSE AUTHOR:** Shea, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** McFarland

This act converts the Dallas County Municipal Utility District No. 2 to the Dallas County Flood Control District No. 1. The authority of the district is modified appropriately although existing boundaries remain intact. The act authorizes the district to issue bonds and bond anticipation notes and to levy and collect ad valorem taxes previously approved by district voters. The district's taxing activities are subject to the provisions of the state Property Tax Code. Police and fire-fighting activities are prohibited.

HOUSE BILL 2429 **HOUSE AUTHOR:** Hinojosa
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Uribe

This act removes two statutory prohibitions that have been applicable to the Rio Grande Valley Municipal Water Authority. The changes would allow the authority to obtain additional water rights from the Rio Grande River and to divert, impound, store, treat, or transport water for agricultural purposes. Also, the act adds an eighth member to the authority board, who is to be a resident of Cameron County.

SENATE BILL 132 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Buchanan

Senate Bill 132 allows the Palo Duro River Authority, located in the northern Panhandle, to construct dams and associated works necessary to impound, process, and transport water outside the authority's boundaries. The measure eliminates most statutory restrictions on the authority's tax rate, and it eliminates a prohibition on the use of tax revenues or tax bond proceeds to provide public parks and recreation facilities.

SENATE BILL 209 **SENATE AUTHOR:** Uribe
EFFECTIVE: 4-13-83 **HOUSE SPONSOR:** D. Lee

Under this act, the Arroyo Colorado Navigation District of Cameron and Willacy counties is renamed the Port of Harlingen Authority.

SENATE BILL 452 **SENATE AUTHOR:** Traeger
EFFECTIVE: 4-19-83 **HOUSE SPONSOR:** Kuempel

Senate Bill 452 increases the terms of office for directors of the Cibolo Creek Municipal Authority from two to four years. The act also schedules district elections on the first Saturday in April of each odd-numbered year.

SENATE BILL 963 **SENATE AUTHOR:** McFarland
EFFECTIVE: 2-1-84 **HOUSE SPONSOR:** Blanton

This act reorganizes, as a special-law district with a new name, a general-law district previously known as the Dallas County Municipal Utility District No. 1. The new name is the Dallas County Utility and Reclamation District. The act eliminates a requirement for state approval of proposed district projects.

SENATE BILL 1075 **SENATE AUTHOR:** Edwards
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Word

Senate Bill 1075 increases from $10 to $40 the maximum authorized per diem compensation for directors of the Aquilla-Hackberry Creek Conservation District.

SENATE BILL 1242 **SENATE AUTHOR:** Henderson
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Emmett

Senate Bill 1242 validates the boundaries and proceedings of the Forest Cove Municipal Utility District, located in Harris and Montgomery counties, resulting from the merger in 1980 of two separate utility districts. The validation is necessary to correct legal deficiencies associated with that merger.

SENATE BILL 1261 **SENATE AUTHOR:** Truan
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Rangel

Senate Bill 1261 amends election provisions pertaining to the board of supervisors of the Willacy County Drainage District No. 1 and increases the terms of office for the seven board members from two to three years. Also, the act changes the date of the annual election held in January to comply with uniform election date requirements of the Texas Election Code.

SENATE BILL 1270 **SENATE AUTHOR:** Farabee
EFFECTIVE: 6-17-83 **HOUSE SPONSOR:** Bush

This amendment of a 1979 act changes the name of the Greater Texoma Municipal Utility District to the Greater Texoma Utility Authority, to more accurately reflect its governmental status. The amendment clarifies the authority's powers of eminent domain, making them similar to those exercised by other water districts and river authorities. Also, the act adds a provision requiring competitive bidding on contracts for expenditures greater than $25,000 and validates certain actions of the district other than those matters in litigation involving sanitary landfills.

SENATE BILL 1314 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Stiles

Senate Bill 1314 amends the statutory authorization relating to the exercise of the power of eminent domain and the acquisition of property and property rights by the Jefferson County Drainage District No. 6 or by other public entities or outside drainage districts participating with the Jefferson County Drainage District No. 6 in drainage projects.

SENATE BILL 1348 **SENATE AUTHOR:** Farabee
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Finnell

Senate Bill 1348 grants to the Red River Authority broad authority to contract with private entities and public agencies and to engage in related activities with respect to water projects and provision of electricity. Included are various financial powers commonly held by other river authorities in Texas. The new law increases the ceiling for the interest rate on the authority's bonds from 12 percent to the maximum allowable under state law.

SENATE BILL 1358 **SENATE AUTHOR:** Brooks
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Hackney

Senate Bill 1358 provides for metropolitan conservation and reclamation districts of a specified size and applies to the Clear Lake Water Authority near Houston. The act authorizes, through the removal of territory from the water authority and the refunding of a corresponding share of the authority's outstanding debt, the creation of several smaller conservation and reclamation districts. Development within the new districts would be directed primarily toward single-family residences. Senate Bill 1358 reflects a compromise between the water authority and landowners seeking to develop the territory to be removed from the water authority.

SENATE BILL 1367 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** A. Smith

This act eliminates a requirement that the Coastal Industrial Water Authority seek approval from the Texas Department of Water Resources of bonds issued by the authority and of plans and specifications for projects to be financed by the bonds.

Hospital Districts

The following laws are of general applicability:

SENATE BILL 471 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 5-24-83 **HOUSE SPONSOR:** C. Smith

Senate Bill 471 amends provisions of the state Hospital Authority Act dealing with appointments to authorities' boards of directors by the governing bodies of participating cities. Affecting hospital authorities financed under the state Hospital Project Financing Act, the act authorizes the governing body of a city by ordinance to provide for a system of appointments to the board of directors of the authority from nominees

submitted by the board of directors itself. The governing body of a city may also reduce the size of a hospital authority board to not less than seven members and may limit the number of successive terms a director may serve.

HOUSE BILL 1971 **HOUSE AUTHOR:** Hilbert
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Henderson

House Bill 1971 allows the governing body of a city having a hospital authority to authorize the authority's board of directors to dispose of useless records, other than medical records, more than five years old.

SENATE BILL 508 **SENATE AUTHOR:** Mauzy, et al.
EFFECTIVE: 4-26-83 **HOUSE SPONSOR:** Cain

Senate Bill 508 allows commissioners courts of certain counties having county hospital districts to authorize the districts' boards of managers to dispose of useless records, other than medical records, more than five years old.

The 68th Legislature by special law authorized creation of four new hospital districts. It also enacted various amendments to the special laws governing individual, existing hospital districts.

HOUSE BILL 2337 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sims

House Bill 2337 authorizes creation of the Mason County Hospital District with boundaries coextensive with the boundaries of Mason County.

HOUSE BILL 2338 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sims

House Bill 2338 authorizes creation of the Sutton County Hospital District with boundaries coextensive with the boundaries of Sutton County.

HOUSE BILL 2354 **HOUSE AUTHOR:** Bomer
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Edwards

House Bill 2354 authorizes creation of the Teague Hospital District with boundaries coextensive with those of the Teague Independent School District.

SENATE BILL 1292 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Finnell

Senate Bill 1292 authorizes creation of the Foard County Hospital District with boundaries coextensive with the boundaries of Foard County.

HOUSE BILL 1743 **HOUSE AUTHOR:** Russell
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Howard

House Bill 1743 frees the Titus County Hospital District to select as a depository for its funds a bank other than that used by the county itself. The act provides for competitive bidding in bank selection and for execution by the chosen bank of a bond or security to cover district deposits in excess of the amount guaranteed by the Federal Deposit Insurance Corporation.

HOUSE BILL 2350 **HOUSE AUTHOR:** Davis
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brown

House Bill 2350 makes several technical corrections to the 1979 act authorizing creation of the Community Hospital District of Brazoria County. The corrections deal with precinct assignments and other matters related to the election of district directors.

HOUSE BILL 2439 **HOUSE AUTHOR:** D. Harrison
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sims

House Bill 2439 changes the qualifications for directors of the Val Verde County Hospital District, reducing the minimum age from 21 to 18 and allowing membership by doctors having hospital privileges in the district and by persons simultaneously holding other public offices. The previous provision requiring advertising for construction or purchase contracts involving spending more than $2,000 is modified so that advertising is required only if more than $10,000 is to be spent under construction contracts or more than $5,000 is to be spent under other purchase contracts.

SENATE BILL 499 **SENATE AUTHOR:** Sharp
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Robinson

This act changes the method of election for directors of the Lavaca Hospital District from an at-large system to a system by place.

SENATE BILL 506 **SENATE AUTHOR:** Blake
EFFECTIVE: 5-3-83 **HOUSE SPONSOR:** Hightower

This act authorizes the board of directors of the Corrigan Hospital District (Polk County) to determine necessary hospital facilities and equipment, including facilities and equipment to provide for domiciliary care and treatment of geriatric patients and convalescent home facilities, and to exercise powers related to acquisition and operation of such facilities.

SENATE BILL 1275 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 5-27-83 **HOUSE SPONSOR:** Hanna

Beginning with elections held on or after January 1, 1984, the elected members of the board of directors of the Palo Pinto County Hospital District are to be chosen according to a place rather than an at-large system. This act changes those election procedures, lowers the age requirement for a director from 21 to 18, allows for the board's selection of a vice-president, and modifies deadlines for election notices and candidacy petitions. Also, it authorizes the district to declare an emergency if funds are unavailable to meet a particular obligation and then to borrow money on notes of the district. Loans are to be secured by pledges of certain revenue, taxes, and unsold bonds, but the interest rate on the loans may not exceed 12 percent a year, and the loan money may be used only to meet the obligation that made the loan necessary. The act provides further that the district may make expenditures to recruit physicians and to support the education of district residents who are pursuing studies in the field of health care.

SENATE BILL 1371 **SENATE AUTHOR:** Blake
EFFECTIVE: 6-13-83 **HOUSE SPONSOR:** Haley

Senate Bill 1371 validates certain promissory notes executed by the Nacogdoches County Hospital District and authorizes the district to obtain loans to pay maintenance and operating expenses pending its collection of hospital bills. The district must repay all such loans within one year of the borrowing date.

SENATE BILL 1402 **SENATE AUTHOR:** Blake
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Hightower

This act corrects the statutory boundaries of the Livingston Hospital District in Polk County and validates the district and its actions.

Other Special Districts

SENATE BILL 606 **SENATE AUTHOR:** Brooks
EFFECTIVE: 7-1-83 **HOUSE SPONSOR:** Green

Senate Bill 606, the 9-1-1 Emergency Number Act, is a population bracket law that applies to the entirety of Harris County and to portions of Harris County cities extending into adjacent counties. It authorizes the creation of a communication district to develop an emergency telephone system within that region. The system would utilize a uniform 9-1-1 number, enabling automatic transfer of a caller to fire-fighting, law enforcement, medical, or ambulance services having responsibility for the area from which the call originated. The system could be expanded to include certain other emergency services.

The act provides for the appointment of a board of managers and for the tentative establishment of the district pending a confirmation election. Voter confirmation would include, besides the establishment of the district, approval of an emergency service fee not to exceed two percent of the monthly base telephone rate. Subsequent to establishment, Harris County cities could participate at their individual option, as could the county itself, acting in behalf of unincorporated areas, the fee to be imposed only within participating jurisdictions. Voter rejection of the district, in contrast, would result in its dissolution although attempts at establishment could be renewed following a waiting period of one year.

The communication district would have the responsibility to design, implement, and operate a 9-1-1 emergency telephone system for each participating jurisdiction. Final plans for a jurisdiction, however, would require the approval of its governing body. The telephone company would collect the emergency service fee and make quarterly payments to the district. The district could issue tax-exempt bonds secured by this revenue.

HOUSE BILL 1229 **HOUSE AUTHOR:** Cain, et al.
EFFECTIVE: 5-24-83 **SENATE SPONSOR:** Lyon

A 1979 law, amended in 1981, authorizes the creation of a regional transportation authority in the Dallas-Fort Worth area, or of separate subregional authorities centered around Dallas, Fort Worth, Arlington, or Grand Prairie. Procedures for an authority's establishment call for the appointment of an interim executive committee to develop a transportation service plan and to propose a tax rate sufficient to support the transportation system envisioned by the plan. Participating local governments and area voters must approve the plan and tax rate, but thereafter the authority's executive committee exercises broad powers over the transportation system.

House Bill 1229, enacted in response to unfavorable confirmation elections in the region, revises only the portion of the law applicable to the establishment of a Dallas area subregional authority. Its intent is to ensure additional public input, beyond the required local government and voter approval, should the executive committee propose to modify the original service plan or original transit routes subsequent to establishment of the authority. In general, House Bill 1229 requires a public hearing for any modification involving a new transit route, a change in fare, or a change in service affecting specified percentages of the transportation system's total mileage. The hearing would have to be preceded by public notice of at least 30 days, via publication in an area newspaper and posting in transit vehicles affected by the modification. Certain temporary fare changes, seasonal service variations, and other limited adjustments could be undertaken without the necessity of a public hearing.

Stricter requirements apply to specified "major" changes in the service plan, primarily including those that add or relocate rail routes or transit support facilities. A public hearing would be required, preceded by 20 days' notice to affected cities and counties and to property owners in the vicinity of the affected rail route or support facility. Approval would require a two-thirds vote of the executive committee and, if a new rail route was to be added, a favorable vote of the governing body of each affected city. Changes not defined as "major," however, could be approved by a simple majority of the executive committee.

SENATE BILL 549 **SENATE AUTHOR:** Truan
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Cavazos

Senate Bill 549 amends a population bracket law regarding the creation within certain metropolitan areas of rapid transit authorities so as to enable such an authority within the Corpus Christi metropolitan area. Actual creation of an authority, which could enact a one percent sales tax to finance mass transportation projects, would be dependent on approval by area voters.

HOUSE BILL 1018 **HOUSE AUTHOR:** Russell
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Howard

House Bill 1018 authorizes a rural fire prevention district, on the approval of the commissioners court of each county in which all or part of the district is located, to issue bonds and notes to support all authorized activities of the district. Bonds and notes are payable from ad valorem taxes and other revenue, receipts, or income of the district. Bonds or notes secured in whole or in part by taxes, in addition to being approved by the appropriate county commissioners courts, must be approved by district voters. The district at the time of issuance of those bonds or notes may levy a tax sufficient to pay the principal of and interest on the bonds and notes and to create and maintain reserve funds. A constitutional provision limiting the tax to three cents per $100 valuation still applies.

SENATE BILL 558 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 5-17-83 **HOUSE SPONSOR:** Patterson

Senate Bill 558 allows soil and water conservation districts additional discretion to purchase seedlings, fish for stock ponds, and other supplies or conservation materials, to make available to district land owners and tenants. It makes optional, rather than mandatory, the purchase of district machinery and equipment through the State Purchasing and General Services Commission, and it authorizes the charging of fees for use of district machinery or equipment.

SENATE BILL 873 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Patterson

Under this act, soil and water conservation district directors attending an annual state meeting may be charged registration and other fees to defray the costs of the meeting. The State Soil and Water Conservation Board is authorized to collect such fees and select a bank for their deposit, the deposited funds to be subject to audit by the state auditor.

SENATE BILL 95 **SENATE AUTHOR:** Blake
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Bomer

State law specifies which officers of the state are authorized to administer oaths in Texas. Under the provisions of the law the speaker of the house of representatives and the lieutenant governor were not included. Senate Bill 95 adds the speaker and the lieutenant governor to the list of officers authorized to administer oaths.

SENATE BILL 117 **SENATE AUTHOR:** Doggett
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Hinojosa

The federal government has consolidated assistance programs into block grants to the states to offer states greater discretion in their use of federal funds. Currently, Texas receives funds through eight block grants—primary care, preventive health, maternal and child health, elementary and secondary education, social services, energy assistance, substance abuse-mental health, and small cities' community development. Senate Bill 117 governs the administration and disbursement of block grant funds and applies to any agency that receives block grant funds. The act requires the agency to hold public hearings, solicit written comments, contact interested parties, and promote public participation. The act also provides for an administrative hearing and judicial review for persons denied services or benefits of the grant programs. In addition, the act expresses the intent of the legislature that, where appropriate, an agency give priority to antipoverty programs.

Specific provisions are set out in the act regarding primary care block grants to be administered through the Texas Department of Health. The Community Health Center Advisory Committee is established by this act to advise the department and to adopt a plan that would enhance the availability, utilization, and coordination of the delivery of primary and supplemental health services to underserved areas and populations within the state.

SENATE BILL 133 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Presnal

Senate Bill 133 amends law relating to the membership of legislators on certain legislative committees, boards, or councils. The amendment adds the Legislative Library Board and the Legislative Audit Committee to the list of entities covered by the law. A new provision is added concerning termination of membership that states that appointed membership on these entities ceases when a member is not nominated or elected for the next succeeding term.

SENATE BILL 147 **SENATE AUTHOR:** Blake
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Emmett

Senate Bill 147 authorizes the creation of the State Preservation Board for the purpose of developing a long-term preservation plan for the Capitol and the General Land Office Building. The board's duties include the conservation, restoration, and maintenance of these buildings, their contents, and their grounds, by coordinating and overseeing a comprehensive preservation program. The board is empowered to adopt rules relating to the buildings' restoration, to employ a full-time architect with historic preservation training, and to appoint a permanent advisory committee. Provision is also made to direct the state fire marshal to inspect the Capitol on an annual basis and report his findings to the board. The State Preservation Board is subject to sunset review in 1995.

SENATE BILL 194 **SENATE AUTHOR:** Doggett, et al.
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Berlanga

Prior to this act, the terms of office for many state commissions and boards expired between November 1 and January 15. When a vacancy occurred after a gubernatorial election and before the new governor took office, the law allowed the "lame duck" governor to appoint persons to fill the vacancies. Senate Bill 194 prohibits a "lame duck" governor from filling vacancies in state and district offices after November 1 if the vacancy occurred before November 1. This act amends various statutes regarding appointments to state and district offices so that normal expiration dates for many appointments are changed to February 1 of odd-numbered years thereby creating vacancies at the beginning of a new governor's term.

SENATE BILL 236 **SENATE AUTHOR:** Harris, et al.
EFFECTIVE: 4-19-83 **HOUSE SPONSOR:** Berlanga

The Texas 1986 Sesquicentennial Commission was established to promote an appropriate celebration of Texas' 150th anniversary of independence. The enabling legislation intended for the commission to have control and flexibility to develop an effective commemorative products program but failed to specifically include the sale of commemorative products. Senate Bill 236 gives the Texas 1986 Sesquicentennial Commission specific authority to sell commemorative products. This amendment allows the state to oversee and contract with local communities to sell commemorative products as a fund-raising project.

SENATE BILL 239 **SENATE AUTHOR:** Parmer
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Millsap

This act amends the home solicitation transaction statutes and the debt collection statutes to give the attorney general explicit authority to sue to restrain or enjoin violations of these consumer protection laws.

SENATE BILL 288 **SENATE AUTHOR:** Leedom, et al.
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Presnal

Senate Bill 288 is the result of recommendations made by an interim committee relating to fees collected by state agencies for certain specific and definable services. The act provides for the adjustment of fees collected in connection with the powers and duties of certain state agencies.

SENATE BILL 408 **SENATE AUTHOR:** Williams, et al.
EFFECTIVE: See below **HOUSE SPONSOR:** Tejeda

This act amends the Natural Resources Code and creates the Veterans' Housing Assistance Program and the veterans' housing assistance fund. This program, administered by the Veterans' Land Board, is created for the purpose of providing monetary assistance to Texas veterans in the purchase of a home to be used as a principal residence. This act takes effect on the adoption by the voters of the constitutional amendment proposed by Senate Joint Resolution 14, 68th Legislature, Regular Session, 1983, which will appear on the November 8, 1983, ballot.

SENATE JOINT RESOLUTION 14 **SENATE AUTHOR:** Williams
FOR ELECTION: 11-8-83 **HOUSE SPONSOR:** Tejeda

This proposed amendment to Article III of the Texas Constitution adds Section 49-b-1, authorizing the Veterans' Land Board to issue $800 million in general obligation bonds for two purposes. Three hundred million dollars of the proceeds from the bond sale will be added to the veterans' land fund to purchase additional land for sale to veterans. The remaining $500 million of the proceeds from the bond sale will be deposited in the veterans' housing assistance fund and used to provide home mortgage loans to veterans.

SENATE BILL 422 **SENATE AUTHOR:** Farabee
EFFECTIVE: 4-26-83 **HOUSE SPONSOR:** G. Hill

Senate Bill 422 changes the name of the Texas Youth Council to the Texas Youth Commission. The act amends the Family Code, the Human Resources Code, the Insurance Code, and miscellaneous sections of the civil statutes to reflect this name change.

SENATE BILL 470 **SENATE AUTHOR:** Doggett
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** T. Smith

The Texas Tort Claims Act authorizes suits against governmental units and waives sovereign immunity for the state and its subdivisions in certain specified instances. This act amends the Texas Tort Claims Act by raising the monetary limits of the state's tort liability and by adding language to define "state government." It also specifies the liability limits of any unit of local government.

SENATE BILL 544 **SENATE AUTHOR:** Uribe
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** E. Barton

Senate Bill 544 clarifies law relating to the deposit of certain money in the general revenue fund and the refunding of money received or collected by reason of a mistake of fact or law. The act directs that all money collected or received by the state must be deposited in the general revenue fund unless otherwise directed by law to a special fund. The comptroller of public accounts is authorized to refund money collected or received through mistake of fact or law on written request showing the reason for and the amount of the refund.

SENATE BILL 621 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Clark

Previous law did not require state agencies to give notice of the time and place that a hearing would be continued if it was not completed on the day it began. Senate Bill 621 amends the Administrative Procedure and Texas Register Act to require the hearing notice of an agency to indicate the time and place at which an unconcluded hearing will be continued and to the extent possible, to proceed with the hearing on each subsequent working day until the hearing is concluded.

SENATE BILL 657 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Valles

Current law requires the Texas Board of Health to file an annual financial report regarding the administration of the law regulating circuses, carnivals, and zoos with the governor and the comptroller of public accounts. This act deletes the requirement that the board send the annual report to the comptroller of public accounts.

SENATE BILL 714 **SENATE AUTHOR:** Doggett
EFFECTIVE: 1-1-84 **HOUSE SPONSOR:** G. Hill

This act authorizes the State Purchasing and General Services Commission to study the feasibility of leasing ground-floor space in new state office buildings and parking garages to private tenants for commercial, cultural, educational, or recreational use. The leasing is to be done at fair market value with the commission deciding what types of activities would be appropriate in leased space. The act also modifies the existing requirement that only a blind or otherwise handicapped person may operate a "vending facility" in a state building, but it assures that at least one store in each mixed-use state office building will be operated by a blind or otherwise handicapped person.

SENATE BILL 761 **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Laney

Senate Bill 761 relates to the state's continuing statutory revision program under which the laws are codified on a topical basis without substantive changes. This act incorporates various statutes into the following codes: Agriculture Code, Education Code, Family Code, Human Resources Code, Natural Resources Code, Parks and Wildlife Code, Tax Code, and Water Code.

SENATE BILL 772 **SENATE AUTHOR:** Parmer
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Millsap

Senate Bill 772 requires state agencies, including universities and institutions of higher education, as defined in Section 61.003, Education Code, that receive money from private donors or from private organizations that have been established to further the purposes and duties of the agency to adopt rules governing the relationship between the agency and its employees and the organization or donor. The act mandates that the rules must govern all aspects of conduct in the relationship including the following:

(1) administration and investment of funds received by an organization for the benefit of the agency;
(2) use of an employee or property of the agency by an organization or donor;
(3) service by an officer or employee of the agency as an officer or director of an organization or donor; and
(4) monetary enrichment of an officer or employee of the agency by an organization or private donor.

SENATE BILL 816 **SENATE AUTHOR:** Brooks
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Polk

Under the State Funds Reform Act of 1981, all funds are maintained in the state treasury and recipients are prevented from receiving interest earned on their respective funds. Senate Bill 816 amends the Human Resources Code to provide that interest earned by the endowment fund and the vending facilities fund of the State Commission for the Blind would continue to accrue to those funds as they have in the past.

SENATE BILL 926 **SENATE AUTHOR:** Doggett
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Gilley

This act broadens the liability of state agencies under statutory provisions that allow a court to award attorney's fees and witness' expenses to certain defendants on a finding that a claim by a state agency against the

defendant was frivolous, unreasonable, or without foundation. In addition, it introduces a new requirement that the agency pay the fees and expenses from funds available or appropriated specifically for that purpose or from funds appropriated for operation of the agency.

SENATE BILL 989 **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** G. Hill

Senate Bill 989 is the product of an interim committee study regarding recommended changes in the fees collected by state agencies for certain specific and definable services. This act raises certain fees charged by the secretary of state to more adequately cover the administrative costs of delivering the services.

SENATE BILL 1110 **SENATE AUTHOR:** McFarland
EFFECTIVE: 5-17-83 **HOUSE SPONSOR:** Messer

Senate Bill 1110 amends law relating to the Texas Legislative Council to more accurately reflect the duties and responsibilities of the council as they have developed since its inception. Changes in membership consist of requiring that two members of the council be the chairmen of the senate and house administration committees and deleting the prohibition against not more than two members being appointed from any one congressional district. The act adds to the council's duties the requirement that it both gather and disseminate information for the legislature; assist in drafting legislation; and perform other services or functions on behalf of either house or a legislative agency. The act repeals the statute establishing the Legislative Information System Committee and includes those data-processing services in the duties of the council. As a part of the sunset review, the act directs the Sunset Advisory Commission and the legislature to consider the need for creating a separate agency to serve the data-processing needs of the legislative branch.

SENATE BILL 1184 **SENATE AUTHOR:** Caperton
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** G. Hill

Senate Bill 1184 authorizes the attorney general to recover costs and attorney's fees in suits against the trustee of a charitable trust if the attorney general prevails in the suit. It also dictates the venue of these cases to be in a court in Travis County.

SENATE BILL 1185 **SENATE AUTHOR:** Caperton
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** G. Hill

Senate Bill 1185 increases from $25 to $500 the amount to which the attorney general is entitled for cases involving charter forfeitures heard on appeal before the supreme court or the court of appeals. The act also stipulates that the attorney general is entitled to collect reasonable attorney's fees and court costs on behalf of the state and repeals the limit previously set on the amount of fees allowed the attorney general.

SENATE BILL 1227 **SENATE AUTHOR:** Parker
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Armbrister

State law requires the State Purchasing and General Services Commission to acquire all supplies, materials, services, and equipment for all state agencies. Senate Bill 1227 provides an exemption to this requirement by excluding serial and journal subscriptions for libraries operated as a part of university systems or institutions of higher education.

SENATE BILL 1338 **SENATE AUTHOR:** Farabee
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Gavin

Current law requires agencies filing documents for publication in the Texas Register to deliver to the office of the secretary of state two certified copies of the document to be filed. This act allows the secretary of state to receive these documents by electronic means and to store the files in an electronic storage and retrieval system. The law is also amended to allow an adopted rule to become effective 20 days after it is filed in the office of the secretary of state.

SENATE BILL 1355 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Presnal

The act creates the Texas Public Building Authority for the purpose of issuing bonds for the construction, purchase, and renovation of state buildings. Before the authority may issue and sell bonds, the legislature by law must have authorized the specific project for which the bonds are to be issued and must have authorized the

maximum amount of bonded indebtedness. The authority may provide for debt service by the pledging of revenue from the lease of space in the buildings.

The act authorizes the construction relating to the Texas Youth Commission, Texas Rehabilitation Commission State Office Building and the purchase and renovation of the Texas Employment Commission as projects to be financed by bonds issued by the authority.

In addition, Senate Bill 1355 expands the authority of the State Purchasing and General Services Commission in regard to the operation of a centralized capitol complex telephone system. The State Telephone Service Advisory Committee is established to advise the commission concerning the centralized telephone system.

SENATE BILL 1370 **SENATE AUTHOR:** Farabee
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Gavin

Senate Bill 1370 amends the State Purchasing and General Services Act by establishing new criteria for the appointment of a director of facilities planning and construction and the selection of a private architect/engineer. Language is added to the act allowing the commission only to consider the using agency's recommendations and to make its selection in accordance with generally accepted standards for the selection.

HOUSE BILL 52 **HOUSE AUTHOR:** Delco
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Doggett

House Bill 52 amends law relating to the attorney general's duty to respond to requests for legal opinions. The act requires the attorney general to give written opinions within six months of receiving a request; lists persons who may request written opinions; and clarifies the definition of "opinion."

HOUSE BILL 179 **HOUSE AUTHOR:** Hinojosa
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sharp

House Bill 179 amends the Small Business Assistance Act of 1975 by adding a section that directs state agencies considering adoption of a rule that would have an adverse economic effect on small businesses to reduce that effect where legal and feasible. It also provides that before adopting such a rule the agency must prepare a statement of the effect on small businesses. State agencies subject to the act must prepare by September 1, 1984, a plan for review of rules in effect on September 1, 1983.

HOUSE BILL 401 **HOUSE AUTHOR:** Presnal
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Caperton

This act amends state law to authorize the uniform payment of per diem as prescribed by the General Appropriations Act to all members of a state board or commission.

HOUSE BILL 894 **HOUSE AUTHOR:** Presnal
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Jones

House Bill 894 relates to fees imposed and collected by state agencies and institutions of higher education for costs of state services or regulatory functions. This act allows the legislature to set fees in the General Appropriations Act sufficient to recover the cost to the state of providing services and functions for which the fees are levied.

HOUSE BILL 1216 **HOUSE AUTHOR:** Hollowell
EFFECTIVE: See below **SENATE SPONSOR:** Traeger

House Bill 1216, the Emergency Interim Legislative Succession Act, provides statutory authority for the suspension of certain constitutional rules relating to legislative procedure during disasters caused by enemy attack. The act makes provision for the designation and succession of interim legislators; allows the legislature to function without the normal quorum; provides for mobility of the legislature; and permits the adoption of rules by the legislature in place of the current restrictive ones.

This act will take effect on January 1, 1984, if the constitutional amendment proposed by House Joint Resolution 30, 68th Legislature, 1983, is adopted by the voters at the election to be held November 8, 1983.

HOUSE BILL 1685 **HOUSE AUTHOR:** Armbrister
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brown

House Bill 1685, the Texas Food, Drug, Device, and Cosmetic Salvage Act, provides for the licensure and regulation of food, drug, device, and cosmetic salvage brokers, operators, and establishments. The act is

designed to protect the people of Texas through prevention of the sale or distribution of adulterated or misbranded salvage products.

HOUSE JOINT RESOLUTION 30 **HOUSE AUTHOR:** Hollowell
FOR ELECTION: 11-8-83 **SENATE SPONSOR:** Traeger

This proposed amendment of Article III, Section 62, of the Texas Constitution authorizes the legislature to provide for temporary sucession to the office of state senator or representative when an incumbent becomes unavailable to carry out the duties of that office during emergencies caused by enemy attack. The proposed amendment also authorizes and establishes a mechanism for the suspension of certain constitutional legislative procedural rules during emergencies caused by enemy attack.

GOVERNMENT—SUNSET LEGISLATION

The Texas Sunset Act, enacted in 1977, provides for the cyclical review of specified state agencies and advisory committees and for their automatic termination unless reauthorized periodically by law. The legislature reviews six groups of agencies over a 12-year interval, with a different group being subject to review each biennium. If an agency is reauthorized, its life is extended for a subsequent interval, usually of 12 years, after which it is again subject to sunset review.

Thirty-two state agencies were scheduled for expiration or renewal in 1983. The 68th Legislature, in its regular and first called sessions, renewed 29 of those agencies while allowing three others to expire. Legislation to renew the Texas Energy and Natural Resources Advisory Council failed to pass, while legislation to renew the Texas Historical Resources Development Council and the Texas Commission on Interstate Cooperation was not introduced. The first of these expiring agencies was appropriated funds for use through December 1, 1983, to complete a phase-out of its activities. The other two have been inactive in recent years; hence, effectively, they have already ceased operation.

The sunset evaluation process encourages the incorporation into renewal legislation of numerous reforms. Some of these are individual to a specific agency, but other standard reforms are applied more generally. Many of the 29 renewal statutes passed in 1983, for example, include provisions: (1) to require of agencies regular written reports or state audits; (2) to discourage ethics conflicts among agency board members, staff, or consultants; (3) to promote nondiscrimination in board member selection and staff composition; and (4) to increase public awareness and involvement with respect to agency activities. Provisions applicable to agency board members include the specification of grounds for removal from the board, where a member ceases to hold the requisite qualifications, violates ethics standards, or habitually fails to attend board meetings. Provisions applicable to agency staff, beyond those dealing with ethics, require an agency to implement programs for equal employment opportunity, merit pay, and career advancement. Provisions applicable to agency consultants prohibit all or certain types of lobbyists from serving in the role of legal counsel. Provisions applicable to the general public include the required distribution of information on an agency's functions, the required establishment of a system to handle problems or complaints filed with the agency, and the required conformity of agency deliberations to the state's open meetings and administrative procedures acts. Important examples of, or exceptions to, these general provisions are discussed in the individual agency bill summaries that follow.

Major Regulatory Agencies

SENATE BILL 232 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Turner

Senate Bill 232 reenacts the Public Utility Regulatory Act. In so doing, it renews the Public Utility Commission of Texas (PUC), which regulates electric, telecommunications, and water and sewer utilities. It transfers to the PUC, due to the scheduled abolishment of the Texas Energy and Natural Resources Advisory Council, certain energy programs formerly administered by that agency.

Numerous PUC regulatory changes support Texas consumers. One of these creates an office of public utility counsel, designed to represent residential and small commercial customers in certain PUC rate proceedings. The counsellor who heads this office is appointed by the governor and serves a two-year term. Other amendments delay conditional utility bill increases allowed prior to final PUC rate determinations, grant to municipalities standing in most rate proceedings affecting service within their corporate limits, allow the PUC to set guidelines for the termination of services to elderly or disabled customers who are delinquent in paying utility bills, require a PUC audit of each regulated utility at least once every 10 years, and modify restrictions on utilities' employment of former PUC commissioners or employees.

Utilities' rate bases are affected by an amendment requiring that rates reflect the original costs of capital investments rather than their adjusted value as allowed under prior law. Furthermore, utilities are limited in including within their rate structures the costs of construction work in progress. The rate set by the PUC may reflect current construction costs only if necessary to a utility's financial integrity.

Electric utilities, whose expansion of generating capacity is significantly affected by the new policies on capital investments, must provide the PUC advance notice of anticipated power plant construction. The PUC is directed to maintain an updated forecast of statewide energy needs, based in part on information required of regulated electric utilities. Compatibility with this forecast is to be a consideration in the PUC's certification of new power plants.

Additionally, electric utilities' ability to pass on to the consumer certain operating costs is affected by a prohibition on automatic fuel adjustments. Such adjustments, a feature of previous PUC regulation, had allowed utilities acting independently to fluctuate their rates to reflect increased fuel costs for electric generation. Under Senate Bill 232, rate changes due to fuel cost increases must be evaluated and approved by the PUC on a case-by-case basis.

A recent federal antitrust settlement provides for the divestiture of the American Telephone and Telegraph company and for the consequent breakup of the Bell telecommunications system. Senate Bill 232 amends the PUC's regulatory authority over telecommunications utilities to take into account this change in the industry. Specifically, it ensures the continued regulation of long-distance telephone services and provides for the possibility of regulating the telecommunications market on a regional rather than statewide basis.

Senate Bill 232 does not significantly modify the PUC's regulatory authority over water and sewer utilities beyond those changes that are applicable to utilities in general. It removes from the Public Utility Regulatory Act provisions concerning gas utility regulation by the Railroad Commission of Texas. Those provisions were instead reenacted, with amendments, as part of that agency's sunset renewal legislation. Senate Bill 232 also contains many of the reforms cited at the beginning of this chapter.

HOUSE BILL 593 **HOUSE AUTHOR:** Messer, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Howard

The Railroad Commission of Texas, a three-member elective body, was created by an 1890 constitutional provision for purposes of regulating intrastate railroads. Since then, its responsibilities have expanded to include regulation of oil and gas, commercial motor vehicles such as trucks and buses, and surface mining.

House Bill 593 renews the commission with few jurisdictional changes. The act exempts from commission regulation practically all taxicab operations, and it establishes the commission's exclusive regulatory jurisdiction over mining of iron ore and iron ore gravel. Other changes include many of the reforms outlined at the beginning of this chapter.

A major regulatory change eases entry requirements for the trucking industry by making it easier for an applicant to demonstrate that his services are needed while placing a heavier burden on opponents to a permit application.

House Bill 593 also relaxes restrictions on trucking by Texas farmers and ranchers of agricultural products and livestock. Under prior law, these parties could obtain a 120-day permit to cover seasonal needs, allowing them to transport their products within a 75-mile area. Under the new law they can obtain a permit for a full year, and can transport their products freely throughout the state until such time as they relinquish ownership. Receipt of an agricultural trucking permit requires only compliance with certain safety and insurance requirements.

A part of this act is a new Gas Utility Regulatory Act, that provides the details for the commission's regulation of gas utilities. Previously, much of the commission's regulatory authority in this area was covered by the Public Utility Regulatory Act. The act includes various amendments to prior law, designed to provide greater balance between utilities and customers with respect to the setting of gas rates. Provision is made for an office of public counsel (the same as that referred to in the summary for Senate Bill 232) to represent customers in gas rate cases. Also, the act grants to municipalities standing in most gas rate cases affecting service within their corporate limits.

House Bill 593 also includes several amendments relating to the commission's regulation of liquefied petroleum gas and a system to help combat the growing problem of crude oil thefts by strengthening commission enforcement, including a manifest system for crude oil shipments, enabling the oil to be traced from point to point by the use of accompanying documentation filed with the commission.

SENATE BILL 928 **SENATE AUTHOR:** Jones
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Simpson

Senate Bill 928, which renews the State Board of Insurance, makes several changes in Texas insurance law. A change applicable to all insurance companies provides that those companies may not refuse to insure handicapped individuals, limit the amount or scope of their coverage, or charge them differential rates, except where justified by sound actuarial principles or by actual or anticipated experience. Another change, applicable to automobile and homeowner insurance companies, requires that they respond in writing to policyholders or applicants requesting to know why a policy was refused, revoked, or canceled. Finally, Senate Bill 928 requires title insurance companies to initiate proceedings in favor of the insured, or take other defined actions, whenever a valid title defect is reported, not just when a claim against the insured has actually arisen.

Provisions relevant to board administration revise its system of funding and accounting. Also, the act eliminates certain procedural inefficiencies associated with the chartering of insurance companies. License and examination fees for insurance agents are authorized to be increased, and the board is authorized to implement a staggered system of license renewals. Another provision sets a four-year statute of limitations on protesting insurance premium taxes. Senate Bill 928 enacts as well many of the reforms outlined at the beginning of this chapter.

Financial Regulatory Agencies

SENATE BILL 295 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Schlueter

The Finance Commission of Texas oversees three financial regulatory agencies, presided over by the banking commissioner, savings and loan commissioner, and consumer credit commissioner. Its oversight duties include the appointment of the three commissioners, the approval of the three agencies' proposed budgets, and other related duties. Sunset legislation for the commission and its subsidiary agencies is found in four separate bills.

Senate Bill 295 renews the commission itself, increasing its size to 12 members. The commission is enlarged to include, besides its six-member banking section and three-member savings and loan section, a new three-member consumer credit section. The latter section is given rulemaking and appeal authority with respect to the office of consumer credit commissioner. Other provisions of Senate Bill 295 enact many of the reforms cited at the beginning of this chapter.

SENATE BILL 294 **SENATE AUTHOR:** Caperton
EFFECTIVE: See below **HOUSE SPONSOR:** C. Evans

Senate Bill 294, which renews the office of banking commissioner and amends the enabling legislation for the Banking Department of Texas, expands the commissioner's authority with respect to trust companies. Going beyond current law, which authorizes examination of trust company operations, the new law provides for the imposition of various corrective sanctions whenever a trust company is discovered to be violating the law or employing unsafe or unsound financial practices. Another amendment removes from confidential status call reports and profit and loss statements submitted to the department by state banks. Other provisions of Senate Bill 294 enact many of the reforms cited at the beginning of this chapter. One important change requires that all fees and other money received by the department be deposited in a special fund in the state treasury, thereby subjecting the department for the first time to the legislative appropriations process undergone by most other state agencies. Also, a variation on the ethics statutes added in the course of sunset review requires that new department employees sign notarized affidavits stating that they have read the statutes that apply to them. Senate Bill 294 takes effect September 1, 1983, except for the treasury deposit change, which takes effect September 1, 1985.

SENATE BILL 149 **SENATE AUTHOR:** Henderson
EFFECTIVE: See below **HOUSE SPONSOR:** Messer

Senate Bill 149, which renews the office of savings and loan commissioner and amends legislation relating to the Savings and Loan Department of Texas, adds new provisions to state law pertaining to changes of control among state-chartered savings and loan associations. It requires the commissioner's approval for any

acquisition, if after the acquisition the entity acquiring the interest would own 25 percent or more of the voting stock of an association, reserving the power of disapproval if the acquisition would adversely affect competition or the financial stability or other best interests of the association. The new law also adds provisions authorizing a special charter for persons seeking to take over a savings and loan association deemed by the commissioner to be in unsafe financial condition. An association, when reorganized in this fashion, would be subject to capitalization requirements set by the commissioner rather than to the normal requirements specified by statute. Other changes pertinent to state-chartered savings and loan associations subject them to provisions in the Uniform Commercial Code relating to collecting and processing checks, and enable them to offer the same types of loans and accounts presently allowed federally chartered savings and loan associations.

As with the case of the Banking Department of Texas, the Savings and Loan Department of Texas is made subject to the legislative appropriations process by a requirement channelling its revenue into the state treasury. This requirement takes effect September 1, 1985, in contrast to the other provisions of Senate Bill 149, which take effect September 1, 1983. The sunset legislation for the commissioner and department contains many of the reforms cited at the beginning of this chapter but omits the requirement that the department establish an equal employment opportunity program.

SENATE BILL 405 **SENATE AUTHOR:** McFarland
EFFECTIVE: See below **HOUSE SPONSOR:** Coody

The office of consumer credit commissioner enforces provisions of the state's consumer credit code and regulates finance companies, small lenders, and pawnshops. Senate Bill 405 renews the office, enacting in the process important amendments dealing with interest rates on credit-card purchases and retail charge accounts. The interest-rate amendments are summarized elsewhere, in the chapter on business and occupational regulation.

Otherwise, Senate Bill 405 incorporates many of the reforms cited at the beginning of this chapter, and in addition requires the commissioner to adequately inform office personnel of applicable ethics statutes. Like the two other agencies under the Finance Commission of Texas, the office is required to deposit all money collected by it in a special fund in the state treasury, thus making the office subject to the legislative appropriations process. Additional changes: (1) give the commissioner discretion to deny pawnshop permits or pawnshop employee permits to persons convicted of certain felonies or misdemeanors; and (2) exempt from licensing requirements for small consumer loans all banks and savings and loan associations. The treasury deposit provisions take effect September 1, 1985; the interest-rate provisions, July 1, 1983; and all other provisions, May 24, 1983.

HOUSE BILL 1054 **HOUSE AUTHOR:** Messer
EFFECTIVE: See below **SENATE SPONSOR:** Washington

House Bill 1054 renews the Credit Union Commission and revises the Texas Credit Union Act to increase the flexibility of operations of state credit unions. The revisions broaden the range of investments authorized of credit unions, broaden the range of depositors authorized to have accounts with credit unions, and broaden the range of services that credit unions may offer their members. At the discretion of the commission, dependent on its adoption of appropriate rules, credit unions may expand their range of investments even further.

Other revisions strengthen the enforcement powers of the Credit Union Commission. House Bill 1054 establishes as a third degree felony a lie or other action intended to deceive commission examiners or investigators. The new law specifies grounds under which the commission can invoke administrative sanctions against a credit union, and it allows the commission to remove credit union officials or to appoint a conservator for a credit union whenever legal violations threaten the credit union's solvency.

House Bill 1054 contains many of the sunset reforms mentioned at the beginning of this chapter. It directs commission revenue to the state treasury, thereby making the commission subject to the legislative appropriations process, and it contains standard sunset provisions relating to the resolution of complaints filed against regulated interests. The new complaint provisions and the revenue transfer provisions take effect September 1, 1985. Requirements for submission of a proposed biennial budget to the legislature take effect earlier, however, on January 1, 1984. All other portions of House Bill 1054 take effect September 1, 1983.

SENATE BILL 106 **SENATE AUTHOR:** Howard
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** C. Evans

The reauthorizing legislation for the State Securities Board, Senate Bill 106, strengthens criminal sanctions for fraudulent securities activities. It increases the maximum penalties for certain offenses to 20 years in prison and a fine of $10,000, and provides for the filing of a legal suit by the attorney general to secure restitution for defrauded investors. The statute of limitations for offenses involving securities fraud is set at five years.

Senate Bill 106 amends appeals procedures for persons denied security registration, entitling them to a hearing before the board and allowing subsequent judicial review according to the substantial evidence rule. The new law amends license renewal requirements for securities agents and provides for voluntary continuing education programs for agents, the programs to be conducted by the board. It gives the securities commissioner, the agency chief executive appointed by the board, discretion to waive restrictions or requirements in the board's rules if, in a particular case, the waiver will not impair the protection of investors. Senate Bill 106 contains several other minor amendments and incorporates many of the sunset reforms described at the beginning of this chapter.

SENATE BILL 151 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** C. Evans

The State Banking Board, staff support for which is provided by the Banking Department of Texas, consists of the banking commissioner, state treasurer, and one citizen member. It considers charter applications and amendments for state banks, orders the closing and liquidation of banks found to be insolvent, and adjudicates disputes concerning the use of electronic teller machines. Senate Bill 151 reauthorizes the board with few changes. It provides that: (1) financial statements of applicant bank officers or directors are confidential; (2) 10 days' public notice on bank charter hearings is required; (3) ethics and antidiscrimination provisions are applicable, primarily, to the appointment of the board's citizen member; (4) the board is required to maintain complaint files; and (5) the board is subject to the state's open meetings and administrative procedures acts.

SENATE BILL 100 **SENATE AUTHOR:** Howard
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Schlueter

Senate Bill 100 renews the State Depository Board, the major task of which is to select banks to serve as depositories for state funds. It adds to the board the comptroller of public accounts, who joins the state treasurer and banking commissioner as an ex officio member. The fourth member, a citizen appointed by the governor, is made subject to certain ethics provisions. The renewal legislation expands authorized investment alternatives to include United States treasury bills and security repurchase agreements, subject to the limitations that investments in the former may not exceed 10 percent of the average daily balance of eligible funds and that investments in the latter may be made only with state or national banks in Texas. Senate Bill 100 also authorizes deposits in insured savings and loan associations, in an amount up to 20 percent of the aggregate funds on deposit. Demand deposits, as opposed to time deposits, are limited to centrally located depositories and to other depositories considered necessary by the board to accommodate routine monetary transactions by the state.

Intergovernmental Agencies

SENATE BILL 137 **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** G. Thompson

The Texas Advisory Commission on Intergovernmental Relations has the function of improving coordination and cooperation among counties, cities, school districts, other political subdivisions, the state, and the federal government. Senate Bill 137 renews the commission with few changes. The reauthorizing legislation adds, from among the reforms cited at the beginning of this chapter, provisions relating to: (1) disqualification of lobbyists from acting as general counsel to the commission; (2) grounds for removal of commission members; (3) development of merit pay and career advancement programs; (4) maintenance of complaint files; (5) distribution of literature on the commission's functions; (6) applicability of the state's open meetings and administrative procedures acts; (7) submission of an annual report to the governor and legislative presiding officers; and (8) annual audits by the state auditor.

SENATE BILL 315 **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** C. Evans

The Texas Department of Community Affairs assists local governments in providing community services and acts as a conduit for the distribution of related federal and state funding. Senate Bill 315, in renewing the department, broadens its statutory responsibilities to include administration of the community development block grant portion of the federal Omnibus Budget Reconciliation Act of 1981. The department is further authorized, through the establishment of an energy services program for persons of low income, to administer funds for energy crisis assistance and for home weatherization. Senate Bill 315 changes the composition of the department's advisory council on community affairs, and it provides for the creation of a 12-member community development review committee appointed by the governor to advise the department on its exercise of the block grant responsibilities outlined above. The reauthorizing legislation also enacts many of the reforms cited at the beginning of this chapter.

SENATE BILL 101 **SENATE AUTHOR:** Howard
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** C. Evans

Senate Bill 101 renews the office of the interstate oil compact commissioner for Texas. The only amendment to prior law requires that the commissioner file an annual report, to be included in the annual financial report of the governor's office, on Texas' participation in the compact.

SENATE BILL 273 **SENATE AUTHOR:** Montford
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** C. Evans

Senate Bill 273 renews the office of the interstate mining compact commissioner for Texas, which is filled by the governor, or, in his or her absence, by an alternate selected from among an 11-member advisory Texas Mining Council. The reauthorizing legislation designates the alternate as chair of the council, adds ethics provisions relating to council members and employees, and provides for removal of council members if they cease to hold requisite qualifications or if they violate the new ethics provisions. Senate Bill 273 requires the filing of an annual report with the legislature on the state's participation in the compact. It is to be included as part of the annual financial report of the governor's office.

SENATE BILL 272 **SENATE AUTHOR:** Montford
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** C. Evans

Senate Bill 272 modifies the composition of the Texas delegation to the Southern States Energy Board, known formerly as the Southern Interstate Nuclear Board. The Texas delegation to the Southern States Energy Board is to consist of not only an appointee of the governor, as before, but also a senator appointed by the lieutenant governor and a state representative appointed by the speaker of the house. Collectively, the delegation exercises one vote on the board. Senate Bill 272 amends prior law to conform to changes, adopted by the compact in 1978, expanding its scope to include all forms of energy and related environmental concerns.

SENATE BILL 225 **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** G. Hill

The Commission on Uniform State Laws, composed of six members of the state bar who are appointed by the governor, focuses on needed consistency between the laws of Texas and those of other states. Senate Bill 225 renews the commission, providing that appointees shall include at least one legal educator and at least one state judge. The reauthorizing legislation adds ethics and disqualification provisions related to the commission, makes the commission subject to the state's open meetings act, requires the state auditor annually to audit the commission's finances, and designates the Texas Legislative Council to provide the commission with administrative support.

Cultural Agencies

SENATE BILL 427 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Bomer

Senate Bill 427 reauthorizes the Texas State Library and Archives Commission and modifies its responsibilities with respect to management of state government records and coordination of Texas public

libraries. It creates the records management and preservation advisory committee, which replaces a similar previous advisory committee and reflects a change of membership to represent state agencies holding the bulk of essential state government records. Senate Bill 427 also amends the Library Systems Act, under which the state's public libraries are organized into 10 major resource systems, each clustered around a large municipal library that serves as a resource center for other libraries in the vicinity. The amendments authorize, as an alternative, conversion to regional library systems administered by nonprofit corporations or private businesses. Changes to the act also alter the composition of the regional advisory councils associated with either type of system and restructure formula funding for the systems so as to make provision of such funding conditional on the exercise of financial oversight by the commission. The commission, in addition, is authorized to coordinate and encourage the dissemination of specialized library resources and services. Senate Bill 427 enacts many of the reforms cited at the beginning of this chapter, requires the commission to inform members and staff of applicable ethics statutes, and places the commission fully within the legislative appropriations process.

SENATE BILL 134 **SENATE AUTHOR:** Jones
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** G. Thompson

The Texas Commission on the Arts provides assistance to statewide arts programs through the distribution of state and federal grants. Senate Bill 134, in renewing the commission, revises grant allocation procedures. It: (1) requires applicants to specify a minimum and maximum amount for requested funds; (2) requires the commission to submit applications for recommendations by an advisory panel of consultants; and (3) prohibits the commission from allocating grants discriminatorily on the basis of ethnic or other characteristics. The new law enacts many of the reforms cited at the beginning of this chapter, and it includes the commission in the legislative appropriations process by requiring all donations to the commission to be deposited in the state treasury. Open meetings provisions adopted under Senate Bill 134 apply both to the commission and to its consultants.

SENATE BILL 135 **SENATE AUTHOR:** Jones
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** G. Thompson

Senate Bill 135, which renews the Texas Historical Commission, authorizes fees to cover costs to the commission of reviewing certain historical projects or proposals. A major substantive change requires state agencies anticipating the construction or lease of new office space to obtain and review a commission list of historical structures suitable for the expansion. In addition, Senate Bill 135 allows the state archeologist to conceal information, the disclosure of which to the public poses a threat to the safety of archeological or historical resources. The new law includes many of the reforms cited at the beginning of this chapter, and it requires the commission to provide members and staff with information on applicable ethics statutes.

SENATE BILL 231 **SENATE AUTHOR:** Brown, et al.
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Emmett

Senate Bill 231 renews the Antiquities Committee, the function of which is to protect archeological and historical resources on public lands. The reauthorizing legislation modifies the composition of the committee and increases its size from seven to nine members with the addition of representatives from the Texas Department of Water Resources and State Department of Highways and Public Transportation. Detailed specifications in Senate Bill 231 describe the procedures and criteria the committee is to follow when a campus building has been proposed for designation as an historic landmark and the designation has been contested by the college or university on which it is located. Other specifications require that state agencies furnish to the State Purchasing and General Services Commission, for forwarding to the Antiquities Committee, annual inventories of agency buildings that are at least 45 years old. A building of this age may not be altered, renovated, or demolished, unless the committee is notified for purposes of determining its status as a landmark. Senate Bill 231 also prohibits salvage operations at sunken ship sites. Scientific investigations of these sites are allowed, but artifacts no longer may be removed as compensation for investigative efforts. The Antiquities Committee, under Senate Bill 231, is made responsible for curatorial arrangements for artifacts and other materials for which state agencies lack appropriate facilities. Other provisions of the new legislation enact many of the reforms cited at the beginning of this chapter.

SENATE BILL 155 **SENATE AUTHOR:** McFarland
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** C. Evans

Senate Bill 155, in renewing the Commission on Law Enforcement Officer Standards and Education, toughens training and licensing requirements applicable to Texas law enforcement officers. It: (1) removes, beginning September 1, 1984, all training exemptions based on prior experience; (2) restricts reappointment of probationary officers who have yet to complete requisite training; (3) requires, for licensing of new officers, passage of a commission examination in addition to the requisite training; and (4) directs governmental entities employing law enforcement officers to provide them, at least once every two years, with refresher training courses of up to 40 hours length. A training institution, to receive accreditation by the commission, must establish an advisory board on curriculum, with at least one-third of the board's members drawn from the general public. Combined work and training for trainees may not exceed 40 hours per week.

The reauthorizing legislation establishes specific qualifications for the nine appointed members of the commission. Ex officio members are increased from four to five with the addition of the executive director of the governor's criminal justice division, and the authority of these members is revised to specify that they may not vote on matters before the commission. At least once every two years, the commission is required to convene to receive public comments and recommendations related to law enforcement training and standards. It must report on the public hearing to the governor and legislature, in addition to other reports which are newly required of it as part of standard sunset reforms enacted by the new law.

SENATE BILL 368 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Polk

Senate Bill 368, in a departure from other sunset renewal measures extending agencies until 1995, extends the life of the Council for Social Work Certification until 1987 and provides that subsequent sunset review shall occur in conjunction with that of the Texas Department of Human Resources. The new law amends experience requirements for different levels of social workers, and it amends the qualifications of council members to conform to the new experience requirements. Senate Bill 368 amends educational requirements, as well. It includes many of the reforms outlined at the beginning of this chapter, and it adds occupational regulatory provisions concerning council examination procedures and social-work advertising.

SENATE BILL 112 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Clark

The Advisory Council for Technical-Vocational Education was created in 1969 pursuant to a congressional act providing funding to states for vocational education. Senate Bill 112 renews the council, revising its duties to conform to present federal law. Changes in the composition of the council reduce its size from 25 to 24 members. Another change, related to the council's responsibility to evaluate state governmental programs in the field of technical-vocational education, directs the State Board of Education annually to submit to the council a list of topics for evaluation. Senate Bill 112 also enacts many of the reforms mentioned at the beginning of this chapter.

SENATE BILL 329 **SENATE AUTHOR:** Edwards
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Arnold

The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons is concerned with state purchases from the handicapped. Senate Bill 329 renews the committee, reducing its size from 12 to nine members. The Texas Rehabilitation Commission, Texas Department of Mental Health and Mental Retardation, and State Commission for the Blind are to share equally in reimbursing expenses of committee members who do not represent state agencies. The State Commission for the Blind is to serve as the paying agent for these reimbursements and as the depository for committee records. The renewal legislation provides for a three-member subcommittee to review data on fair market prices for purchases, and it sets forth procedures for the submission of annual budget requests by nonprofit agencies participating in the committee's program. Other changes include many of the reforms cited at the beginning of the chapter, among them a requirement for an annual report containing several enumerated items of information.

SENATE BILL 114 **SENATE AUTHOR:** Howard
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Salinas

Located in Washington, D.C., with support staff in Austin, the Office of State-Federal Relations serves as a liaison between the State of Texas and federal government. Senate Bill 114 renews the office with few changes. The legislation adds, from among the reforms cited at the beginning of this chapter, provisions relating to: (1) the disqualification of lobbyists from acting as general counsel for the office; (2) the development of merit pay and career advancement programs; (3) distribution of literature on the functions of the office; (4) maintenance of complaint files; (5) applicability of the state's open meetings act; and (6) annual audits by the state auditor.

SENATE BILL 180 **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** B. Gibson

Senate Bill 180 renews the Industrial Accident Board, which administers compensation programs for injured workers and victims of crime. Amendments to workers' compensation law alter procedures concerning the filing with the board of: (1) reports on injured workers; (2) notice of employers obtaining coverage from insurance carriers; and (3) notice of employer name and address changes. Prior law required the board, by means of judicial suit, to prove deliberate failure or refusal on the part of employers or insurance carriers to comply with these reporting and notification requirements before it could impose penalties. The new law, in contrast, enables the board to impose penalties by means of administrative hearings and eliminates its burden of proof. Appeals of board penalties may be initiated in the district court of Travis County. Additional workers' compensation provisions authorize the board to establish voluntary arbitration panels in cases of disputed medical fees or charges and require hospitals to furnish injured workers or their attorneys free copies of certain medical reports and records.

Amendments to the crime victims compensation law direct the board to take steps to balance awards to victims with receipts derived from court cost assessments against criminals. The maximum award is reduced from $50,000 to $25,000, and the board is authorized to deny awards to residents within the jurisdiction of any court it finds to be neglectful in collecting the assessments. Other provisions of Senate Bill 180 enact many of the reforms cited at the beginning of this chapter. The board is directed to provide its members and employees with information on applicable ethics requirements.

SENATE BILL 105 **SENATE AUTHOR:** Howard
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Laney

Senate Bill 105 changes the name of the Industrial Commission to the Texas Economic Development Commission and increases its membership from 12 to 15 with the addition of three more public members. The governor is authorized to appoint the chair, in contrast to prior law under which the chair was elected by members. Senate Bill 105 also modifies the composition of the commission's advisory council on small business assistance. Substantively, it requires that the commission adopt guidelines describing blighted or economically depressed areas that are eligible for the state's industrial revenue bond program and requires that Texas cities participating in the program consider the guidelines in designating such areas.

HOUSE BILL 2 (1st C.S.) **HOUSE AUTHOR:** Criss, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Blake

The Texas Employment Commission administers the state unemployment compensation program and provides services to match employers with prospective job applicants. The commission failed to be renewed during the regular session but was continued by an act passed in the first called session. House Bill 2 includes in the commission's legislation many of the reforms cited at the beginning of this chapter. It provides that commissioners may be impeached if they: (1) are absent from all commission meetings held during a 60-day period; (2) are unable to discharge their duties due to illness or disabilities; or (3) violate specified prohibitions on outside affiliations. House Bill 2 abolishes all existing advisory councils of the commission, and replaces them with a single 15-member state advisory council. The act also provides for the appointment of an agency administrator to serve as chief executive of the agency.

SENATE BILL 899 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Presnal

Senate Bill 899 removes from sunset review five entities of The Texas A&M University System. They include the Texas Agricultural Extension Service, Texas Agricultural Experiment Station, Texas Engineering Extension Service, Texas Engineering Experiment Station, and Office of South Central Interstate Forest Fire Protection Compact Administrator for Texas.

SENATE BILL 1226 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Bomer

Senate Bill 1226 postpones the sunset dates for the Texas Department of Human Resources and the Texas Department of Mental Health and Mental Retardation from 1985 to 1987.

HEALTH

SENATE BILL 381 — **SENATE AUTHOR:** Vale
EFFECTIVE: 8-29-83 — **HOUSE SPONSOR:** Armbrister

State law requires the licensure of certain agencies and persons that provide home health services. This act amends that law to include "hospice" in the definition of home health agency.

Senate Bill 381 also exempts from the licensing requirement certain visiting nursing services that provide treatment by prayer and spiritual means alone.

HOUSE BILL 719 — **HOUSE AUTHOR:** E. F. Lee
EFFECTIVE: 9-1-83 — **SENATE SPONSOR:** Washington

House Bill 719 provides specific regulations for the sale of unpackaged food to help prevent contamination and the transmission of disease.

HOUSE BILL 1128 — **HOUSE AUTHOR:** D. Lee
EFFECTIVE: 6-19-83 — **SENATE SPONSOR:** Lyon

House Bill 1128 clarifies certain ambiguities concerning the requirement for completing items on birth certificates relating to identification of the father of the child and provides that violations of the vital statistics law may be reported to appropriate district, as well as county, attorneys. The act also provides procedures to be followed in the event that the state registrar receives information contradicting information shown on birth, death, or fetal death records.

HOUSE BILL 1474 — **HOUSE AUTHOR:** Craddick
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Farabee

House Bill 1474 allows a licensed physician practicing medicine in a rural area in which there is no pharmacy to maintain a supply of dangerous drugs in the physician's office to be dispensed in the course of treating patients. The physician may be paid for the drugs without being licensed under the Texas Pharmacy Act but must comply with appropriate labeling and recordkeeping requirements imposed by law.

HOUSE BILL 1599 — **HOUSE AUTHOR:** L. Hall
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Truan

Previous law required screening of all newborn infants born in Texas for phenylketonuria, other heritable diseases, and congenital hypothyroidism and has required continuing medical care and provision of dietary needs when necessary for these children. House Bill 1599 removes the requirement for these services and authorizes the Texas Department of Health to provide services if it reasonably suspects that a child may have the conditions or diseases and if funds, services, and facilities are available. The purpose of the act is to correct the overbroad scope of the previous statutory mandate to express current program outlines.

SENATE BILL 59 — **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-83 — **HOUSE SPONSOR:** Oliver

Senate Bill 59 changes certain provisions relating to requirements for filing new drug applications and authorizes the Texas Department of Health to contract with federal and other state agencies and universities for review of technical and clinical data submitted with such applications. The act changes the penalty for failure to comply with wholesale drug registration requirements and updates registration requirements for manufacturers of foods.

SENATE BILL 98 — **SENATE AUTHOR:** Traeger
EFFECTIVE: 5-17-83 — **HOUSE SPONSOR:** T. Smith

The Texas Department of Health has undergone several name changes in recent years, and with new authority granted during the periods of different names, ambiguity has developed concerning the responsibilities and powers of the board and the commissioner. Senate Bill 98 compiles and clarifies existing statutes relating to the health department and to the composition, powers, and duties of the Texas Board of Health and ratifies the board's delegation of its duties before the effective date of the act. The act also clarifies the relationship between the Texas Department of Health and the San Antonio State Chest Hospital and the Harlingen State Chest Hospital.

SENATE BILL 109 **SENATE AUTHOR:** Vale
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Keller

Senate Bill 109 is the Local Public Health Reorganization Act. It repeals 16 old laws relating to city and county health officers and local health programs and compiles and revises those provisions in one comprehensive act. The act includes sections relating to the authority of cities and counties to enforce public health laws, to appoint health authorities, and to cooperate in providing public health care; the duties and qualifications of health authorities; and the establishment and responsibilities of public health districts, local health departments, and public health regions. Coordinated public health organizations created under previous laws may continue to operate but must meet the provisions of this act within one year.

SENATE BILL 165 **SENATE AUTHOR:** Williams
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Robnett

Senate Bill 165 clarifies the rights and responsiblities of patients, contracting dentists, and corporations under the law relating to charitable corporations formed for the purpose of operating a dental health service corporation.

SENATE BILL 215 **SENATE AUTHOR:** Parker, et al.
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Hackney

Senate Bill 215 establishes the Texas Diabetes Council and directs the council to develop a state plan for diabetes treatment, education, and training. The council is also directed to publish regional directories of diabetes services, to publish a handbook in Spanish and English of self-care management skills for persons with diabetes, to study the feasibility for a statewide diabetes hotline, and to study the standards and structure of pilot programs to provide diabetes education and training. The Texas Department of Health is directed to allocate funds appropriated for the act, and the Texas Department of Health, the State Commission for the Blind, the Texas Rehabilitation Commission, the Texas Department of Human Resources, and the Central Education Agency are directed to develop a public awareness program. The council is subject to sunset review before September 1, 1987.

SENATE BILL 258 **SENATE AUTHOR:** Uribe, et al.
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** DeLay

Senate Bill 258 is the Texas Venereal Disease Act. It repeals obsolete laws and includes provisions relating to currently accepted methods and practices for venereal disease control. The act designates syphilis and gonorrhea as venereal diseases that are reportable to the Texas Department of Health and authorizes the Texas Board of Health to adopt rules requiring any other venereal diseases to be reported, as necessary for the public health. Reporting and notification procedures, confidentiality requirements, and control measures are set out. The act requires serologic tests for syphilis during pregnancy and immediately following delivery and requires prophylactic treatment of newborns. The act also requires certification of laboratories that conduct standard serologic tests for syphilis and raises the penalties for violations of the act.

In addition, the requirement of submitting a medical examination certificate when applying for a marriage license is repealed.

SENATE BILL 274 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Finnell

The Texas Department of Health currently purchases equipment for use by various public health related entities through the State Purchasing and General Services Commission. These entities include local health departments, hospitals, state institutions, and nonprofit organizations. This act authorizes the department of health to provide funds by grant or contract to qualified entities to purchase services, equipment, and supplies necessary for public health. The act also prescribes standards governing the expenditure of those funds. In addition, it provides that equipment and supplies purchased through a grant or contract with the department be accounted for and inventoried by the qualified entity rather than the department of health.

SENATE BILL 316 **SENATE AUTHOR:** Parmer
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Wieting

Senate Bill 316 repeals the Texas Equal Health Standard Milk Sanitation Act of 1961 and a statute relating to manufacture and sale of filled milk.

SENATE BILL 375 **SENATE AUTHOR:** Doggett
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Messer

Senate Bill 375 provides additional exceptions to the confidentiality of medical and mental health records. The act provides that confidential information may be released in certain court proceedings; in any criminal prosecution in which the patient is a victim, witness, or defendant; and in official legislative inquiries regarding state hospitals or state schools.

SENATE BILL 385 **SENATE AUTHOR:** Doggett, et al.
EFFECTIVE: 1-1-84 **HOUSE SPONSOR:** Madla

Senate Bill 385 is the Emergency Medical Services Act. The act repeals a 1943 law regulating ambulances and provides for the adoption of minimum standards for certification, performance, and training of emergency medical services personnel. The act also provides for registration and staffing of emergency medical services vehicles. The bureau of emergency management is established within the Texas Department of Health to replace the coordinated emergency medical services division, and the Emergency Medical Services Advisory Council is created as an adjunct to the bureau.

SENATE BILL 432 **SENATE AUTHOR:** Sharp
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** A. Moreno

The Texas Health Maintenance Organization Act was enacted by the 64th Legislature. Senate Bill 432 amends that act to include recent changes in the National Association of Insurance Commissioners Model Health Maintenance Organization Act, which serves as the basis for the Texas statute.

SENATE BILL 711 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Polk

Senate Bill 711 establishes the Texas Health and Human Services Coordinating Council, the Council on Disabilities, and the Long-Term Care Coordinating Council for the Elderly to facilitate a statewide, coordinated approach to the planning and delivery of health and human services. For the first two years, the Texas Health and Human Services Coordinating Council is directed to focus on services for children 18 years of age or younger and the issue of health-care needs and costs in Texas. After that date, it may create divisions and appoint or designate advisory committees to address problems of other population groups.

SENATE BILL 791 **SENATE AUTHOR:** Lyon
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** D. Lee

Senate Bill 791 substitutes the term "fetal death" for "stillborn" in the vital statistics law; authorizes local officials, rather than the Texas Board of Health, to appoint new local registrars of births and deaths; deletes obsolete language relating to fees charged for genealogical records; sets time limits on the requirements for submitting information on births, deaths, and fetal deaths to local officials; and repeals a rule relating to supplemental reports on names of children for whom certificates of birth are presented without a given name listed.

SENATE BILL 1047 **SENATE AUTHOR:** Vale
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Keller

Senate Bill 1047 gives the Texas Department of Health the statutory authority to set and collect fees for public health services rendered by the department either directly or through contractors participating in the department's programs. The board of health in establishing a schedule of fees must take into account a person's ability to pay and may not deny public health services to a person because of the person's inability to pay for the services. The act also gives the department the right of subrogation in furnishing public health services.

SENATE BILL 1064 **SENATE AUTHOR:** Uribe
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** D. Lee

Senate Bill 1064 is the Communicable Disease Prevention and Control Act. It revises and updates laws relating to identifying, reporting, investigating, preventing, and controlling communicable diseases and conditions that are injurious or threaten the health of the people of Texas.

HOUSE BILL 102 **HOUSE AUTHOR:** A. Hill, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Edwards

House Bill 102 requires the Texas Department of Health to conduct at least two, rather than one, annual unannounced inspections of convalescent homes, nursing homes, and related institutions. It specifically provides that the department shall not award a superior grade to institutions that have violated state or federal rules or regulations within 12 months of the grading inspection and sets out requirements relating to canceling an institution's superior grade.

HOUSE BILL 103 **HOUSE AUTHOR:** A. Hill, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Edwards

House Bill 103 amends state law regarding surveys and inspections of health care facilities by repealing the sections requiring that state agencies adopt a code of professional responsibility for agency employees who inspect and survey health care facilities.

HOUSE BILL 225 **HOUSE AUTHOR:** Toomey, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brooks

House Bill 225 provides that a person commits an offense if he discloses to unauthorized persons information about an unannounced inspection of a convalescent or nursing home before the inspection occurs. Anyone convicted of unlawful disclosure is ineligible for state employment.

HOUSE BILL 777 **HOUSE AUTHOR:** J. Gibson, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Montford

House Bill 777 increases the number of persons who may be appointed to a county hospital's board of managers from six to not less than six nor more than 12 and provides for staggered terms of office.

HOUSE BILL 893 **HOUSE AUTHOR:** Wilson
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brooks

House Bill 893 provides that a hospital that agrees to admit an infant to its level III neonatal intensive care unit shall pay the costs of transporting the infant to the hospital if a person responsible for the child cannot pay. The hospital is then entitled to be reimbursed by the state. The Texas Department of Health is directed to administer this reimbursement program and funding is authorized.

HOUSE BILL 1753 **HOUSE AUTHOR:** A. Hill
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brooks

House Bill 1753 prohibits a person from administering medication to residents of convalescent homes, nursing homes, or related institutions unless the person holds a license or permit authorizing the administration of medication. The act directs the Texas Board of Health to establish minimum requirements for the issuance, denial, renewal, suspension, emergency suspension, and revocation of a permit for unlicensed personnel to administer medication to residents of convalescent and nursing homes and related institutions. The board is directed to establish rules for and approve training programs on administration of medications and to conduct required examinations for permits. The act also sets out maximum permit fees, authorized disciplinary actions, and an offense for persons violating requirements under the act.

HOUSE BILL 2087 **HOUSE AUTHOR:** D. Lee
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brooks

The Health Facilities Development Act was passed in 1981 to enable cities, counties, and hospital districts to create nonprofit corporations to finance facilities necessary for health care, research, and education. It authorized the corporations to issue bonds and notes that are exempt from federal income tax. House Bill 2087 states that adult foster care facilities, life-care facilities, retirement homes and villages, homes for the aging, and similar facilities are included under the act. It also provides that marketing and start-up costs prior to and during construction are covered by the act.

HOUSE BILL 2271 **HOUSE AUTHOR:** Wright
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Truan

House Bill 2271 requires the Texas Department of Health to coordinate all licensing and certification procedures conducted by state health-related agencies to prevent duplicative surveys and inspections of hospitals, nursing homes, mental health and mental retardation facilities, alcohol addiction and abuse facilities, and other health care facilities. The Texas Department of Health, the Texas Department of Human Resources, the Texas Department of Mental Health and Mental Retardation, and the Texas Commission on Alcoholism are specifically directed to eliminate or reduce duplication of functions in certain licensing or certification procedures.

SENATE BILL 483 **SENATE AUTHOR:** Traeger
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** DeLay

The Health Facilities Development Act authorizes the creation of nonprofit corporations to issue tax-exempt revenue bonds to be utilized to finance the cost of acquiring, constructing, providing, improving, and refinancing health care facilities. Senate Bill 483 amends that act to remove a restriction prohibiting nursing homes organized for profit from utilizing the funding.

SENATE BILL 801 **SENATE AUTHOR:** Uribe, et al.
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** D. Lee

Senate Bill 801 changes the name of the Harlingen State Chest Hospital to the South Texas Hospital and authorizes the Texas Board of Health to establish cancer screening, diagnostic, and education services and an obstetrical and gynecological service at the hospital. The purpose of the changes is to provide more accessible health care to indigent residents of the area.

SENATE BILL 752 **SENATE AUTHOR:** Uribe
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Laney

Under current law, certain hospital authorities and other public entities are allowed to issue tax exempt bonds to finance the construction of hospitals and the acquisition of hospital equipment. Many small hospitals, however, are not able to take advantage of this financing program because their need for new equipment does not justify the administrative costs required to participate. Senate Bill 752 establishes the Texas Hospital Equipment Financing Council. The council is authorized to issue revenue bonds and notes in order to provide health facilities with reasonably priced health-related equipment that will improve the adequacy, cost, and accessibility of health care within the state.

SENATE BILL 818 **SENATE AUTHOR:** Brooks
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Bush

The Texas Department of Health, the Texas Department of Human Resources, and the Texas Health Facilities Commission have a policy agreement to allow nursing homes to convert some beds from a higher licensing category to a lesser category and back again without going through the certificate of need process. Senate Bill 818 specifically provides that unless federal requirements prohibit, the operation of a portion of a facility under the standards of a lesser licensing category shall not constitute abandonment of the higher category of service under the certificate of need program.

SENATE BILL 1019 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Barrientos

Previous law has prohibited general hospitals supported with public funds from denying emergency services to a person diagnosed as seriously ill or injured because of the person's inability to pay. Senate Bill 1019 prohibits all general hospitals from denying diagnosis and available emergency services to emergency patients because of their inability to pay or because of race, religion, or national ancestry and provides that persons needing emergency services may not be subject to arbitrary, capricious, or unreasonable discrimination based on age, sex, physical condition, or economic status. The act also raises the penalties for denying emergency services.

See chapter on business and occupational regulation for legislation pertaining to the regulation of health-related occupations. See chapter on government—special districts for legislation relating to hospital districts.

HOUSE BILL 1174 **HOUSE AUTHOR:** Schlueter, et al.
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Sarpalius

House Bill 1174 directs the Texas Department of Human Resources to establish and maintain a mutual consent voluntary adoption registry through which adoptees, birth parents, and biological siblings may voluntarily locate each other. The act requires that a report on the available health, social, educational, and genetic history of a child be prepared before placing a child for adoption and that a copy of the report be made available to adoptive parents, guardians of adopted children, the adopted child after the child becomes an adult, the surviving spouse of an adopted child if the spouse is the parent or guardian of a child of the adopted person, and the child of an adopted person if the child is an adult. The report will be edited to protect the confidentiality of birth parents and their families. The act also includes provisions relating to filing fees and birth certificates in cases of adoption.

HOUSE BILL 1299 **HOUSE AUTHOR:** Geistweidt, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brown

House Bill 1299 directs the Texas Department of Human Resources to establish a job training and work experience pilot program in certain areas of the state for persons receiving financial assistance under the Aid to Families with Dependent Children program. The positions in the program must be of the type for which trainees may reasonably be expected to meet job qualifications after two months of training and four months of work experience. The pilot program is to be funded for a two-year period with state funds appropriated for the Aid to Families with Dependent Children program and available federal funds. The act further directs the department to report on the program's effectiveness and to include in the report a detailed cost/benefit analysis and fiscal impact study for statewide implementation and a feasibility study of the use of state corporate franchise tax credits as an incentive for employers to hire Aid to Families with Dependent Children recipients.

HOUSE BILL 1725 **HOUSE AUTHOR:** Polumbo
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Whitmire

House Bill 1725 changes the name of the Harris County Child Welfare Board to the Harris County Children's Protective Services Board and the name of the Harris County Child Welfare Unit to Children's Protective Services.

HOUSE BILL 1726 **HOUSE AUTHOR:** Danburg, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Whitmire

House Bill 1726 establishes certain rights for elderly individuals and directs the Texas Department of Human Resources and the Texas Department of Health to require service providers that receive funds from the Texas Department of Human Resources or are licensed by the Texas Department of Health to implement and enforce the provisions of the act.

HOUSE BILL 1732 **HOUSE AUTHOR:** Polumbo
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brooks

Economic and demographic changes have created rapid increases in the number of needy persons who are homeless or without other necessities of basic existence. House Bill 1732 directs the Texas Department of Human Resources to establish a temporary emergency relief fund, to be used to match local funds, to assist counties or certain other entities in meeting needs of individuals and families. The local entities administering the program are directed to establish their own eligibility criteria, subject to specifications provided by the act. A legislative study committee is established to evaluate the program, which is scheduled to expire on August 31, 1985, and to make recommendations on its continuation. The legislature appropriated $1.5 million for the program.

HOUSE BILL 2140 **HOUSE AUTHOR:** W. Hall
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Traeger

Previous law has required state agencies that provide human services to develop volunteer programs and use volunteer assistance whenever feasible. House Bill 2140 directs other governmental entities that provide human services and are supported in whole or part by state funds to do the same.

HOUSE BILL 2437 **HOUSE AUTHOR:** Lewis
EFFECTIVE: 5-20-83 **SENATE SPONSOR:** Brooks

House Bill 2437 directs the Texas Department of Human Resources to establish a pilot program for experimental liver transplants for children under the age of 18 months who are eligible to receive assistance under Aid to Families with Dependent Children or the federal Supplemental Security Income program. The act directs the department to seek a waiver of restrictions on the use of Medicaid funds from the United States Department of Health and Human Services and appropriates $41,000 for the pilot program. The act was passed in response to a specific medical emergency involving a Texas child. It expires August 31, 1983.

SENATE BILL 214 **SENATE AUTHOR:** Uribe
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Polumbo

The 1981 legislature established a program of protective services for the elderly, to be administered by the Texas Department of Human Resources through August 31, 1983, then to be administered by the Texas Department on Aging. In response to a Legislative Budget Board recommendation, Senate Bill 214 provides that the program will remain under the administration of the Texas Department of Human Resources.

SENATE BILL 256 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Rudd

Senate Bill 256 authorized the Texas Department of Human Resources to place child-care facilities and child-placing agencies on probation in certain cases. Previously, the law only authorized suspension or revocation of a license for noncompliance with department rules. This act allows a facility to remain open while upgrading operations and allows the department more discretion in dealing with facilities.

SENATE BILL 370 **SENATE AUTHOR:** Williams
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Shaw

Senate Bill 370 directs the Texas Department of Health to provide veterans who may have been exposed to Agent Orange with genetic counseling and to refer veterans' children with birth defects for further evaluation and treatment. The act provides for direct reporting, by veterans to the department, of suspected exposure to chemical defoliants and herbicides and adds a number of laboratory evaluations allowed under the Agent Orange program. The act also establishes the Agent Orange Advisory Committee to advise the department on implementation of the act. The committee is to begin operation January 1, 1984.

SENATE BILL 861 **SENATE AUTHOR:** Uribe
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Polk

In 1981 the legislature authorized the Texas Department of Human Resources to investigate cases of abuse, neglect, and exploitation of elderly persons and to provide services to remedy the situation. The department was also allowed to petition the court for an emergency order authorizing protective services if the elderly person were in a situation presenting an immediate threat to life, the person lacked the capacity to consent to protective services, and no consent could be obtained. Senate Bill 861 extends the department's protective services so that disabled persons are eligible.

SENATE BILL 711 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Polk

Senate Bill 711 establishes the Texas Health and Human Services Coordinating Council, the Council on Disabilities, and the Long-Term Care Coordinating Council for the Elderly to facilitate a statewide, coordinated approach to the planning and delivery of health and human services. For the first two years, the Texas Health and Human Services Coordinating Council is directed to focus on services for children 18 years of age or younger and the issue of health-care needs and costs in Texas. After that date, it may create divisions and appoint or designate advisory committees to address problems of other population groups.

SENATE BILL 920 **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Polk

Senate Bill 920 authorizes the Texas Department of Human Resources to set and charge reasonable fees for services provided in administering social service programs authorized by the federal Social Security Act. The act specifically provides, however, that the department may not deny services because of a person's inability to pay.

SENATE BILL 940 **SENATE AUTHOR:** Washington, et al.
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** G. Hill

A recent constitutional amendment limits the amount that can be spent on aid to needy children to one percent of the state budget. Senate Bill 940 defines the term "state budget" and establishes a system for informing the legislature of the amount of money that may be spent for aid to needy children.

Physical Disabilities

HOUSE BILL 279 **HOUSE AUTHOR:** Turner
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Caperton

House Bill 279 expands the services provided by the Texas Commission for the Deaf. Among its added responsibilities the commission is directed to provide message relay services for the deaf, review the schedule of fees recommended for payment of interpreters, and administer a program for the placement and use of telecommunication devices in certain units of local government. The bill establishes new pilot programs for deaf-blind multihandicapped individuals and their parents and continues pilot programs established by the last legislature.

HOUSE BILL 1706 **HOUSE AUTHOR:** L. Hall
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Truan

House Bill 1706 clarifies language in existing law concerning a Texas Department of Health program that provides for rehabilitation services for certain crippled children and that authorizes services for families of eligible children who die while hospitalized for conditions covered by the program.

HOUSE BILL 1985 **HOUSE AUTHOR:** Messer
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sharp

House Bill 1985 creates the Texas Planning Council for Developmental Disabilities to promote a system of effective and efficient services for persons with developmental disabilities to ensure that these people receive the care, treatment, and services that they need and to assure compliance with federal law. The developmental disabilities council that currently exists was established by federal law and operated under the Texas Rehabilitation Commission. The act provides for transition of membership to the new council.

SENATE BILL 33 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 1-1-84 **HOUSE SPONSOR:** Barton

Senate Bill 33 updates language in statutes relating to the Texas Rehabilitation Commission and authorizes the commission to provide services for people who may not be able to achieve gainful employment but who may be able to achieve a greater level of self-care. The bill allows the commission to recover expenditures for services if clients are paid for the services through lawsuits, insurance, or other means. It also includes provisions to enable the commission to operate within changing conditions in the relationship between the state and federal governments in terms of funding and program control.

SENATE BILL 705 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Colbert

Senate Bill 705 establishes a program in the Texas Department of Health to identify persons who have special senses and communication disorders and who need remedial vision, hearing, speech, or language services. The program is to focus on individuals from birth to 20 years of age, and its goal is to identify the disorder at as early an age as possible. The act establishes the Children's Vision Screening Advisory Committee and the Children's Speech, Hearing, and Language Screening Advisory Committee and repeals statutes relating to separate programs providing for testing of deaf and hard-of-hearing persons and for visual screening of children.

INSURANCE

Insurance Companies and Agents

HOUSE BILL 797 **HOUSE AUTHOR:** Hanna
EFFECTIVE: 5-20-83 **SENATE SPONSOR:** Henderson

House Bill 797 exempts from insurance adjuster license requirements persons employed as right-of-way agents or right-of-way and claims agents whose primary responsibility is the acquisition of easements, leases, permits, or other real property rights and whose insurance claims handling arises out of operations under those easements, leases, permits, or other contracts or certain contractual obligations.

HOUSE BILL 1344 **HOUSE AUTHOR:** Gavin
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Parker

House Bill 1344 extends the jurisdiction of the State Board of Insurance to each person and entity that has contracted to provide indemnification or expense reimbursement for any type of medical expenses in this state to persons residing in Texas or for risks located in this state unless a person or entity establishes that it is subject to the exclusive jurisdiction of the United States or unless it has its principal place of business outside Texas and establishes that it is subject to the jurisdiction of the regulatory authority of another state.

HOUSE BILL 1422 **HOUSE AUTHOR:** A. Smith
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Glasgow

House Bill 1422 requires that an out-of-state insurance company have insurance contract forms approved in its domiciliary state before submission of those forms for approval by the State Board of Insurance. The State Board of Insurance may adopt rules to permit exemptions to this requirement and to establish standards by which different kinds of forms are to be reviewed and approved. An additional notice and hearing criterion is also established for withdrawal of previous approval of certain policy forms.

HOUSE BILL 1427 **HOUSE AUTHOR:** Green
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Harris

House Bill 1427 authorizes domestic insurance companies to evidence securities ownership through definitive certificates or to arrange for the deposit of the securities in clearinghouse corporations and the Federal Reserve Book Entry System. The records relating to such securities must at all times show that the securities are held for the insurance company and for the specific accounts of the insurance company. Such securities that are used to meet the deposit requirements under Texas insurance laws may be deposited with a clearinghouse corporation or the Federal Reserve Book Entry System but may not be withdrawn without the approval of the insurance commissioner.

HOUSE BILL 1710 **HOUSE AUTHOR:** Patrick
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Traeger

House Bill 1710 allows insurance companies, other than those writing life, health, and accident insurance, greater freedom in making loans secured by valid first liens on real property. It permits an increase in the amount of a loan that may be secured by a first lien on real estate and sets out limitations on the amount of any one mortgage loan and on the aggregate of all such mortgage loans. In a section that is similar to current law for life insurance companies, the act permits additional investments that are not otherwise authorized by the Insurance Code but that are limited to five percent of the insurer's capital.

SENATE BILL 136 **SENATE AUTHOR:** Traeger
EFFECTIVE: 4-13-83 **HOUSE SPONSOR:** Patrick

Senate Bill 136 increases the contingency reserve that mutual, level premium, legal reserve life insurance companies may accumulate and maintain.

SENATE BILL 333 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 5-3-83 **HOUSE SPONSOR:** Oliver

The State Board of Insurance regulates insurer delinquencies and their prevention and supervises the proceedings, conservatorships, and liquidation of insurers. Appeals to district court of State Board of Insurance decisions relating to conservatorship and receivership result in the temporary loss of control of the assets of an

impaired insurer. Senate Bill 333 provides that the agency decision is not vacated nor stayed by the filing of an appeal unless the court, after a hearing, specifically vacates or stays the decision.

SENATE BILL 453 **SENATE AUTHOR:** McFarland
EFFECTIVE: 5-10-83 **HOUSE SPONSOR:** Gavin

Senate Bill 453 provides for regulation by the insurance board of certain reinsurance agreements between insurance companies authorized to do business in Texas and reinsurers not authorized to do business in Texas. The State Board of Insurance can control the placement of this reinsurance business through various security measures in the bill.

SENATE BILL 460 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 5-20-83 **HOUSE SPONSOR:** Gavin

Senate Bill 460 relates to certain activities of persons who hold temporary licenses to act as legal reserve life insurance agents. The act prohibits agents acting under temporary licenses from soliciting and selling replacement policies for existing individual life insurance policies or annuity contracts. Also, the act includes provisions relating to training required for a license and limitations on insurers supervising persons holding temporary licenses.

SENATE BILL 706 **SENATE AUTHOR:** Harris
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Keller

Senate Bill 706 permits persons and corporations seeking to be licensed as legal reserve life insurance agents who will solicit, negotiate, procure, or collect premiums for accident and health insurance only to be licensed as accident and health insurance agents only. Persons seeking such a license are required to pass examinations on accident and health insurance only, rather than exams covering accident, health, and life insurance, as previously required. The act provides procedures and requirements for qualification and issuance of these licenses and authorizes the State Board of Insurance to appoint an advisory committee to make recommendations concerning the scope, type, and conduct of written exams.

SENATE BILL 775 **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Simpson

Senate Bill 775 increases the minimum capital stock and surplus requirements for life, health, and accident insurance companies formed after September 1, 1983, from $100,000 to $200,000 capital stock and from $100,000 to $400,000 surplus. Insurance companies currently doing business with less than $200,000 capital may continue to operate below the new limit unless the companies or their holding companies experience a change of control.

SENATE BILL 776 **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Simpson

Senate Bill 776 increases the minimum capital stock and surplus requirements for insurance companies other than life, health, and accident insurance companies formed after September 1, 1983, to $300,000 capital stock and $500,000 surplus. Companies currently doing business with less than this new minimum may continue to operate without increases unless the companies or their holding companies experience a change of control.

SENATE BILL 927 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Messer

Senate Bill 927 adds a new chapter to the Insurance Code for regulation of job protection insurance coverage. This act defines the types of insurance that may be offered and the certification and other requirements for companies offering this coverage. Agents for companies operating under the chapter must obtain licenses, but are not required to take a written examination. Penalties are provided for violations of the chapter.

SENATE BILL 961 **SENATE AUTHOR:** McFarland
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Simpson

Senate Bill 961 clarifies the investment and "risk-limiting" transactions that domestic life insurance and property and casualty insurance companies may enter into. The act includes sections authorizing repurchase agreements and provisions allowing insurers to buy put options or sell call options and terminate them, to buy

or sell interest rate futures contracts and options on them, or to use other allowed devices to protect assets against changing asset values and changing interest rates and for risk reduction.

SENATE BILL 967 **SENATE AUTHOR:** Henderson
EFFECTIVE: 5-27-83 **HOUSE SPONSOR:** Simpson

The State Board of Insurance has licensed foreign fire and casualty companies to sell insurance in Texas, but some questions exist as to whether the board actually has had such statutory authority. Senate Bill 967 resolves this problem by requiring foreign insurance companies to obtain a certificate of authority from the commissioner of insurance in order to conduct insurance business in this state.

SENATE BILL 996 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Wolens

Senate Bill 996 authorizes the State Board of Insurance to permit a title insurance company to retain an additional potential liability of not more than 40 percent of its capital stock and surplus. To do this, the company must have exhausted any opportunities to acquire reinsurance, and the additional potential liability must be incurred only if the insured loss exceeds the amount of insurance and reinsurance lawfully authorized and accepted by the insurer and other title insurance companies.

SENATE BILL 1040 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** D. Lee

Senate Bill 1040 eliminates inconsistencies in the licensing requirements contained in the Insurance Code. It strengthens the provisions for denial, revocation, or suspension of a license and prohibits anyone from receiving a commission who is not licensed. The act also requires insurance carriers and local recording agents to provide information to the State Board of Insurance when terminating the appointment of an agent or solicitor.

SENATE BILL 1094 **SENATE AUTHOR:** Harris
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Simpson

Senate Bill 1094 requires mutual assessment corporations, local mutual aid associations, local mutual burial associations, statewide mutual assessment companies, and stipulated premium insurance companies licensed to do business in Texas to participate in the guaranty fund set out under the Texas Life, Health and Accident Guaranty Act, provides for certificates of contribution and makes changes relative to tax liability and policy limits for stipulated premium companies under the act. Senate Bill 1094 also changes provisions relating to stipulated premium companies to require agents who write life insurance in excess of $5,000 to take written examinations. The State Board of Insurance is authorized to establish rules and regulations for the exams and to appoint an advisory board to make recommendations concerning the exams.

SENATE BILL 1131 **SENATE AUTHOR:** Henderson
EFFECTIVE: 9-1-84 **HOUSE SPONSOR:** A. Smith

Senate Bill 1131 consolidates and clarifies the law authorizing domestic life insurance companies to establish separate accounts for the purpose of funding certain contracts issued in connection with pension, retirement, and profit-sharing plans, and variable life insurance contracts.

Health Insurance

HOUSE BILL 208 **HOUSE AUTHOR:** Wolens, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Mauzy

House Bill 208 authorizes political subdivisions of the state to pay premiums on group health, hospital, surgical, and/or medical expense insurance for dependents of officials, employees, and retirees. It also authorizes subdivisions to establish health and insurance funds to cover employees and dependents and to be funded by deductions authorized by officials, employees, and retirees and by contributions from the political subdivisions, for the payment of premiums on life, group health, accident, accidental death and dismemberment, and hospital, surgical, and/or medical expense insurance for officials, employees, and retirees, and their dependents.

HOUSE BILL 464 **HOUSE AUTHOR:** Gavin
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sarpalius

House Bill 464 relates to coordination of benefits between certain health and accident insurance policies. It provides that these insurance policies may not be issued or renewed if they exclude or reduce the payment of benefits because of benefits payable under certain supplemental policies of accident and health insurance that are individually underwritten and individually issued as a hospital confinement indemnity, specified disease, or limited benefit plan of coverage. The act applies to policies issued on or after January 1, 1984.

HOUSE BILL 867 **HOUSE AUTHOR:** DeLay
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Henderson

House Bill 867 relates to payment of certain benefits to family and dependents of a deceased person insured under group accident and health insurance. It provides that such coverage may continue for any period, subject to policy provisions. Previous law had limited the payments to not more than 180 days.

SENATE BILL 168 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 1-1-84 **HOUSE SPONSOR:** Tejeda

Senate Bill 168 provides for regulation of health insurance policies and employee benefit plans that provide benefits for dental care expenses as a result of accidents or sickness.

SENATE BILL 255 **SENATE AUTHOR:** Vale
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Simpson

A provision of the Insurance Code lists certain practitioners of the healing arts to be designated by insurers in policies of accident and sickness insurance as either eligible or not eligible to be reimbursed under the coverage. Senate Bill 255 adds doctors of psychology to the list of practitioners of the healing arts that an insurer writing accident and sickness insurance may designate to be recognized or not recognized by the insurer.

SENATE BILL 812 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** A. Smith

Senate Bill 812 requires insurers, certain nonprofit hospital and medical service plan corporations, and certain health maintenance organizations to offer and provide benefits for the care and treatment of loss or impairment of speech and hearing. The benefits cannot be less than and are subject to the same limitations as for physical illnesses generally, and, within certain limitations, persons insured must be allowed to choose an audiologist or speech-language pathologist to provide their treatment. The group policy or contract holder may reject this coverage or select alternate levels of coverage for this type of insurance.

SENATE BILL 1287 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Simpson

Senate Bill 1287 provides that insurers who offer coverage for in-patient treatment of mental or emotional illness in group accident and health insurance policies also offer comparable out-patient treatment coverage. The act applies to policies issued on or after January 1, 1984.

Property Insurance

HOUSE BILL 2118 **HOUSE AUTHOR:** Shea
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Glasgow

House Bill 2118 expands the types of loans that may be covered by private mortgage guaranty insurance to cover new types of mortgages devised in recent years and increases reinsurance capabilities to increase the availability of conventional residential mortgage funds.

HOUSE BILL 2143 **HOUSE AUTHOR:** A. Smith
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Henderson

House Bill 2143 permits more than one policy of credit life or credit health and accident insurance to be issued to cover certain regulated loans, installment loans, secondary mortgage liens, retail installment sales, and motor vehicle installment sales provided that the combination of those policies does not exceed the amount of indebtedness.

SENATE BILL 275 **SENATE AUTHOR:** McFarland
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Wolens

Senate Bill 275 authorizes domestic life insurance companies to reinsure property and casualty aviation risks. This reinsurance is subject to limitations imposed by the State Board of Insurance, and the ceding company must be licensed to do business in Texas. The reinsurance may be on risks relating to the manufacture, ownership, custody, and operation of aircraft and space equipment.

SENATE BILL 330 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** D. Lee

Senate Bill 330 raises the limits of life insurance on a debtor that can be provided to a creditor for the protection of a loan. The limit on life insurance for a borrower or purchaser of securities, merchandise, or other property is raised from $20,000 to $50,000; the limit for a borrower for educational, agricultural, and horticultural purposes is raised from $50,000 to $100,000.

SENATE BILL 332 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 5-3-83 **HOUSE SPONSOR:** Shea

Senate Bill 332 specifically excludes from the Texas Property and Casualty Insurance Guaranty Act credit insurance that insures a lender against loss due to default by a borrower in the repayment of a loan secured by a second or junior lien mortgage.

SENATE BILL 538 **SENATE AUTHOR:** Caperton
EFFECTIVE: 1-1-84 **HOUSE SPONSOR:** C. Evans

Senate Bill 538 increases the minimum automobile liability coverage required to operate a motor vehicle in Texas. The current minimum limits are $10,000 per person per accident, $20,000 for two or more persons per accident, and $5,000 per accident for property damage. The act raises these amounts to $15,000-$30,000-$15,000, respectively, effective January 1, 1984, and to $20,000-$40,000-$15,000, respectively, effective January 1, 1986. Coverage in the old limits issued before each of those dates is adequate under the law until time for renewal.

SENATE BILL 1020 **SENATE AUTHOR:** Truan
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Green

The Texas Catastrophe Property Insurance Association was created by the legislature in 1971 to provide adequate windstorm, hail, and fire insurance in a high-risk, 14-county area along the Gulf Coast. All property insurers authorized to transact property insurance in the state are members. Senate Bill 1020 provides that the participation of members in the association shall be determined annually in the manner provided in the plan of operation, rather than as the initial determination, as previously required.

Miscellaneous

HOUSE BILL 842 **HOUSE AUTHOR:** Simpson
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Traeger

House Bill 842 changes and increases the maximum limit on certain group term life insurance for spouses and children to an amount not to exceed one-half of the amount of insurance on the life of the employee covered under the policy.

SENATE BILL 928 **SENATE AUTHOR:** Jones
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Simpson

Senate Bill 928, which renews the State Board of Insurance, makes several changes in Texas insurance law. A change applicable to all insurance companies provides that such companies may not refuse to insure handicapped individuals, limit the amount or scope of their coverage, or charge them differential rates, except where justified by sound actuarial principles or by actual or anticipated experience. Another change, applicable to automobile and homeowner insurance companies, requires that the insurer respond in writing to policyholders or applicants requesting to know why a policy was refused, revoked, or canceled. Finally, Senate Bill 928 requires title insurance companies to initiate proceedings in favor of the insured whenever a valid title defect is reported, not just when a claim against the insured has actually arisen.

Provisions relevant to board administration revise its system of funding and accounting and eliminate certain procedural inefficiencies associated with the chartering of insurance companies. License and examination fees for insurance agents may be increased under authorizations in the act, and the board is authorized to implement a staggered system of license renewals. Another provision sets a four-year statute of limitations on protesting insurance premium taxes.

HOUSE BILL 1487 **HOUSE AUTHOR:** Simpson
EFFECTIVE: 5-28-83 **SENATE SPONSOR:** Farabee

House Bill 1487 provides for the State Board of Insurance to consider and adopt standard and uniform rules, rating plans, classification plans, statistical plans, and policy and endorsement forms for motor vehicle, fire and allied lines, workers compensation, and multiperil insurance under a set of uniform administrative procedures provided in the bill. The statute provides alternatives to procedures set out under the Administrative Procedure and Texas Register Act that should allow the board to make needed changes in a more timely manner.

HOUSE BILL 1488 **HOUSE AUTHOR:** Simpson
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Lyon

House Bill 1488 provides for regulation of the formation and operation of product liability risk retention groups in Texas and authorizes the State Board of Insurance to adopt rules to carry out the purposes of the act. Members of risk retention groups pool all or a portion of their product liability and completed operations risk.

HOUSE BILL 1575 **HOUSE AUTHOR:** D. Lee
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Henderson

In 1975, the legislature created the Texas Medical Liability Insurance Underwriting Association as a temporary solution to the medical malpractice insurance availability problem in Texas. The dissolution date of the association was set at December 3, 1979, but the date has been extended by subsequent legislatures to another specified date. House Bill 1575 extends the operating period of the association to the end of 1985 unless the State Board of Insurance determines before that time that the association should be suspended. It directs the board to determine the need for the association and also provides authorization for reactivation if a need arises after the association is suspended.

SENATE BILL 350 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Green

Senate Bill 350 provides that all benefits payable under specified life, health, and accident insurance policies and contracts are payable in currency. The act sets out requirements for benefits that are payable in foreign currencies and authorizes the State Board of Insurance to adopt rules to carry out the purposes of the act.

SENATE BILL 351 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 4-19-83 **HOUSE SPONSOR:** Gavin

In most cases, the insurance policies of labor unions and multiple employer trusts are administered by one person who is designated as the "policyholder" on the insurance contract and so who, by law, is responsible for payment of insurance premiums. Senate Bill 351 permits participating employers, labor unions, or individual employees or members to pay the premiums for such insurance directly to the insurer.

SENATE BILL 353 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 5-27-83 **HOUSE SPONSOR:** Patrick

Senate Bill 353 amends the Insurance Code to include the leasing, renting, and selling of portable fire extinguishers within the scope of the existing regulations. This act also authorizes the use of the 1981 "Life Safety Code" rather than the 1976 edition in previous use, and permits revisions of the "Life Safety Code" to be adopted by the State Board of Insurance rather than by legislative enactment.

In addition, licensed electricians who install single-station fire detection and alarm devices in single-family or multifamily residences are exempt from licensing under this act if their installations comply with provisions of the "Life Safety Code." Finally, the act raises the examination and renewal fees for licenses issued to fire alarm installation superintendents.

SENATE BILL 446 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Ceverha

Senate Bill 446 is the Amusement Ride Safety Inspection and Insurance Act. It provides that a person may not operate an amusement ride unless the ride is annually inspected for safety and unless certain insurance is provided. The State Board of Insurance is directed to administer and enforce the act.

SENATE BILL 515 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Millsap

The Texas Workers' Compensation Assigned Risk Pool was created to provide workers' compensation insurance that could not be otherwise obtained. Senate Bill 515: (1) establishes a governing committee for the pool; (2) provides administrative procedures relating to bylaws, rules, regulations, and operational funding of the pool; (3) requires full disclosure by policyholders and applicants of pertinent insurance information; (4) requires compliance with all rules and regulations of administrative agencies having jurisdiction and requires full disclosure of all remuneration made to employees; (5) provides appeals procedures; (6) regulates investment of funds; and (7) requires annual reports by the pool to the State Board of Insurance.

SENATE BILL 827 **SENATE AUTHOR:** McFarland
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Green

Senate Bill 827 provides that persons furnishing the State Board of Insurance information relating to any known or suspected fraudulent insurance or reinsurance transaction are not subject to civil liability for libel, slander, or other cause provided that the persons act without malice and under the requirements of law or at the direction of the board. Members and employees of the board are similarly protected for their involvement in such investigations or for the publication or dissemination of reports of the investigations.

SENATE BILL 948 **SENATE AUTHOR:** Harris
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Wolens

Senate Bill 948 requires the State Board of Insurance to determine reasonable acquisition costs, loss ratio, administrative expenses, loss settlement expenses, and other relevant data in determining the presumptive premium rate for credit life insurance and credit accident and health insurance. The act states that the board may not set presumptive rates that are "unjust, unreasonable, inadequate, confiscatory, or excessive to the insurers, the insureds, or agents." It also provides that the board may not fix or limit the amount of compensation paid by a company to an agent but may request information on compensation paid. Persons aggrieved by any board action may file a suit in a Travis County district court.

LABOR

General Legislation

HOUSE BILL 79 **HOUSE AUTHOR:** Leonard
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sharp

State law that required employers to pay employee wages at least semimonthly is amended by this act to allow employers to make monthly, rather than semimonthly, payments to employees who are exempt from certain overtime pay provisions of the federal Fair Labor Standards Act. Those employees are generally professional and administrative employees. The act also requires employers to pay all employees not later than the seventh day after the end of the pay period regardless of the length of the pay period.

HOUSE BILL 2251 **HOUSE AUTHOR:** Delco
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Parker

House Bill 2251 implements the Federal Job Training Partnership Act by creating a statewide job training program. The act describes the purposes, goals, and administration of state and local systems for managing job training and other employment-related programs in the state. The act establishes responsibilities for the governor and the Texas Department of Community Affairs in relation to the program, creates a joint legislative committee to monitor the program, and establishes a State Job Training Coordinating Council as required by the federal act. House Bill 2251 also provides for the legislature's right to review and comment on the job training plan submitted from each service delivery area and the right to review and comment on the governor's proposals relating to this program.

SENATE BILL 579 **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Barrientos

Current state statutes allow for the issuance of a temporary license to any person who submits an application to operate a migrant labor housing facility. A substandard or condemned facility could operate under a temporary license until an inspection is made by the Texas Department of Health. Senate Bill 579 abolishes temporary licenses and allows licenses to be issued only after inspection has determined the facility meets the department standards. The act also requires the Texas Department of Health to conduct inspections within 30 days after it receives an application and provides for reinspection of substandard housing facilities. This act increases license fees and provides that a person operating a migrant labor housing facility without a license is subject to a civil penalty rather than the previously prescribed misdemeanor criminal penalty.

SENATE BILL 927 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Messer

Senate Bill 927 adds a new chapter to the Insurance Code for regulation of job protection insurance coverage. This act defines the types of insurance that may be offered and the certification and other requirements for companies offering this coverage. Agents for companies operating under the chapter must obtain licenses, but are not required to take a written examination. Penalties are provided for violation of the chapter.

Workers' Compensation

HOUSE BILL 68 **HOUSE AUTHOR:** Criss
EFFECTIVE: 5-17-83 **SENATE SPONSOR:** Mauzy

House Bill 68 amends current law to provide that if an insurance carrier provides medical benefits to an employee for a claim that is denied by the association under the workers' compensation program, the employee may assign his right to recovery under workers' compensation to the insurance carrier.

HOUSE BILL 99 **HOUSE AUTHOR:** Criss
EFFECTIVE: 5-17-83 **SENATE SPONSOR:** Mauzy

Texas law provides that when death occurs as the result of an injury after a period of total or partial incapacity for which workers' compensation benefits have been paid, the weekly death benefits paid to beneficiaries must be reduced by the amount of workers' compensation benefits received before the death. Current law provides lifetime death benefits for certain widows and widowers and extended benefits for the children of the deceased employee. House Bill 99 exempts a widow, widower, or children from having to repay workers' compensation benefits before receiving weekly death benefits in cases in which workers' compensation benefits have been paid prior to death.

HOUSE BILL 131 **HOUSE AUTHOR:** Watson, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Doggett

In 1977, the 65th Legislature provided that workers' compensation would pay a maximum of $1,250 in funeral benefits for the burial of an employee. Because the cost of a funeral and burial has increased, House Bill 131 increases the maximum funeral benefit under workers' compensation to $2,500.

HOUSE BILL 1852 **HOUSE AUTHOR:** Messer
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Glasgow

A prime contractor and a subcontractor are permitted by this act to enter into a written contract to provide workers' compensation benefits to the subcontractor and the subcontractor's employees. The act establishes that under the contract the subcontractor and his employees shall be considered employees of the prime contractor only for the purpose of workers' compensation. This act also includes definitions for subcontractor and prime contractor.

HOUSE BILL 2081 **HOUSE AUTHOR:** Granoff
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Farabee

House Bill 2081 amends current law by adding a new provision that specifies a deadline for an insurance carrier to begin paying workers' compensation payments. The bill authorizes the Industrial Accident Board and the commissioner of the State Board of Insurance to enforce payment of workers' compensation benefits by private carriers and self-insurers. Under this act insurance carriers must begin payment on indemnity compensation or medical benefits within 20 days after notice or file a statement with the Industrial Accident Board as to why payments were not begun. This act also authorizes the Industrial Accident Board to penalize an insurance carrier who does not promptly and adequately investigate claims.

HOUSE BILL 2106 **HOUSE AUTHOR:** Watson
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Mauzy

The Texas Workers' Compensation Act provides that in a workers' compensation case in which there is a compensable death claim but no eligible beneficiary, the association pays the amount of the benefit to the Industrial Accident Board for deposit in the second injury fund. The current law also provides a limit on this fund. Once the total amount in the fund reaches $750,000, no further payments are required until the amount in the fund is reduced below $300,000. The Industrial Accident Board has expressed concern that such a limit is inadvisable because of the high cost of lifetime benefits. House Bill 2106 removes the $750,000 limit and requires carriers in such a case to pay 360 weeks of benefits into the fund.

HOUSE BILL 2107 **HOUSE AUTHOR:** Watson
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Mauzy

House Bill 2107 clarifies conflicting language concerning lump-sum settlements of death benefits to provide that the lump-sum settlements may not be made in violation of the workers' compensation law.

SENATE BILL 291 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Cain

This act extends the statute of limitations for filing workers' compensation claims from six months to one year after occurrence of injury, manifestation of occupational disease, or physical or mental incapacity.

SENATE BILL 311 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Cain

Senate Bill 311 relates to disputes involving medical, hospital, nursing, chiropractic, and podiatric service payments in workers' compensation settlements and judgments. It provides that such a dispute be presented to the Industrial Accident Board. Suits may be brought to appeal the rulings of the board.

SENATE BILL 864 **SENATE AUTHOR:** Lyon
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Leonard

Senate Bill 864 provides for court-awarded attorney's fees, in lump sum, in certain death benefit cases where liability is not admitted or is in dispute.

Unemployment Benefits

HOUSE BILL 340 **HOUSE AUTHOR:** L. Hall
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Edwards

House Bill 340 closes a loophole that allowed a seller of a business to take advantage of the unemployment benefits program. This act disqualifies from benefit eligibility a person who is an officer or majority or controlling shareholder in a corporation, a limited partner, or a sole proprietor if that person is involved in the sale of the corporation, partnership, or sole proprietorship. This disqualification lasts from the date of the sale until the person becomes eligible on the basis of income earned through new employment.

HOUSE BILL 896 **HOUSE AUTHOR:** Criss
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Sharp

House Bill 896 amends the Texas Unemployment Compensation Act relating to the repayment of Texas' federal loan for unemployment compensation benefits and to the financing of interest payments on the federal loan. The act seeks to restore the state unemployment compensation fund to a secure level of solvency. It alters the taxing mechanism to redistribute the tax burden among all classes of employers.

HOUSE BILL 1352 **HOUSE AUTHOR:** Criss
EFFECTIVE: 4-19-83 **SENATE SPONSOR:** McFarland

In 1981 record unemployment in Texas depleted the Texas unemployment compensation trust fund. In September, 1982, the 67th Legislature passed House Bill 1 establishing the advance interest trust fund, thus permitting the governor to borrow from the federal unemployment trust fund to enable the state to continue unemployment benefits. The advance interest trust fund is financed by a surcharge levied on Texas payroll taxes. Although House Bill 1 helped maintain solvency in the Texas unemployment compensation trust fund, continued unemployment in Texas has created a need for an additional loan request. To authorize this additional request, an increase in the advance interest trust fund is necessary to cover the interest payments on the federal money Texas borrowed last year. House Bill 1352 will establish a one-time surtax of five percent on the amount of payroll taxes paid by Texas employers in 1982. The revenue gained from this surtax will pay the interest the state owes the federal government and will allow the state to continue borrowing federal money for unemployment benefits.

HOUSE BILL 1401 **HOUSE AUTHOR:** Fox
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Henderson

Most private employers pay an unemployment-fund tax based on the amount of unemployment benefits paid to their former employees. Government agencies do not pay the tax, nor do other entities that choose to be "reimbursing employers." These government and private reimbursers repay the unemployment fund directly each quarter for the benefits paid to their former employees. House Bill 1401 establishes a fee to be paid by a reimbursing employer to cover the administration costs of a claim presented under the reimbursement system. The act also provides that if an employer is charged for benefits for a former employee, and that person is later determined to have been ineligible for benefits, the benefits shall be collected from the claimant and the charges shall be refunded to the employer's account by the Texas Employment Commission.

SENATE BILL 230 **SENATE AUTHOR:** Brown
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Saunders

Senate Bill 230 amends state law to delete the requirement that students of a public educational institution involved in work-study programs be less than 22 years old to be denied unemployment benefits. No student working in a work-study program can receive unemployment benefits if he loses the work-study job, regardless of his age. The act clarifies that a student employee who works in an apprenticeship training program or as a teaching assistant is eligible for unemployment compensation.

SENATE BILL 448 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Criss

If state unemployment compensation regulations fail to conform with federal regulations, Texas employers become subject to the full federal tax rate. Elimination of the state tax credit would drastically increase taxes for Texas employers. Senate Bill 448 brings state law into compliance with new federal regulations relating to participation in approved training programs, changes in extended benefit periods, trade readjustment allowances, and child support payment deductions. This act also ensures compliance with federal directives that provide benefits to certain nonprofessional employees of educational institutions.

MENTAL HEALTH AND MENTAL RETARDATION

In the area of mental health and mental retardation, the 68th Legislature passed several measures relating to commitment procedure, including a substantive revision of the Texas Mental Health Code. Many of the acts are designed to protect a person's individual rights to liberty and dignity.

HOUSE BILL 2058 — **HOUSE AUTHOR:** Millsap
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** McFarland

Under previous law, a person with a serious drug problem could be committed to a hospital for court-ordered treatment only if the person was addicted to narcotics. House Bill 2058 expands the list of drugs and substances for which court-ordered treatment may be sought in the civil court system. The term "drug dependency" is used in place of "addiction to narcotics," and the list of controlled substances includes toxic inhalants as well as any substance designated as a controlled substance in the Texas Controlled Substances Act. The act outlines the procedure for court-ordered commitment of a drug-dependent person and changes the procedure for obtaining an order of protective custody to satisfy constitutional requirements.

HOUSE BILL 500 — **HOUSE AUTHOR:** Peveto
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Glasgow

House Bill 500 changes the membership of the Texas Department of Mental Health and Mental Retardation review board, which determines whether a person who is committed to the department is manifestly dangerous and requires treatment in a maximum security unit. Under previous law, the board was composed of three psychiatrists appointed by the commissioner of the department. This act provides that the board shall be composed of five members appointed by the commissioner, one of whom is to be a psychiatrist and two of whom are to be persons who work directly with mental health patients or mentally retarded clients. The act also clarifies the effect a finding of nondangerousness has on a person's status as a patient.

SENATE BILL 435 — **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-83 — **HOUSE SPONSOR:** DeLay

Senate Bill 435 is a substantive revision of the Texas Mental Health Code, resulting from recommendations of the Mental Health Code Task Force that was established in 1981 by a resolution of the Texas Board of Mental Health and Mental Retardation. The act updates and clarifies language of the mental health code; defines criteria for state-ordered involuntary care and treatment; establishes procedures for obtaining facts, carrying out examinations, and making decisions relating to mental health care in the most prompt and fair manner possible; and includes provisions safeguarding the legal rights of patients. It also revises procedures for voluntary in-patient mental health services and for emergency procedures. The protective custody sections of the code alleviate the constitutional concerns raised by the November 24, 1982, court decision that found the protective custody laws for the mentally ill then in force to be in violation of an individual's right to due process.

SENATE BILL 213 — **SENATE AUTHOR:** Farabee, et al.
EFFECTIVE: 2-24-83 — **HOUSE SPONSOR:** Hury

Senate Bill 213 was passed as an emergency measure in response to a November 24, 1982, United States District Court ruling that the protective custody provisions of the Texas Mental Health Code were in violation of an individual's right of due process and thereby unconstitutional. The act requires proper notification of the issuance of an order of protective custody, requires that a hearing for probable cause be held within 72 hours, clarifies detention procedures, provides for continued detention in an appropriate facility pending a final commitment hearing, and clarifies the physicians' certificate requirements. This act expires August 31, 1983. These same provisions are contained in Senate Bill 435, the revision of the mental health code, which takes effect September 1, 1983.

SENATE BILL 1278 — **SENATE AUTHOR:** Farabee
EFFECTIVE: 6-19-83 — **HOUSE SPONSOR:** Hury

Senate Bill 1278 establishes a two-year pilot program administered by the Texas Department of Mental Health and Mental Retardation. The pilot program will provide information on the changes in mental health law made by the new mental health code. The act also requires the department to hold seminars in various areas of the state on the changes made by the new code.

HOUSE BILL 338 **HOUSE AUTHOR:** Millsap, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Parmer

House Bill 338 authorizes the Texas Department of Mental Health and Mental Retardation to construct and operate a psychiatric treatment facility in Tarrant County. It also establishes a special community centers construction fund to be used by the department to construct facilities for community-based services and alternative living arrangements for the mentally disabled. The act provides procedures for the transfer of these facilities to the community centers.

SENATE BILL 126 **SENATE AUTHOR:** Traeger
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** DeLay

Senate Bill 126 authorizes the Texas Department of Mental Health and Mental Retardation to obtain from the Department of Public Safety pertinent conviction data on applicants to whom an offer of employment has been made for a position having direct contact with mental health or mentally retarded clients. The act also provides safeguards to protect the privacy of an applicant.

SENATE BILL 392 **SENATE AUTHOR:** Leedom
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Wright

Senate Bill 392 clarifies the requirements for a trust, of which a mentally retarded person is beneficiary, to be exempted from charges for fees for support, maintenance, or treatment of the person by a residential care facility operated by the Texas Department of Mental Health and Mental Retardation. It also specifies those items not considered trusts for the purpose of this exemption.

SENATE BILL 407 **SENATE AUTHOR:** Doggett
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** D. Lee

The State Funds Reform Act of 1981 requires that funds received by a state agency be deposited in the state treasury, credited to particular accounts, and subject to appropriation only for authorized purposes. This requirement has resulted in delays in paying sheltered workshop clients for their completed work. Senate Bill 407 provides that money in certain sheltered workshop operating funds is to be held in trust by the Texas Department of Mental Health and Mental Retardation for the benefit of workshop participants.

SENATE BILL 393 **SENATE AUTHOR:** Leedom
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Wright

Senate Bill 393 provides that the Texas Department of Mental Health and Mental Retardation, rather than the State Purchasing and General Services Commission, shall be the agent of the state in filing claims and making contracts for payments for support, maintenance, and treatment of patients in certain state hospitals or residential care facilities.

SENATE BILL 394 **SENATE AUTHOR:** Leedom
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Wright

Senate Bill 394 clarifies the nature of child support and how it is to be considered and charged by the Texas Department of Mental Health and Mental Retardation for the support, maintenance, and treatment of patients in state facilities who are under 18 years of age. It also authorizes the department to seek a modification of a court order to require that the child support be paid directly to the state facility.

SENATE BILL 377 **SENATE AUTHOR:** Doggett
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Oliver

Senate Bill 377 establishes two new deputy commissioner positions in the Texas Department of Mental Health and Mental Retardation. It also changes the designation of certain facilities operated by the department, and adds to the Mental Health and Mental Retardation Act the names of two facilities that were created by separate statute but not previously named in the act.

PARKS AND WILDLIFE

Wildlife

SENATE BILL 94 — **SENATE AUTHOR:** Lyon
EFFECTIVE: 4-29-83 — **HOUSE SPONSOR:** Agnich

Under previous law, 116 of the state's 254 counties were exempt from the authority of the Parks and Wildlife Commission to regulate the taking of wildlife resources. Senate Bill 94 gives the commission the authority to regulate the taking of most wildlife resources in all counties. The act repeals local veto authority over proclamations issued by the commission. The act also repeals most local hunting and fishing laws.

SENATE BILL 250 — **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 8-29-83 — **HOUSE SPONSOR:** Connelly

The Parks and Wildlife Department is authorized to lease grazing rights on and sell products from land used as game preserves, game sanctuaries, and game management areas and may accept material, supplies, or services to be used in game management areas as consideration for the lease or sale. Senate Bill 250 removes the restriction that the game management area be state owned.

This act also removes confusing language relating to the department's authority to issue hunting permits on wildlife management areas and clarifies the definition of "nonresident" in regard to licenses required for trapping and raising fur-bearing animals and for selling their pelts.

HOUSE BILL 480 — **HOUSE AUTHOR:** Collazo
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Parker

House Bill 480 expands the permitted use of the game, fish, and water safety fund to include research and management of alligators and fur-bearing animals. The act also makes technical corrections in the law relating to the removal of fur-bearing animals and reptiles.

HOUSE BILL 930 — **HOUSE AUTHOR:** Uher, et al.
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Sharp

The Parks and Wildlife Department issues permits for control of predators by aircraft in certain counties. House Bill 930 expands the list of counties to include Jackson and Matagorda counties.

HOUSE BILL 1064 — **HOUSE AUTHOR:** Agnich
EFFECTIVE: 6-16-83 — **SENATE SPONSOR:** Santiesteban

House Bill 1064 establishes the special nongame and endangered species conservation fund for the protection and management of nongame and endangered species in Texas. The act describes various sources and uses of the fund. Sources include the net proceeds from the sale of wildlife art prints, decals, and stamps, whose production and sale are authorized by the act.

The Parks and Wildlife Department is directed to evaluate the effectiveness of the nongame and endangered species conservation program established by this act and to report its finding by December 31, 1986.

State Parks

HOUSE BILL 586 — **HOUSE AUTHOR:** Criss
EFFECTIVE: 9-1-83 — **SENATE SPONSOR:** Brooks

In 1979, the Battleship Texas Commission expired when the legislature failed to pass sunset legislation recreating the commission. The Parks and Wildlife Department managed the battleship until the Battleship Texas Commission was recreated by the 67th Legislature in 1981. House Bill 586 abolishes the commission and transfers jurisdiction over the battleship to the Parks and Wildlife Department.

This act also creates the Battleship "Texas" Advisory Board to advise the department on the operation and maintenance of the ship and to conduct fund-raising activities.

HOUSE BILL 1731 **HOUSE AUTHOR:** Danburg
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Lyon

This act establishes the Texas Trails System under the administration of the Parks and Wildlife Department. The purposes of the system are to provide high-quality outdoor recreational, scenic, historic, and expedition trails and to promote their development and use.

The department may designate trails within the state parks system, or on state lands, as well as designate federal, state, regional, local, and private trails as components of the system after obtaining consent of the owner or agency. The act also requires the department to classify trails and allows the Parks and Wildlife Commission to appoint a Texas Trails Advisory Council to advise the department in matters relating to the system.

SENATE BILL 249 **SENATE AUTHOR:** Sharp
EFFECTIVE: 4-19-83 **HOUSE SPONSOR:** Armbrister

Matagorda Island, located near Port O'Connor, is divided among three owners. The State of Texas owns about 16,370 acres, about 19,000 acres are federal government land, and 11,000 acres are privately owned.

The state has long been interested in the federal property since it includes much of the prime wildlife areas. The 66th Legislature created the Matagorda Island State Park and Wildlife Management Area.

In 1982, Texas entered into an agreement with the federal government under which the Parks and Wildlife Department will manage the federal land along with the state-owned land. Senate Bill 249 amends the law establishing the Matagorda Island State Park and Wildlife Management Area to eliminate the provision that it is to be used primarily for public recreational purposes and to add that the park also be used for wildlife conservation. The act also requires the area to be used as a wildlife management area.

HOUSE BILL 2061 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Parmer

House Bill 2061 establishes Gateway State Park in Tarrant County under the jurisdiction of the Parks and Wildlife Department. The act creates the Gateway State Park Board, requires the board to lease the park from the department, and requires the board to operate and maintain the park.

House Bill 2061 also establishes the Trinity River State Park in Dallas County under the jurisdiction of the Parks and Wildlife Department. The act sets forth the boundaries of the land that may be acquired to be used as the park. The city of Dallas is given the authority by this act to undertake certain projects within the park.

Redfish and Speckled Sea Trout

In 1981, the 67th Legislature enacted legislation prohibiting commercial fishing of redfish and speckled sea trout in Texas waters and prohibiting the possession, sale, or purchase for resale of these fish. This new act permits importation and also regulates the noncommercial fishing of these species.

The taking of redfish and speckled sea trout was also the subject of six bills enacted by the 68th Legislature.

HOUSE BILL 1376 **HOUSE AUTHOR:** Schlueter
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Harris

House Bill 1376 strengthens existing laws relating to possession of redfish and speckled sea trout. Current law allows the Parks and Wildlife Commission to establish catch, retention, and size limits for redfish and speckled sea trout by proclamations that are more restrictive than the statute. This act allows the commission to also establish less restrictive catch, retention, and size limits for redfish and speckled sea trout. The act reestablishes the penalty for a person who is engaged in business as a tidal water commercial fisherman but who operates without a commercial fisherman's license. The act also provides penalties for commission proclamation violations relating to redfish and speckled sea trout catches.

HOUSE BILL 1406 **HOUSE AUTHOR:** Wright
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Santiesteban

This act provides that if a person possesses redfish or speckled sea trout under a statutory exemption, the person commits a Class B misdemeanor if the person fails to keep with the fish or fails to present certain documents showing the place of origin or the exempt status of the fish.

SENATE BILL 808 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Berlanga

Senate Bill 808 prohibits shrimpers from retaining redfish and speckled sea trout caught in a shrimp trawl. It also prohibits any person on board certain commercial shrimp boats from retaining redfish or speckled sea trout if there is a shrimp trawl on board.

SENATE BILL 834 **SENATE AUTHOR:** Brown
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Hightower

Senate Bill 834 authorizes the Parks and Wildlife Commission to require that a bill of lading accompany all imported redfish and speckled sea trout to their place of final sale. It also requires proper identification of a vehicle that commercially transports redfish and speckled sea trout and authorizes the commission to prescribe identification requirements.

SENATE BILL 1022 **SENATE AUTHOR:** Lyon
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** G. Hill

Senate Bill 1022 prohibits the catching and retention of redfish and speckled sea trout by persons on commercial fishing boats. The prohibition does not apply to persons who have paid to catch redfish or speckled sea trout for noncommercial purposes or to the boat's owner and operator if he holds a fish guide license. The act also provides penalties.

SENATE BILL 1023 **SENATE AUTHOR:** Lyon
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Keller

Senate Bill 1023 increases the penalties for violating catch, retention, and size limits for redfish and speckled sea trout and increases the penalties for possession of illegal nets and seines. The act also requires commercial fishing vessels to affix boat identification numbers to a visible area of the boat.

Miscellaneous

SENATE BILL 216 **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Danburg

The 67th Legislature authorized an interim committee to study the fees collected by state agencies for certain specific and definable services and to recommend desired changes. The committee recognized that several fees imposed by the Parks and Wildlife Department have not been changed although costs to the state for delivering those services have continued to increase. Pursuant to the committee's recommendations, Senate Bill 216 proposes to solve the problem by updating the parks and wildlife fees to help cover administrative costs in delivery of services.

Licenses and fees increased by the provisions of this act include resident hunting and fishing license from $5 to $8; resident exempt, from $1.25 to $5; resident combination hunting and fishing license, from $8.75 to $12; white winged dove stamp, from $3 to $6; and archery hunting stamp, from $3.25 to $6.

In addition to increasing license and permit fees, user fees, and other charges connected with the Parks and Wildlife Department, the act also eliminates certain fees or permits which incurred high administrative costs to collect.

SENATE BILL 251 **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 4-19-83 **HOUSE SPONSOR:** Hightower

This act amends the Parks and Wildlife Code by changing the title of game management officer to law enforcement officer to reflect the designation in the Code of Criminal Procedure. It also expands the authority of those officers to be coextensive with state boundaries and authorizes them to enforce all provisions of the Parks and Wildlife Code. This act also removes the minimum and maximum amounts of rewards payable to persons who furnish information leading to the arrest and conviction of violators of the Parks and Wildlife Code.

SENATE BILL 586 **SENATE AUTHOR:** Williams
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Berlanga

Currently all operations of the Parks and Wildlife Department are supervised by a six-member commission appointed by the governor. With the growing population of Texas and increasing demands put on parks and wildlife resources, the six-member commission has expressed difficulty in administering the diverse responsibilities. Senate Bill 586 increases the number of parks and wildlife commissioners from six to nine to aid in the proper administration of the expanding responsibilities of the commission.

HOUSE BILL 501 **HOUSE AUTHOR:** Polumbo
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Whitmire

Under existing law, in counties having two million or more inhabitants (Harris County), it is unlawful to hunt on land owned by another unless the person has in his possession the written consent of the landowner. House Bill 501 amends the law to also prohibit target shooting without the landowner's written consent. The act also includes certain exceptions to the requirement of obtaining landowner consent for hunting or target shooting.

PROBATE

HOUSE BILL 266 **HOUSE AUTHOR:** Green
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Washington

The Texas Probate Code is amended to allow the judge of a probate court to appoint a guardian ad litem, an attorney ad litem, or both, to represent the interest in probate proceedings of a nonresident, an unknown heir, or a person having a legal disability. Each guardian ad litem and attorney ad litem appointed under this new law is entitled to reasonable compensation for services in an amount to be set by the court and to be taxed as costs in the proceeding.

HOUSE BILL 267 **HOUSE AUTHOR:** Green
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Washington

This act amends provisions of the Texas Probate Code relating to compliance with a will admitted to probate as a muniment of title. A muniment of title is documentary evidence of ownership of property. The act requires the applicant for probate of a will admitted to probate as a muniment of title to file with the court clerk a sworn affidavit stating the terms of the will that have been fulfilled and the terms of the will that have not been fulfilled. Unless the court waives or extends the time, this affidavit must be filed before the 181st day after the date the will is admitted to probate as a muniment of title. Failure of the applicant to file an affidavit does not affect title to property passing under the terms of the will.

HOUSE BILL 374 **HOUSE AUTHOR:** Wright
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Washington

This act amends Article 1994, Revised Statutes, to permit the management of property recovered in a suit by the next friend of an "incapacitated" person instead of only a lunatic, idiot, or non compos mentis person. The act defines an incapacitated person as any person who has an impairment from any cause other than minority to the extent that the person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person.

This act also provides that a trust created under Article 1994 terminates when a beneficiary who for the termination of a trust having a minor or incapacitated person is a minor dies or attains a stated age, not to exceed 25 years, or when a beneficiary who is incapacitated dies or regains his capacity.

HOUSE BILL 375 **HOUSE AUTHOR:** Wright
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Washington

This act amends the Texas Probate Code to allow the qualified personal representative of the estate of a decedent to institute proceedings to determine heirship.

HOUSE BILL 376 **HOUSE AUTHOR:** Wright
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Washington

This act amends the Texas Probate Code to provide for the liability of the personal representative of an estate or person and the sureties on the personal representative's bond for reasonable attorney's fees incurred in removing the representative and in obtaining his compliance regarding any statutory duty he neglected.

HOUSE BILL 377 **HOUSE AUTHOR:** Wright
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Washington

This act amends the Texas Probate Code to provide a particular method by which notice of final settlements in certain probate proceedings is to be given to heirs and beneficiaries. Formerly left to the discretion of the court, the personal representative must now give notice by certified mail, return receipt requested, to each heir or beneficiary of the estate. The notice must include a copy of the account for final settlement. The court retains the discretion to require another type of notice and to allow the waiver of notice of an account for final settlement in a proceeding concerning a decedent's estate or guardianship.

HOUSE BILL 378 **HOUSE AUTHOR:** Wright
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Washington

This act amends Section 137, Texas Probate Code, which relates to the distribution of small estates on affidavit, by requiring that the affidavit petitioning for the distribution of a small estate be sworn to by two disinterested witnesses in addition to any interested distributees. The act further requires that the affidavit be

examined, rather than approved, by the judge of the court, and it allows the judge to find, in his discretion, that the affidavit conforms to the terms required by this section of the code. The act also states that this section of the code does not affect the disposition of property under the terms of a will or other testamentary document, nor does it transfer title to real property.

HOUSE BILL 553 **HOUSE AUTHOR:** W. O. Harrison
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sharp

Under existing law, the natural or adoptive parent of a minor who is not a ward may apply to the court to be allowed to sell the minor's interest in an estate without being appointed guardian. This act amends provisions of the Texas Probate Code previously allowing the parent to make such an application only when the value of the entire property did not exceed $10,000 to allow the parent to make such an application when the minor's interest in the property does not exceed $10,000.

HOUSE BILL 1080 **HOUSE AUTHOR:** Turner
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Caperton

In order to facilitate a change of venue in certain probate proceedings, this act provides for the transfer of records in connection with the proceedings. The act stipulates that if the court transfers probate proceedings for the convenience of the estate, the clerk of the court shall transmit to the court of transfer the original file in the proceeding and a certified copy of the entries in the minutes that relate to the proceeding.

HOUSE BILL 1883 **HOUSE AUTHOR:** Wright
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Mauzy

Under Section 243, Texas Probate Code, any person designated as executor or administrator of a will is permitted under certain circumstances to recover, out of the estate, the necessary expenses and disbursements made to have the will admitted to probate. This act amends Section 243 to permit the executor or administrator of an alleged will to also recover such expenses and disbursements.

HOUSE BILL 1884 **HOUSE AUTHOR:** Wright
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Mauzy

The Texas Probate Code is amended to permit a statutory probate court judge to transfer to his court from a district, county, or statutory court a cause of action appertaining or incident to an estate pending in the statutory probate court. The judge may then consolidate the transferred cause of action with the other proceedings in his court relating to the estate.

HOUSE BILL 2217 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Glasgow

House Bill 2217 gives the clerk of a district court the authority to perform any function that a county clerk may perform if a probate proceeding is transferred to the district court.

HOUSE JOINT RESOLUTION 70 **HOUSE AUTHOR:** Wright
FOR ELECTION: 11-8-83 **SENATE SPONSOR:** Washington

This proposed amendment, adding Section 16a to Article V of the Texas Constitution, authorizes the legislature to provide a system for statewide assignment of judges of statutory courts with probate jurisdiction to hold court for other statutory court judges with probate jurisdiction or for judges of constitutional county courts.

HOUSE BILL 637 **HOUSE AUTHOR:** Wright
EFFECTIVE: See below **SENATE SPONSOR:** Washington

This act creates new law to authorize the assignment of judges of the statutory probate courts to other courts having probate jurisdiction. The act states that a presiding judge must be elected from among the other statutory probate judges. The presiding judge, for whom adequate facilities must be provided by the commissioners court of the county in which he resides, is responsible for the assignment of judges. Judges subject to assignment include both current and retired judges of the statutory probate courts. These judges may be assigned to another court when: the regular judge requests an assignment; the regular judge is absent, disabled, or disqualified; the regular judge is present and trying cases; or the office of the regular judge is vacant by reason of death, resignation, or other cause. An assigned judge has the same jurisdiction, powers, and duties of the regular judge. The act also includes provisions for the compensation, expenses, and per diem of assigned

judges. The presiding judge is required to call and preside over an annual meeting of the statutory probate judges and is permitted to call additional meetings that he considers necessary for the promotion of the orderly and efficient administration of justice. This act will take effect only if the constitutional amendment proposed by House Joint Resolution 70, 68th Legislature, Regular Session, 1983, is approved by the voters.

SENATE BILL 1097 **SENATE AUTHOR:** Uribe
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Danburg

This act amends the provisions of the Texas Probate Code relating to limited guardianships by expanding the category of persons for whom a limited guardianship may be established from only those who are mentally retarded to include those who are incapacitated. The act defines an incapacitated person as an adult individual who, because of a physical or mental condition, is substantially unable to feed, clothe, or shelter himself, or to care for his own physical health, or to manage his property or financial affairs. The act also amends certain provisions relating to hearings and evidentiary matters involved in limited guardianships.

PROPERTY INTERESTS

SENATE BILL 748 **SENATE AUTHOR:** McFarland
EFFECTIVE: 1-1-84 **HOUSE SPONSOR:** Messer

In 1963, the 58th Legislature authorized a permanent statutory program for the systematic and continual study and revision of state statutes. The latest product of this process is the Property Code, a nonsubstantive revision of the statutes relating to property, which is adopted by this act. The general organization of the Property Code is:

TITLE 1. GENERAL PROVISIONS
TITLE 2. CONVEYANCES
TITLE 3. PUBLIC RECORDS
TITLE 4. ACTIONS AND REMEDIES
TITLE 5. LIENS AND EXEMPT PROPERTY
  SUBTITLE A. EXEMPT PROPERTY
  SUBTITLE B. LIENS
TITLE 6. ESCHEAT
TITLE 7. CONDOMINIUMS
TITLE 8. LANDLORD AND TENANT
TITLE 9. TRUSTS
  SUBTITLE A. PROVISIONS GENERALLY APPLICABLE TO TRUSTS
  SUBTITLE B. TEXAS TRUST ACT: CREATION, OPERATION, AND TERMINATION OF TRUSTS
  SUBTITLE C. MISCELLANEOUS TRUSTS
TITLE 10. MISCELLANEOUS BENEFICIAL PROPERTY INTERESTS
  SUBTITLE A. PERSONS UNDER DISABILITY
  SUBTITLE B. FIDUCIARIES
  SUBTITLE C. POWERS OF APPOINTMENT

HOUSE BILL 423 **HOUSE AUTHOR:** G. Hill
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Doggett

This act entitles the claimant of a mechanic's lien to recover all reasonable costs of collection, including attorney's fees if the lien is not paid within 180 days from the time it is filed. However, this act also provides that if the claim for the lien is not valid or enforceable, the owner of the property against which the lien is claimed, the original contractor, a subcontractor, or a surety under a bond may recover from the lien claimant all reasonable costs, including attorney's fees, of defending against the claim.

HOUSE BILL 1118 **HOUSE AUTHOR:** Gilley
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Glasgow

House Bill 1118 requires a county clerk to send notice of an award of damages in an eminent domain proceeding to the parties involved. The notice must be sent by certified or registered mail on the day the decision is filed or on the next working day.

HOUSE BILL 1619 **HOUSE AUTHOR:** Salinas
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Montford

House Bill 1619 requires that notice of a sale of real estate under a deed of trust or other contract lien shall be filed in the county clerk's office of the county in which the sale is to be made at least 21 days preceding the date of the sale, in addition to the previously required notice requirements.

HOUSE BILL 1766 **HOUSE AUTHOR:** Shaw
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brown

House Bill 1766 amends the Natural Resources Code by adding a chapter allowing the creation of conservation easements on certain real property. A conservation easement is a restriction or obligation concerning the use of real property having natural, historical, or cultural value that is intended to protect that special character of the property. The act also contains provisions concerning monitoring and enforcing

conservation easements. Previous law contained no provisions pertaining to the issues involved in conservation easements.

HOUSE BILL 1986 **HOUSE AUTHOR:** Pierce
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Farabee

House Bill 1986 permits a city planning commission to issue an amending plat signed by the applicants only, and without notification, hearing, and approval of other owners of lots in the subdivision if the purpose of the plat is to relocate one or more lot lines between one or more adjacent lots in the subdivision and the owner or owners of all the lots join in the application for the plat amendment. However, the plat amendment may not remove recorded covenants or restrictions or increase the number of lots. Under previous law, a plan to change the boundary between two or more adjacent lots was complicated by the requirement that all property owners in the subdivision be notified of the proceeding and offered an opportunity to participate.

HOUSE JOINT RESOLUTION 105 **HOUSE AUTHOR:** C. Evans, et al.
FOR ELECTION: 11-8-83 **SENATE SPONSOR:** Caperton

House Joint Resolution 105 proposes a constitutional amendment to change the character of the exemption from forced sale of an urban homestead by replacing the limitation based on value with a size limitation of one acre. The Texas Constitution exempts a person's homestead from forced sale to satisfy creditors except when the debt is for the money used to buy the property, home improvements, or taxes on the property. A rural homestead is defined as up to 200 acres of land, and an urban homestead is defined as a lot or lots valued at no more than $10,000 when purchased, without regard to the value of the improvements on the land. Under current law, should the value of an urban homestead exceed $10,000, a creditor may force the sale of the homestead to satisfy a debt.

HOUSE BILL 2006 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: See below **SENATE SPONSOR:** Caperton

House Bill 2006 is the enabling legislation for House Joint Resolution 105. This act provides the statutory authority for the change of the exemption from forced sale for an urban homestead from a limitation based on monetary value to a limitation based on size. This act takes effect only if the constitutional amendment proposed by H.J.R. 105, 68th Legislature, Regular Session, 1983, is adopted by the voters on November 8, 1983.

SENATE BILL 434 **SENATE AUTHOR:** Jones
EFFECTIVE: 4-13-83 **HOUSE SPONSOR:** Hanna

Senate Bill 434 provides a procedure for appointing a receiver for a mineral or leasehold interest if the owner has not paid taxes on the interest for the preceding five years and either the identity of the owner or his address is unknown.

SENATE BILL 643 **SENATE AUTHOR:** Farabee
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Uher

The act establishes guidelines for the installation and maintenance of community antenna or cable television equipment, including procedures to be followed before equipment is installed within the right-of-way of a state highway or county road.

SENATE BILL 661 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Green

To protect a security interest, or lien in personal property, current law requires that a financing statement be filed with a designated filing officer of a county. This information is a matter of public record, and copies of such statements may be obtained from the filing officer by any interested person. Financing statements on fixtures attached to real property are filed in the real estate records of a county and not in the financing statement records. Senate Bill 661 amends the Business & Commerce Code to provide that a filing officer of a county is required only to provide information about financing statements and statements of assignment on file in financing statement records of the county and is not required to provide information from the real estate records of the county. The act also provides for an increase in fees for statements in excess of a certain amount.

SENATE BILL 1027 **SENATE AUTHOR:** Sharp
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** G. Hill

Senate Bill 1027 creates a statutory lien and a method of enforcement in favor of a person who provides labor or materials to repair a motorboat or outboard motor if the owner fails to pay the amount due for such repair. The act treats liens against motorboats and outboard motors in the same way liens against motor vehicles are treated. Prior law provided only for security interest liens on motorboats and outboard motors; no provision was made for a statutory lien on motorboats and outboard motors in favor of someone who provided labor and materials in their repair.

SENATE BILL 1156 **SENATE AUTHOR:** Sharp
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Glossbrenner

Senate Bill 1156 provides for the sale of abandoned securities by the state treasurer. This act also provides for the reversion of the contents of inactive or abandoned safe deposit boxes to the state, and establishes procedures for the sale or disposal of such property by the state treasurer.

SENATE BILL 1425 **SENATE AUTHOR:** Brown
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Messer

Senate Bill 1425 provides procedures for amending condominium declarations and prohibits a condominium association from altering or destroying a unit or a limited common element without the consent of all owners affected and their first lien mortgagees.

PROPERTY TAXATION

General Legislation

HOUSE BILL 532 — **HOUSE AUTHOR:** Peveto
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Jones

This amendatory act deletes an obsolete provision of the Tax Code requiring the board of directors of an appraisal district to meet on October 1 of each year to receive the chief appraiser's proposed budget.

HOUSE BILL 590 — **HOUSE AUTHOR:** Pennington
EFFECTIVE: 6-16-83 — **SENATE SPONSOR:** Brown

House Bill 590 amends the Education Code by requiring a school district's board of trustees to adopt a budget for the succeeding fiscal year prior to the adoption of the tax rate for the same fiscal year.

HOUSE BILL 645 — **HOUSE AUTHOR:** DeLay
EFFECTIVE: 9-1-83 — **SENATE SPONSOR:** Brown

Existing provisions of the Tax Code authorize two types of elections to consolidate property tax assessing functions, collecting functions, or both. The first type of election authorized is one by which the voters residing in an appraisal district petition for an election to determine whether to consolidate these functions for all taxing units within the district. The functions could be assigned to the appraisal district itself, to the county tax assessor-collector, or to a taxing unit. This act specifies that the petition must be submitted to the county clerk of the county principally served by the appraisal district. The act also transfers the responsibility for determining the validity of the petition from the board of directors of the district to the county commissioner's court.

The second type of election authorized is one by which the voters of a single taxing unit that handles its own assessing or collecting functions petition to require the appraisal district, the county tax assessor-collector, or another taxing unit to perform those functions. This act specifies that the petition must be submitted to the governing body of the taxing unit. The act also deletes a provision stating that if the governing body fails to act within 10 days after submission of the petition, the petition is treated as if it had been found valid.

Certain provisions are also added to the Tax Code stipulating that a person's signature may not be counted for purposes of validating a petition if the signature is not dated or is not signed within 30 days preceding the submission of the petition.

HOUSE BILL 1203 — **HOUSE AUTHOR:** Peveto
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Jones

The Property Tax Code is revised to conform to constitutional amendments approved by Texas voters in 1981 and 1982. In accordance with two 1982 constitutional amendments, the act deletes references and provisions relating to the now-abolished state property tax and adds a provision exempting implements of husbandry that are used in the production of farm or ranch products from property taxation.

Additionally, property tax relief for owners of residence homesteads authorized by a 1981 constitutional amendment is incorporated into the Tax Code by the act.

HOUSE BILL 1447 — **HOUSE AUTHOR:** Turner
EFFECTIVE: 1-1-84 — **SENATE SPONSOR:** Jones

Provisions of the Property Tax Code stipulating that an official or agency required to deliver a notice to a property owner may deliver the notice by regular first-class mail are amended to provide that such a notice is presumed delivered when it is deposited in the mail. This presumption is rebuttable when evidence of failure to receive notice is provided.

HOUSE BILL 2031 — **HOUSE AUTHOR:** Khoury
EFFECTIVE: 9-1-83 — **SENATE SPONSOR:** Jones

In 1977, the 65th Legislature enacted The Texas Assessors Registration and Professional Certification Act to promote the practice of property assessment as a learned profession and to oblige property assessors to be accountable to the public. The act applies to those who appraise (determine the value of) property for taxation as well as those who assess (calculate) or collect property taxes. House Bill 2031, a comprehensive revision of The Texas Assessors Registration and Professional Certification Act, seeks to retain basic principles of the act

while eliminating provisions that have become outdated or are inconsistent with other laws due to numerous changes in property tax administration since 1977.

The act is now titled "The Property Taxation Professional Certification Act" and the board established to administer its provisions is now titled the "Board of Tax Professional Examiners." Provisions of the original act which detailed administrative procedures and rules for the classification and certification of registrants are deleted and replaced by provisions granting the board a more general power in these areas. The board is required to adopt a classification system and to establish minimum requirements for each classification based on experience, education, training, professional performance, and compliance with the code of ethics. The board is further required to establish minimum requirements, including certain requirements as set out in the act, for the certification of registrants. Rules may also be adopted to govern recertification and to establish criteria necessary to maintain high standards of professional practice in all phases of property taxation. In prescribing the contents of application forms, the board must ensure that each form requires sufficient information to determine the applicant's proper classification. Registrants are now subject to a higher initial registration fee and annual renewal fee.

Under additional provisions of the act, the board is required to adopt rules for the conduct of proceedings to insure strict compliance with the act and with all rules promulgated by the board. The board is authorized to dismiss complaints regarding property appraisals without a hearing if the complainant did not raise the matter before local officials in a direct appeal of his tax liability. The act makes it a misdemeanor for a person to perform an appraisal, assessment, or collection function during a period in which his registration or certification is revoked or suspended. Complaints concerning the unauthorized practice of property tax appraisal, assessment, or collection may be filed with the board or with the county attorney.

The act permits the board to adopt rules and forms before September 1, 1983, to be effective on and after that date and to make other reasonable preparations before the effective date of this act.

HOUSE BILL 2284 **HOUSE AUTHOR:** Schlueter
EFFECTIVE: See below **SENATE SPONSOR:** Jones

House Bill 2284 amends a law enacted during the 1st called session of the 67th Legislature which states that a taxing unit may not employ a person to appraise property for taxation purposes except to the extent necessary to perform certain contracts. As originally enacted, the terms of this law were to take effect beginning January 1, 1984. This law will now take effect beginning October 1, 1984, in appraisal districts that did not postpone appraising property pursuant to another enactment of the 67th Legislature. In all other districts, this law will take effect beginning October 1, 1985.

SENATE BILL 433 **SENATE AUTHOR:** Sharp
EFFECTIVE: 5-17-83 **HOUSE SPONSOR:** Saunders

Under existing provisions of the Tax Code, a taxing unit that has boundaries extending into two or more counties may decide to participate in only one of the appraisal districts in which the counties are included. Senate Bill 433 permits a taxing unit that has chosen to participate in only one appraisal district to revoke that choice and to choose to participate in another single appraisal district. The act stipulates, however, that if a taxing unit withdraws from an appraisal district, that taxing unit may not withdraw from the appraisal district in which it subsequently chooses to participate. When a taxing unit decides to transfer to another single appraisal district, the transferral becomes effective on the next January 1 that is at least 90 days from the date on which the decision was made.

SENATE BILL 641 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Wolens

Senate Bill 641 is a general revision of the Texas Tax Increment Financing Act of 1981. The act, which was passed by the 67th Legislature and became effective on the approval of a constitutional amendment by Texas voters in 1981, provides certain municipalities with the authority to set up "reinvestment zones" and to freeze the tax revenues of taxing units from real property in the zones. Any increase in total tax revenues is deposited into a special fund from which the municipality may issue certain bonds to fund improvements in the zones.

By virtue of Senate Bill 641, the municipalities are now subject to more rigid criteria for the establishment of a reinvestment zone. The governing body of the municipality must determine that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future. The

municipality must also notify each affected taxing unit and must make a formal presentation to each affected county or school district. A reinvestment zone may not be created nor may its boundaries be changed if more than 15 percent of the total appraised value of real property taxable by a county or school district will then be located in one or more reinvestment zones.

Each taxing unit is now required to designate a representative to meet with the municipality to discuss preliminary plans for the zone. The board of directors of the zone is required to prepare and adopt certain plans consistent with these preliminary plans. Certain substantive amendments to the preliminary plans must be approved by ordinance adopted after a public hearing. Each taxing unit is now permitted to appoint a member to the board of directors. Although the municipality is still permitted to appoint additional members to the board, the municipality is no longer permitted to abolish the board and assume its powers, duties, and functions.

The taxing unit itself, rather than the tax collector for the municipality, is now responsible for the collection of its taxes in the zone. No later than 90 days after the unit's delinquency date, the tax revenues over the fixed amount that the unit is entitled to retain must be deposited into the special fund from which the municipality may issue bonds. The plans for the zone may permit a taxing unit to retain up to 15 percent of the increase in tax revenue that under prior law was required to be deposited in the fund for the zone. If the municipality has not issued bonds, acquired property, or commenced construction of improvements within three years from the date the zone was created, the taxing units are no longer required to deposit taxes into the special fund. A reinvestment zone may be terminated upon the establishment of an escrow account sufficient to pay off all bonds issued to fund improvements in the zone.

Taxable Property and Exemptions

HOUSE BILL 845 **HOUSE AUTHOR:** P. Hill
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Leedom

This act adds any organization promoting or operating an art gallery, museum, or collection, in a permanent location or on tour, that is open to the public, to the Tax Code enumeration of organizations qualifying as charitable organizations that are exempt from property taxation.

HOUSE BILL 1502 **HOUSE AUTHOR:** Peveto
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Jones

An existing section of the Tax Code provides that a residence homestead exemption applies to the property until the property changes ownership or the person's qualification for the exemption changes. Another section states that if the appraisal roll shows that a property is eligible for taxation for only part of a year because an exemption applicable on January 1 of that year terminated during the year, the tax due against the property is prorated. The latter section is amended to provide that the proration of taxes to reflect the loss of an exemption during the tax year does not apply to residence homestead exemptions.

HOUSE BILL 1748 **HOUSE AUTHOR:** Schlueter, et al.
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Brooks

This act adds language to the Tax Code to clarify rules regarding the jurisdiction of this state to tax certain property that is used outside this state. The act provides that tangible personal property that is operated or located exclusively outside this state during the year preceding the tax year and on January 1 of the tax year is not taxable in Texas. However, if a vessel or other watercraft is used continually outside this state, it may be taxed on that portion of its total market value that fairly reflects its use in Texas. Uniform mechanical rules are set forth for determination of the taxable portion of the total market value of the vessel or other watercraft. Vessels and watercraft used primarily as instruments of commerce are taxed based on mileage while those designed to operate in a localized area and not primarily employed for transport purposes are taxed on a time basis. Guidelines are also provided for the determination of jurisdiction to tax when a vessel or other watercraft was located in more than one taxing unit in Texas during the year preceding the tax year.

HOUSE BILL 2156 **HOUSE AUTHOR:** Turner
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Harris

The Tax Code is amended to provide that property held or dedicated for the support, maintenance, or benefit of an institution of higher education is not taxable unless used for certain nonpublic purposes. The property is not exempt if it is rented or leased for compensation to a private business enterprise to be used for a purpose not related to the performance of the duties and functions of the state or rented or leased to provide housing to members of the public other than students and employees of the state.

SENATE JOINT RESOLUTION 1 **SENATE AUTHOR:** Williams, et al.
FOR ELECTION: 11-8-83 **HOUSE SPONSOR:** Kemp

Senate Joint Resolution 1 proposes a constitutional amendment that would authorize a taxing unit to exempt from taxation the property of veterans' organizations that are chartered by the United States Congress, composed of members or former members of the armed forces of the United States, and organized for patriotic and public service purposes. This proposed constitutional amendment would also authorize taxing units to exempt from taxation the property of fraternal organizations that are organized to perform and are primarily engaged in performing charitable and benevolent functions. The amendment would authorize the legislature to impose additional qualifications and restrictions on tax exemptions for fraternal organizations. Senate Bill 23 will implement the amendment if it is approved by the voters.

SENATE BILL 23 **SENATE AUTHOR:** Williams
EFFECTIVE: See below **HOUSE SPONSOR:** Kemp

Senate Bill 23 allows the governing body of a taxing unit to exempt from taxation each of the buildings, including the land that is reasonably necessary for use of, access to, and ornamentation of the buildings, of certain veterans' and qualified fraternal organizations. To be exempted, a building must be owned by the organization and must not be used for residential purposes or to produce a profit. This bill will take effect on January 1, 1984, but only if the constitutional amendment proposed by Senate Joint Resolution 1, 68th Legislature, Regular Session, 1983, is approved by the voters.

SENATE BILL 738 **SENATE AUTHOR:** Sharp
EFFECTIVE: 1-1-84 **HOUSE SPONSOR:** A. Moreno

Under existing provisions of the Tax Code, disabled veterans and survivors of disabled veterans are entitled to a certain exemption from property taxation. This amendatory act provides that such an exemption, once allowed, need not be claimed in subsequent years and applies to the property until it changes ownership or the person's qualification for the exemption changes. Although the act does not take effect until January 1, 1984, it applies to exemptions granted for the 1983 tax year.

SENATE BILL 1143 **SENATE AUTHOR:** Brown
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Schlueter

By virtue of current Property Tax Code provisions, certain agricultural and open-space land may qualify to be appraised at its value based on the land's productivity. If the agricultural land is sold or diverted to a nonagricultural use or if the open-space land undergoes a change in use, a rollback, or additional taxation, may be imposed by the taxing unit. Senate Bill 1143 provides that such land is not diverted to a nonagricultural use and does not change its use solely because the owner of the land claims it as part of his residence homestead for property tax purposes.

Appraisal and Assessment

HOUSE BILL 647 **HOUSE AUTHOR:** DeLay
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Brown

Provisions of the Tax Code are amended to provide a stricter July 25 deadline for the chief appraiser to prepare and to certify to the assessor for each taxing unit the part of the district's appraisal roll that lists the property taxable by the unit. These provisions are also expanded to require the chief appraiser to consult with the assessor for each taxing unit and to notify each unit in writing by April 1 of the form in which the roll will be provided to the unit. The board of directors of the appraisal district may, at its discretion, extend the July

deadline to a date certain when such an extension is reasonably necessary to complete the appraisal roll and, when there is such an extension, the board shall notify each unit of the amended deadline.

HOUSE BILL 1308 **HOUSE AUTHOR:** Kemp
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sharp

This act amends provisions of the Tax Code relating to the reporting of the movement of a mobile home for the purposes of property tax records. A person who moves a mobile home in this state is now required to file a report of the movement not only with the chief appraiser of the appraisal district in which the move began, if the movement began in this state, but also with the chief appraiser of the appraisal district in which the move ended. These reports must now be filed before the day on which the move begins and must now be accompanied by a $10 filing fee. All filing fees are to be deposited to the credit of the general fund of the county for which the appraisal district is established. Associated provisions are also amended to permit local prosecutors as well as the attorney general to sue violators of the filing requirements and to provide venue in suits against violators.

HOUSE BILL 1500 **HOUSE AUTHOR:** Peveto
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Williams

This act provides a procedure for the correction of a tax roll that is prepared by a tax assessor for a taxing unit prior to the participation of the taxing unit in an appraisal district and that is approved by the board of equalization or the appraisal review board for the unit. The tax assessor may change such a tax roll at any time to correct a name or address, a description of property, or a clerical error that does not affect the amount of tax liability. The governing body of the taxing unit, on motion of the tax assessor or a property owner, may direct by written order changes in the tax roll to correct multiple appraisals of a property in a single year, the tax liability of a property owner who has qualified for a residence homestead exemption for the tax year, or clerical errors that affect a property owner's tax liability. The tax assessor is required to enter on the tax roll the changes made as provided by provisions of this act.

HOUSE BILL 1655 **HOUSE AUTHOR:** Khoury
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Jones

Under existing provisions of the Tax Code, certain information regarding real and personal property is confidential and may not be disclosed by an appraisal office except to particular persons or under particular circumstances. House Bill 1655 provides that, after the chief appraiser has submitted the appraisal records to the appraisal review board, a property owner or his designated agent may inspect the appraisal records relating to the property of the owner together with supporting data and schedules used in making appraisals.

HOUSE BILL 2134 **HOUSE AUTHOR:** Schlueter
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Jones

This act amends provisions of the Tax Code relating to the calculation of the effective tax rate for a taxing unit. In determining the effective tax rate, the designated officer or employee of the taxing unit is required to subtract taxes levied to retire the debt of the unit. This act defines "debt" as an obligation secured by property taxes of the unit and not payable from revenues budgeted for current maintenance and operating expenses, including bonds, warrants, certificates of indebtedness, and other lawfully authorized evidences of indebtedness issued or assumed by the unit. This places a restriction on previous provisions by requiring securement by property taxes and by stipulating that debt may not be payable from certain revenues. The effect of these restrictions is to prevent a taxing unit from artificially lowering its effective tax rate using certain short-term loans. The act also allows the State Property Tax Board to conduct a biennial rather than an annual study to determine the uniformity of property appraisals throughout the state's appraisal districts.

HOUSE BILL 2285 **HOUSE AUTHOR:** Schlueter
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Jones

This act provides taxing units with an alternative to the form that has been required for publishing notice of a public hearing on a proposed tax increase of more than three percent or a public meeting to vote on the tax increase. The act permits the notice to be given in either of two forms at the option of the governing body of the taxing unit. Notice may be given in the previously required form to show the proposed tax increase by indicating the percentage increase over the preceding year. Notice may also be given in the new alternative form

to show the proposed tax increase by indicating the total amount of taxes that would be levied as compared to the total amount of taxes that were levied in the preceding year.

SENATE BILL 1345 **SENATE AUTHOR:** Parmer
EFFECTIVE: 6-17-83 **HOUSE SPONSOR:** Leonard

This act authorizes a taxing unit to make special adjustments in the calculation of the effective tax rate when one or more errors in the preceding year caused the loss of a substantial amount of tax revenue. If one or more errors on the appraisal roll for the preceding year were discovered after adoption of the unit's tax rate and if those errors resulted in the loss of more than one percent of the total appraised value for the unit that year, the tax assessor may add to the current year's effective tax rate the amount necessary to adjust for the loss in an attempt to bring the unit to the status that it would have been in had the error not occurred.

Collections and Delinquency

HOUSE BILL 426 **HOUSE AUTHOR:** Oliveira, et al.
EFFECTIVE: 3-14-83 **SENATE SPONSOR:** Uribe

This act is aimed at provisions of the Tax Code relating to discount periods and delinquency dates for the payment of property taxes. The act deletes provisions that allow discounts on state ad valorem taxes, which are no longer collected, and amends provisions that allow local taxing units to grant discounts to citizens who pay their taxes promptly. Tax bills or separate statements accompanying the bills are now required to state the delinquency date and the date on which each available discount period concludes. A postponement of the delinquency date is required if a taxing unit does not mail its bills until after September 30 and chooses to offer a delayed discount schedule. The official mailing date is defined as the earliest date on which the unit has mailed all or substantially all of the tax bills. For taxing units that mail their tax bills on or before September 30, the available discount period is October-November-December at 3 percent-2 percent-1 percent respectively; for taxing units that mail their tax bills after September 30, a taxing unit may choose to delay the discount period to the next three full calendar months following the mailing of the tax bills at 3 percent-2 percent-1 percent respectively. Taxing units may adopt discount periods which apply to timely mailing of bills, delayed mailing of bills, or both timely and delayed mailing of bills.

HOUSE BILL 1282 **HOUSE AUTHOR:** Jones
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sims

This act amends state law to allow the governing body of a county that collects its own taxes to decide whether or not to provide the split payment option for the payment of property taxes. The split payment option allows a person who pays one-half of the unit's taxes before December 1 to pay the remaining one-half of the taxes without penalty or interest before July 1 of the following year. State law formerly allowed the governing bodies of other taxing units that collected their own taxes to adopt the split payment option but stipulated that if a county collected its own taxes, the split payment option was automatic by operation of law.

This act also amends state law to allow each taxing unit to decide whether to grant discounts to citizens who pay their taxes promptly. A collecting unit is no longer allowed to make such a decision for all units for which it collects. However, if an appraisal district collects, the decision is still made by a majority of the units for which the district collects.

HOUSE BILL 2282 **HOUSE AUTHOR:** Schlueter
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Jones

Under existing provisions of the Tax Code, the collector for a taxing unit must submit an annual report to the governing body accounting for all taxes collected or delinquent on property taxed by the unit during the preceding year. To accommodate different annual fiscal periods of taxing units, House Bill 2282 stipulates that these annual reports are due on the 60th day following the last day of the fiscal year rather than on the previously stipulated due date of August 1.

SENATE BILL 221 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Presnal

Under current statutory provisions, a collector for a taxing unit must issue a certificate showing the amount of delinquent taxes, penalties, and interest due the unit on a property according to the unit's current tax records if requested to do so by any person. This amendatory act increases the fee charged by the collector for such a certificate from $2 to $4.

Remedies and Judicial Review

HOUSE BILL 1395 **HOUSE AUTHOR:** Schlueter, et al.
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Jones

This act amends provisions of the Property Tax Code relating to the determination of and availability of remedies for unequal appraisal of property for property tax purposes. The act redefines "weighted average level of appraisal," so that it is to be determined by dividing the total appraised value, as determined by the appraisal office or the appraisal review board, of a "reasonable and representative" sample of properties in the appraisal district by the proper taxable values of those properties. The availability of remedies for an unequal appraisal is to be contingent on a comparison of the appraised value of the property subject to protest or appeal with the weighted average level of appraisal for other properties in the district.

HOUSE BILL 1446 **HOUSE AUTHOR:** Turner
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Jones

This act, relating to the protest of a property tax appraisal, amends the deadline for a property owner to file a written notice of a protest with the appraisal review board to be determined by the date on which the board approves the appraisal records rather than the date on which the records are submitted. The chief appraiser is required to include in any supplemental records submitted to the appraisal review board a listing of property on which the board has not determined a protest at the time of its approval of the appraisal records. The chief appraiser is also required to prepare and certify to the assessor for each taxing unit a listing of those properties which are taxable by the unit but which are under protest and therefore not included in the appraisal roll. This listing must include values as determined by the appraisal review board and as claimed by the property owner. The assessor for the taxing unit is required to use the lower value for calculating the effective tax rate of the unit.

HOUSE BILL 1580 **HOUSE AUTHOR:** Jackson
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Jones

This act adds a new section to the Tax Code to allow a taxpayer who prevails in an appeal to the district court for a remedy on the basis of an unequal or excessive appraisal to be awarded reasonable attorney's fees not to exceed the greater of $5,000 or 20 percent of the total amount of taxes in dispute. The act also repeals a section of the Tax Code that allowed a taxpayer to appeal to the district court for an additional remedy on the basis of an erroneous market value.

HOUSE BILL 1582 **HOUSE AUTHOR:** Jackson
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Jones

This act amends a section of the Tax Code to stipulate that a protest on the ground that an appraisal district does not have the jurisdiction to tax certain personal property shall be determined in favor of the protesting party if he establishes that the property is subject to appraisal by another district or that the property is not taxable in this state. The act also requires the chief appraiser of a district in which a protesting property owner prevails to notify the appraisal office of the district in which jurisdiction to tax the property is established.

HOUSE BILL 1603 **HOUSE AUTHOR:** Turner
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Jones

Current provisions of the Tax Code require a property owner who appeals to district court to pay a provisional tax on the property involved in the pending appeal before the delinquency date or he forfeits his right to remedies. These provisions are amended to stipulate that the amount of tax required to be paid pending the appeal is not to exceed the amount of tax that would be due under the order from which the appeal was taken.

HOUSE BILL 1625 **HOUSE AUTHOR:** Gilley
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Farabee

This act gives a court of proper jurisdiction the authority to appoint a master in chancery to assist the court in delinquent property tax suits. The master must be a neutral party to the proceeding and must perform all of the duties required of him by the court. The master is granted particular powers subject to specification or limitation by the order appointing the master. This order may also delegate certain responsibilities to the master and may fix the time and place for hearings and for filing the master's report. The court is permitted to confirm, modify, correct, reject, reverse, or recommit the report and is required to award reasonable compensation to the master.

HOUSE BILL 2032 **HOUSE AUTHOR:** Khoury
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Jones

This act seeks to clarify questions that have arisen as to the proper parties in the appeal of a property tax determination. The act stipulates that a petition for review must be brought against the appraisal district and the appraisal review board. Service of process on the appraisal district and the appraisal review board is made by service on the chief appraiser and the chairman of the appraisal review board, respectively.

PUBLIC OFFICIALS AND EMPLOYEES

Ethics

HOUSE BILL 2154 **HOUSE AUTHOR:** Turner, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Lyon

House Bill 2154 establishes the State Ethics Advisory Commission, includes provisions relating to financial disclosure and campaign financing, and prohibits members of the Railroad Commission of Texas from holding interests in any railroad company.

The ethics commission is authorized to issue advisory opinions on ethics-related matters, including the financial disclosure and ethics law, the lobby registration act, laws relating to the election of the speaker of the Texas House of Representatives, and the political funds reporting and disclosure act. The measure as finally passed does not provide investigative powers for the commission.

The act prohibits candidates and officeholders from converting contributions to personal use except as authorized by the ethics commission. Personal use does not include maintaining an Austin residence by a legislator who does not ordinarily reside in Travis County. The act requires a former candidate or officeholder to dispose of unexpended contributions in certain ways within six years after the person is no longer a candidate or officeholder. The measure also includes a number of changes to the Texas Election Code in matters relating to financial statements, campaign treasurers, general-purpose and special-purpose political committees, corporation and labor organization contributions, penalties relating to disclosure statements, and responsibilities of the secretary of state.

SENATE BILL 651 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** T. Smith

Senate Bill 651 relates to offenses against public administration and offenses involving the abuse of office or employment by a public servant; provisions are based on recommendations of the Public Servants Standards of Conduct Advisory Committee (Ethics Committee). Principal changes in the law are in the areas of bribery, corrupt influence, and official misconduct.

General

HOUSE BILL 484 **HOUSE AUTHOR:** Blanton
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Traeger

House Bill 484 amends the Human Resources Code to change the amount of per diem to which board members of the Texas Department of Human Resources are entitled from $25 to an amount as prescribed by the General Appropriations Act.

HOUSE BILL 742 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Montford

House Bill 742 provides that efficiency reports on employees of the Department of Public Safety must be made at least annually, rather than once each six months as previously required.

HOUSE BILL 1075 **HOUSE AUTHOR:** W. O. Harrison
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Edwards

House Bill 1075 provides that state and local governmental bodies may not suspend or terminate the employment of, or otherwise discriminate against, public employees who report violations of law to appropriate law enforcement authorities if the employee reports are made in good faith. The act sets out procedures for suits and damages in such cases and provides that supervisors who suspend or terminate the employment of persons for reporting violations are subject to a maximum fine of $1,000.

HOUSE BILL 1301 **HOUSE AUTHOR:** Burnett
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Leedom

House Bill 1301 revises the qualifications of one of the three gubernatorial appointees to the Texas Board of Private Investigators and Private Security Agencies. One board member appointed by the governor must now

be a senior supervisory or senior administrative official of the security department of a private business that employs commissioned security officers.

HOUSE BILL 2196 **HOUSE AUTHOR:** Laney
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Parker

House Bill 2196 is the State Employees Health Fitness and Education Act of 1983. The act authorizes state agencies to use available public funds and facilities for health fitness education and activities and encourages agencies to participate jointly in these programs. Before implementation, the programs must be approved by the governor, after review and comment by the Governor's Commission on Physical Fitness.

HOUSE BILL 14 (1st C.S.) **HOUSE AUTHOR:** Wilson, et al.
EFFECTIVE: 9-24-83 **SENATE SPONSOR:** Doggett

This act creates a six-member Commission on Human Rights to deal with unfair employment practices and prescribes the responsibilities, powers, and duties of the agency, which is subject to sunset review in 1987. The act provides the following:

(1) authorizes the creation of local commissions by political subdivisions to promote the purposes of the act;

(2) identifies and prohibits certain unlawful employment practices for employers, labor unions, and employment agencies;

(3) sets up procedures for administrative review of complaints and provides relief;

(4) prescribes procedures for judicial action and enforcement; and

(5) provides a penalty (Class B misdemeanor) for wilful interference of the performance of a duty under the act.

HOUSE JOINT RESOLUTION 22 **HOUSE AUTHOR:** Watson
FOR ELECTION: 11-6-84 **SENATE SPONSOR:** Jones

The Texas Constitution currently specifies a per diem allowance for members of the legislature of $30 for each day the legislature is in session. House Joint Resolution 22 proposes an amendment to the constitution that would set the per diem allowance during a calendar year for members of the legislature at an amount equal to the maximum daily amount allowed as of January 1 of that year for federal income tax purposes as a deduction for ordinary and necessary business expenses incurred by a state legislator, disregarding any exceptions in federal law for legislators residing near the Capitol. The amendment would become effective January 8, 1985, if approved by Texas voters at the election held on November 6, 1984.

HOUSE JOINT RESOLUTION 30 **HOUSE AUTHOR:** Hollowell
FOR ELECTION: 11-8-83 **SENATE SPONSOR:** Traeger

This proposed amendment of Article III, Section 62, of the Texas Constitution authorizes the legislature to provide for temporary succession to the office of state senator or representative when an incumbent becomes unavailable to carry out the duties of that office during emergencies caused by enemy attack. The proposed amendment also authorizes and establishes a mechanism for the suspension of certain constitutional legislative procedural rules during emergencies caused by enemy attack.

HOUSE BILL 1216 **HOUSE AUTHOR:** Hollowell
EFFECTIVE: See below **SENATE SPONSOR:** Traeger

House Bill 1216, the Emergency Interim Legislative Succession Act, provides statutory authority for the suspension of certain constitutional rules relating to legislative procedure during disasters caused by enemy attack. The act makes provision for the designation and succession of interim legislators; allows the legislature to function without the normal quorum; provides for mobility of the legislature; and permits the adoption of rules by the legislature in place of the current restrictive ones.

This act will take effect on January 1, 1984, if the constitutional amendment proposed by House Joint Resolution 30, 68th Legislature, 1983, is adopted by the voters at the election to be held November 8, 1983.

SENATE BILL 95 **SENATE AUTHOR:** Blake
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Bomer

State law specifies which officers of the state are authorized to administer oaths in Texas. Under the provisions of the law the speaker of the house of representatives and the lieutenant governor were not included. Senate Bill 95 adds the speaker and the lieutenant governor to the list of officers authorized to administer oaths.

SENATE BILL 194 **SENATE AUTHOR:** Doggett, et al.
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Berlanga

Prior to this act, the terms of office for many state commissions and boards expired between November 1 and January 15. When a vacancy occurred after a gubernatorial election and before the new governor took office, the law allowed the "lame duck" governor to appoint persons to fill the vacancies. Senate Bill 194 prohibits a "lame duck" governor from filling vacancies in state and district offices after November 1 if the vacancy occurred before November 1. This act amends various statutes regarding appointments to state and district offices so that normal expiration dates for many appointments are changed to February 1 of odd-numbered years thereby creating vacancies at the beginning of a new governor's term.

SENATE BILL 624 **SENATE AUTHOR:** Jones
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Rudd

Senate Bill 624 changes the system of computing supplemental payments for certain overtime work of commissioned officers of the Department of Public Safety.

SENATE BILL 683 **SENATE AUTHOR:** Williams
EFFECTIVE: 9-29-83 **HOUSE SPONSOR:** Keller

Senate Bill 683 provides that a person may be discharged from the state's military forces in accordance with regulations adopted by the Adjutant General or in accordance with federal law or regulations.

SENATE BILL 684 **SENATE AUTHOR:** Williams
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Keller

Senate Bill 684 provides that the governor and the legislature, within their respective constitutional authority, may prescribe terms, conditions, qualifications, and requirements, in addition to those prescribed by federal law, for enlistment and appointment in the Texas National Guard.

SENATE BILL 685 **SENATE AUTHOR:** Williams
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Keller

Senate Bill 685 raises the compensation paid because of the death or disability during state duty of a member of the state's military forces.

SENATE BILL 686 **SENATE AUTHOR:** Williams
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Keller

Senate Bill 686 raises the maximum fines for minor offenses that commanding officers of the state's military forces may impose without the intervention of a court-martial.

SENATE BILL 687 **SENATE AUTHOR:** Williams
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Keller

Senate Bill 687 provides that the Lone Star Medal of Valor, the Lone Star Distinguished Service Medal, the Texas Medal of Merit, and the Texas Outstanding Service Medal may be awarded members of the military service components of other states and of the United States.

SENATE BILL 762 **SENATE AUTHOR:** Doggett
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** G. Hill

Senate Bill 762 removes certain restrictions on political activity by employees of the Texas Employment Commission or the State Department of Highways and Public Transportation. It provides that employees of state agencies, universities, and judicial departments have "the full rights of freedom of association and political participation guaranteed by the state and federal constitutions" but that employees may not use official authority to influence an election or work to inhibit payments, loans, or contributions for political purposes. Persons violating the prohibition are subject to immediate termination of employment. The act specifically does not apply to employees of the Department of Public Safety.

SENATE BILL 910 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Short

Senate Bill 910 provides that employees and officials of the Board of Pardons and Paroles who have routine direct contact with inmates of any penal or correctional institution or with administratively released prisoners

subject to the board's jurisdiction are entitled to hazardous duty pay of $7 a month for each year of service in the agency up to and including 30 years of service.

SENATE BILL 1245 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** C. Evans

Current campaign reporting and disclosure laws do not address the method of financing governor for a day or speaker's day ceremonies. Senate Bill 1245 establishes procedures for receiving contributions and reporting expenditures for these ceremonial activities.

SENATE JOINT RESOLUTION 22 **SENATE AUTHOR:** Jones
FOR ELECTION: 11-6-84 **HOUSE SPONSOR:** Messer

If a vacancy in the office of lieutenant governor occurs, the constitution currently only provides for the president pro tempore of the senate to assume the duties of lieutenant governor; however, the constitution also requires the senate to select a new president pro tempore each time it convenes or adjourns. Senate Joint Resolution 22 proposes a constitutional amendment to provide a method to fill a vacancy in the office of lieutenant governor. This proposed amendment would require the president pro tempore to convene the Committee of the Whole Senate within 30 days after the vacancy occurs. The Committee of the Whole would elect one of its members to perform the duties of lieutenant governor in addition to his duties as senator until the next general election. If the senator so elected ceases to be a senator before the election of a new lieutenant governor, another senator would be elected in the same manner to perform the duties of lieutenant governor until the next general election.

Insurance and Workers' Compensation

HOUSE BILL 242 **HOUSE AUTHOR:** Burnett
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Sims

House Bill 242 allows adult probation department personnel to be covered by workers' compensation insurance for state employees and provides that these personnel have the right to be represented by the attorney general in lawsuits brought against them for certain acts or omissions in the course and scope of their duties.

HOUSE BILL 844 **HOUSE AUTHOR:** J. Gibson
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** McFarland

House Bill 844 requires that persons found to have defrauded or to have attempted to defraud the Texas employees group insurance program be expelled from the program and outlines related procedures. The act also provides that if the cost of the basic plan for employees insurance exceeds the amount appropriated for the state's contribution, the cost in excess of the state's contribution shall be deducted from the salaries of employees or from the retirement benefits of annuitants. As previously written, the law would have required benefits to be reduced so that the state's contribution would cover the cost of the basic plan.

HOUSE BILL 1792 **HOUSE AUTHOR:** Patterson
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** McFarland

House Bill 1792 authorizes the State Board of Trustees of the Employees Retirement System of Texas to provide group life, accident, and health insurance for state employees and retirees through a self-insurance program administered either by the board or by an outside manager pursuant to a contract. The act also authorizes governing boards providing benefits under the Texas State College and University Employees Uniform Insurance Benefits Act to self-insure their programs and to engage a firm to administer the programs.

HOUSE BILL 1863 **HOUSE AUTHOR:** Willis
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Parmer

House Bill 1863 allows a legislative employee with at least 10 years of creditable service in the Employees Retirement System of Texas to continue to be eligible for participation in the state employee insurance program on termination of employment. The former employee would be required to pay contributions and postage to the program.

HOUSE BILL 2174 **HOUSE AUTHOR:** Barrientos
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Doggett

House Bill 2174 requires state colleges and universities to offer their employees the option of membership in health maintenance organizations that are approved by the federal or state government, if available. Requirements more stringent than those imposed by the state or federal government may not be imposed on health maintenance organizations.

HOUSE BILL 2375 **HOUSE AUTHOR:** Hackney
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Lyon

House Bill 2375 provides for reimbursement for reasonable medical expenses incurred by peace officers, fire fighters, and emergency medical services employees of the state or political subdivisions who are exposed to contagious diseases. Reimbursements are allowed if the disease is not an "ordinary disease of life," if the exposure occurs during the course of employment, and if the employee requires preventative medical treatment because of exposure to the disease.

SENATE BILL 1006 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Watson

The State of Texas employs a small number of persons who work outside the state. Senate Bill 1006 clarifies language to ensure that these employees are entitled to the state's workers' compensation benefits.

SENATE BILL 1293 **SENATE AUTHOR:** McFarland
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Willis

Senate Bill 1293 extends the state's liability for specified damages and fees to cover certain actions of justices of the peace, medical examiners, and their personnel who remove, permit removal, or deny removal of corneal tissue under an act that authorizes such action from decedents for transplants, research, or other medical purposes.

Retirement

HOUSE BILL 812 **HOUSE AUTHOR:** T. Garcia
EFFECTIVE: See below **SENATE SPONSOR:** Traeger

House Bill 812 authorizes certain judicial district employees who helped develop a water program for south Texas to purchase credit for that service in the Employees Retirement System of Texas. The act, however, was contingent on a legislative appropriation by September 1, 1983, to finance the benefits. No appropriation was made, and the bill has no effect.

HOUSE BILL 1214 **HOUSE AUTHOR:** Finnell
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Farabee

Previous law provided that individual accounts of former state officers and employees without enough service for full retirement would be forfeited to the state if no claim were made for the money before or after a series of legal notices over a period of years. House Bill 1214 allows the Employees Retirement System of Texas to streamline its bookkeeping procedures by consolidating the amounts in these accounts after five years and 30 days after a person's last employment; the funds are never forfeited, however, and may be claimed after the accounts have been consolidated.

HOUSE BILL 1699 **HOUSE AUTHOR:** Hammond
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Traeger

House Bill 1699 requires the development of written investment objectives and the employment of a well-recognized performance measurement service to evaluate and analyze the results of investments, by the State Board of Education for the permanent school fund, by the board of regents of The University of Texas System for the permanent university fund, and by the boards of trustees of the Employees Retirement System of Texas and the Teacher Retirement System of Texas for funds of the respective retirement systems.

HOUSE BILL 1701 **HOUSE AUTHOR:** Hammond
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Traeger

House Bill 1701 allows the State Board of Education, the board of regents of The University of Texas System, and the boards of trustees of the Employees Retirement System of Texas and the Teacher Retirement System of Texas to use private professional investment managers to assist in investing the assets of, respectively, the permanent school fund, the permanent university fund, and funds of the retirement systems.

HOUSE BILL 1702 **HOUSE AUTHOR:** Hammond
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Traeger

Current law provides that the governor shall appoint seven persons to the board of trustees of the Teacher Retirement System of Texas and sets out qualifications for four of the board members. House Bill 1702 provides that two of the remaining three members of the board must be persons who have demonstrated financial expertise, worked in private business or industry, and have broad investment experience. None of these three persons may be a member or annuitant of the retirement system.

SENATE BILL 116 **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Finnell

In 1979 the legislature created a special program to increase disability and service retirement benefits for certain state law enforcement and custodial officers whose employment involves hazardous duties. Senate Bill 116 allows annuities based on deaths to be computed under these special rates if the officers have 20 or more years of service at the time of the deaths.

SENATE BILL 129 **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** W. Hall

Senate Bill 129 raises service requirements for elected members of the Employees Retirement System of Texas to correspond with the requirements for other members of the system; persons with accounts in the elected class at the time the measure takes effect, however, continue to be subject to the previous requirements. The act also raises the maximum service retirement annuity for elected class service from 60 to 80 percent of the state salary paid a district judge.

SENATE BILL 376 **SENATE AUTHOR:** Traeger
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** G. Thompson

Senate Bill 376 allows municipalities participating in the Texas Municipal Retirement System to give credit for service previously performed by their employees for other municipalities and provides a method of computing the value of that service. The act also requires participating municipalities to pay employee contributions to the retirement system after December 31, 1983, if the Internal Revenue Service determines that the transfer will be subject to favorable federal tax treatment. The municipalities are required to reduce the salaries of municipal employees or to reduce the amount of future raises by the amount of the contributions.

SENATE BILL 567 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Presnal

State law has set member contributions to the Teacher Retirement System of Texas at 6.65 percent of the annual compensation of the member and has set state contributions at 8.5 percent of the total compensation of all members. Senate Bill 567 changes the amount of member contributions to six percent and allows the rate of state contributions to be set in the General Appropriations Act at not less than 7.1 percent. This change is to be in effect for the period beginning September 1, 1983, and ending August 31, 1985. (The rate of state contributions was set at 7.1 percent in the General Appropriations Act for the period.)

SENATE BILL 860 **SENATE AUTHOR:** Traeger
EFFECTIVE: 6-17-83 **HOUSE SPONSOR:** Willis

Senate Bill 860 allows a retiree from the elected class of membership who again holds a position in that class of the Employees Retirement System of Texas to rejoin the system before January 1, 1984, and provides that certain current members who have retired previously may change their annuity selection on re-retirement.

SENATE BILL 973 **SENATE AUTHOR:** Traeger
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Finnell

Senate Bill 973 relates to the time of filing applications for disability retirement; eligibility for establishment of, and contributions for, credit for military service; and certain administrative procedures of the Employees Retirement System of Texas.

SENATE BILL 1198 **SENATE AUTHOR:** Doggett
EFFECTIVE: 5-27-83 **HOUSE SPONSOR:** W. Martinez

Senate Bill 1198 authorizes a person to waive a portion of or all benefits from the Employees Retirement System of Texas and to revoke the waiver.

Fire and Police Personnel

HOUSE BILL 15 **HOUSE AUTHOR:** C. Smith
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Lyon

House Bill 15 relates to certain temporary personnel of fire and police departments. It grants them full civil service status and membership in the departments' pensions systems and allows them to purchase pension system credit for their past service.

HOUSE BILL 25 **HOUSE AUTHOR:** Schlueter
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Traeger

Police departments have been prohibited from hiring, except as a temporary employee, a person who has reached the age of 36 for any beginning position unless the applicant has at least five years of prior experience as a peace officer. House Bill 25 provides that an exception may also be made for a person with five years of military experience.

HOUSE BILL 410 **HOUSE AUTHOR:** Denton, et al.
EFFECTIVE: 5-24-83 **SENATE SPONSOR:** Mauzy

House Bill 410 allows honorably retired state commissioned peace officers or designated survivors of state commissioned peace officers to purchase one firearm issued to such officers. The act sets forth guidelines to regulate these optional purchases.

HOUSE BILL 594 **HOUSE AUTHOR:** Millsap
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Parmer

House Bill 594 directs the Commission on Fire Protection Personnel Standards and Education to establish requirements, including training, for certification of aircraft crash and rescue fire fighters. After September 1, 1984, only persons meeting the requirements can be appointed to such positions, except on a probationary basis. The act sets out special provisions for persons currently serving in these positions and provides penalties.

HOUSE BILL 1015 **HOUSE AUTHOR:** Messer, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Lyon

House Bill 1015 relates to fire fighters' and police officers' civil service systems in cities with a population of more than 10,000 except the city of Houston. The act makes the following changes: (1) authorizes cities to allow the heads of fire or police departments with at least four classifications below that of the head to appoint persons to the classification immediately below the head. Certain eligibility requirements and rights of appointees to such positions are set out; (2) authorizes cities that have not adopted the Fire and Police Employee Relations Act to adopt an alternative promotional system for police officers on the recommendation of the head of the department and with a majority vote of the sworn police officers; (3) provides that appeals of suspensions or of certain demotions or related actions may be made before an independent hearing examiner, rather than the civil service commission, and that the decisions of the hearing examiners are final and binding on all parties; (4) authorizes assignment pay, in addition to regular pay, and provides for placing police officers and employees on uncompensated duty rather than or in combination with a period of disciplinary suspension without pay; and (5) exempts directors of civil service commissions from residence requirements, allows cities to set standards for educational incentive pay, and sets out procedures to be followed if a fire fighter or police officer is indicted for a felony or officially charged with the commission of a Class A or Class B misdemeanor.

House Bill 1015 also contains different provisions for suspensions of officers and employees of Houston fire and police departments and for such suspensions in other cities. It reenacts certain provisions relating to promotional examinations, and it includes a provision relating to payments for unused sick leave on termination of employment.

HOUSE BILL 1019 — **HOUSE AUTHOR:** Polumbo
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Williams

House Bill 1019 provides that the city of Houston may authorize assignment pay in addition to regular pay, for fire fighters serving as field training officers.

HOUSE BILL 1679 — **HOUSE AUTHOR:** Salinas
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Traeger

House Bill 1679 authorizes most cities having paid fire departments to pay the employees' contribution to the local fire fighters' retirement fund if the Internal Revenue Service determines that the transfer will be subject to favorable federal tax treatment. The cities would be required to reduce the salaries of the fire fighters, or to reduce the amount of future raises, by the amount of the contributions. The act also allows local determination of procedures for signing retirement system vouchers.

HOUSE BILL 1750 — **HOUSE AUTHOR:** Gandy
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Lyon

House Bill 1750 changes requirements for petitions and elections to raise the minimum salaries of members of fire and police departments in cities of more than 10,000 people. It also provides for petitions and elections to raise minimum salaries of members of sheriff's departments in counties with populations of more than 75,000. Governing bodies are authorized to meet with committees of petitioners to negotiate alternate salary proposals.

HOUSE BILL 1925 — **HOUSE AUTHOR:** Luna
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Whitmire

House Bill 1925 authorizes the city of Houston to insure officers and employees of the fire and police departments against liability to third persons arising out of the operation, maintenance, or use of city vehicles and provides limits on the amount of insurance that may be purchased. It specifically states that the city may be self-insured or may purchase insurance.

HOUSE JOINT RESOLUTION 65 — **HOUSE AUTHOR:** W. Hall
FOR ELECTION: 11-6-84 — **SENATE SPONSOR:** Traeger

House Joint Resolution 65 proposes an amendment to the constitution that would authorize payment of assistance to dependent parents and siblings of police officers, fire fighters, and certain other public servants killed while on hazardous duty. The constitution already provides for such payments to the surviving spouse and children.

SENATE BILL 389 — **SENATE AUTHOR:** Whitmire, et al.
EFFECTIVE: 8-29-83 — **HOUSE SPONSOR:** G. Green

Senate Bill 389 provides that Houston peace officers who are under that city's civil service program and who are members of the park police class, airport police class, or city marshal class shall be eligible for promotions within their respective classes but, in no event, are eligible for promotion to positions outside their classes.

SENATE BILL 655 — **SENATE AUTHOR:** Traeger
EFFECTIVE: 1-1-84 — **HOUSE SPONSOR:** Laney

Senate Bill 655 relates to the retirement program for volunteer fire fighters. It changes the amount of service, disability, and death benefits provided under the program; it changes the computation of fire department contributions; and it authorizes credit for prior service for members of fire departments who did not have a pension system before joining this program. It also makes two changes in the requirements for administering the program.

SENATE BILL 1038 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Mankins

Senate Bill 1038 clarifies the kinds of protective clothing that must be furnished full-time, paid fire protection personnel and directs the Commission on Fire Protection Personnel Standards and Education to enforce related requirements. It also includes a provision allowing protective clothing containing cotton to be used in certain circumstances.

SENATE BILL 1128 **SENATE AUTHOR:** Vale
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** W. Martinez

Senate Bill 1128 makes four changes in the retirement system for fire fighters and police officers in San Antonio. The changes relate to the deadline for making current contribution payments, to establishment of credit for certain military service, to an increase in the retirement benefit of persons retiring with more than 31 years of service, and to credit at the time of retirement for unused sick leave.

SENATE BILL 1215 **SENATE AUTHOR:** Brooks
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** E. Barton

Senate Bill 1215 changes the amount of death benefits distributed to the surviving spouses or children of fire fighters covered by the retirement system for fire fighters in Houston and provides for payments in some circumstances to surviving children 18 years of age and older.

PUBLIC LANDS

Land Transfers, Leases, and Sales

HOUSE BILL 600 — **HOUSE AUTHOR:** Bush
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Farabee

Under current law, sale of property by the Department of Public Safety requires legislative approval. House Bill 600 allows the Public Safety Commission to sell and convey real property located in Grayson County on behalf of the Department of Public Safety. Proceeds from the sale of this land are appropriated to the Department of Public Safety.

SENATE BILL 659 — **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-29-83 — **HOUSE SPONSOR:** Bush

This act is identical to House Bill 600, which is summarized above.

HOUSE BILL 1245 — **HOUSE AUTHOR:** McWilliams
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Howard

House Bill 1245 authorizes The Texas A&M University System to purchase certain real property in Harrison County, together with any mineral rights, for use by the Texas Forest Service.

HOUSE BILL 2383 — **HOUSE AUTHOR:** Armbrister
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Sharp

House Bill 2383 authorizes the state to convey to the city of Port Lavaca any remaining right, title, and interest of the state, except mineral rights, in certain real property previously conveyed to the city. The act also provides for certain elections by the qualified voters of the city of Port Lavaca concerning the use or disposition of the property.

HOUSE BILL 2388 — **HOUSE AUTHOR:** Collazo
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Parker

House Bill 2388 authorizes the commissioner of the General Land Office to sell certain state-owned real property to the city of Port Arthur for one dollar per acre. This act corrects the omission of 2.83 acres that was intended to be conveyed to the city under legislation passed by the 54th Legislature.

SENATE BILL 182 — **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 4-5-83 — **HOUSE SPONSOR:** Craddick

Senate Bill 182 reenacts statutory authority, which expired on December 31, 1982, for the School Land Board, in conjunction with the General Land Office, to trade public free school fund land for fee and lesser interests. The board initially received this authority in 1973 and, through land trades, has converted small, unprofitable tracts into larger contiguous units with greater income potential. Under the provisions of the act, the governor must sign all trade deeds and his failure to sign is a veto of the trade. The act expires on December 31, 1986.

SENATE BILL 307 — **SENATE AUTHOR:** Sharp
EFFECTIVE: 3-3-83 — **HOUSE SPONSOR:** DeLay

Senate Bill 307 authorizes the Texas Board of Corrections to exchange a certain piece of state-owned real property for money or for another piece of privately owned real property of equal value located adjacent to any unit of the Texas Department of Corrections.

SENATE BILL 516 — **SENATE AUTHOR:** Montford
EFFECTIVE: 6-14-83 — **HOUSE SPONSOR:** J. Gibson

Senate Bill 516 authorizes the board of regents of Texas Tech University to purchase certain land in El Paso County for the benefit of the El Paso Regional Academic Health Center.

SENATE BILL 517 — **SENATE AUTHOR:** Montford
EFFECTIVE: 5-20-83 — **HOUSE SPONSOR:** J. Gibson

Senate Bill 517 expands the powers of the board of regents of Texas Tech University in its authority to manage and control lands set aside for the university. The act authorizes the board to sell or otherwise dispose

of lands under its management except lands that comprise the original main campus unless such action is approved by the legislature. The board is authorized to accept donations, gifts, and endowments for the university. The act also provides that the board of regents may enter into leasing agreements or contracts for oil, gas, sulphur, ore, water, and other mineral developments on lands under their control. Income generated from such leases and agreements must be used for payment of revenue bonds and notes with the remainder deposited in a special fund created by the board and placed in a depository designated by the board. Money deposited in the fund may be used by the board for the administration of the university, payment of principal and interest on bonds or notes issued by the board, or for any other purpose, that in the judgment of the board, is in the best interest of the university.

SENATE BILL 578 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Presnal

Senate Bill 578 authorizes the board of regents of The Texas A&M University System to grant, sell, lease, or otherwise dispose of Texas A&M University property including mineral interests that does not comprise any portion of the original main campus, but provides that any grant, sale, or lease of the surface estate of the original main campus property must be approved by legislative act. It also authorizes the board to lease five acres of the original main campus to the Former Students Association of Texas A&M University for construction of a building to be used by the association.

SENATE BILL 894 **SENATE AUTHOR:** Montford
EFFECTIVE: 6-14-83 **HOUSE SPONSOR:** J. Gibson

Senate Bill 894 grants the board of regents of Texas Tech University permission to sell a specific piece of real property and requires the board to use the proceeds from the sale for purposes designated under the terms of the gift by which the university originally acquired the property.

SENATE BILL 912 **SENATE AUTHOR:** Truan
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Rangel

Senate Bill 912 authorizes the board of directors of the University System of South Texas to sell certain real property in Kingsville. The board may retain mineral rights to the property. The proceeds from the sale of the property are to be deposited as a part of the plant funds of Texas A&I University to be used for plant investment.

SENATE BILL 913 **SENATE AUTHOR:** Truan
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Rangel

Senate Bill 913 authorizes the board of directors of the University System of South Texas to sell certain real property in Hidalgo County. The proceeds from the sale of the property are to be deposited as a part of the plant funds of Texas A&I University to be used for plant investment.

SENATE BILL 1316 **SENATE AUTHOR:** Howard
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Patterson

Senate Bill 1316 authorizes the Texas Employment Commission to sell certain state-owned real property in Paris, Texas. Proceeds from the sale of this property are appropriated to the Texas Employment Commission for use in acquiring other land or for improvement of the facilities of the commission.

Gas, Oil, and Other Minerals on Public Lands

SENATE BILL 183 **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 2-1-83 **HOUSE SPONSOR:** Hanna

Senate Bill 183 repeals Subchapter G, Chapter 52, Natural Resources Code, which authorized the General Land Office to issue prospecting permits for certain public lands.

SENATE BILL 739 **SENATE AUTHOR:** Sims
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Craddick

Current practices for leasing oil and gas on the state's permanent university fund land provide for public auctions at which potential lessees bid on the amount of bonus to be paid the state per acre of leased tract, the Board for Lease of University Lands having stipulated beforehand a percentage royalty to be paid the state from

gross earnings on the tract. Senate Bill 739 authorizes an alternative arrangement, whereby the board may stipulate the bonus and have potential lessees bid on the percentage royalty. It also provides that the board may use sealed bids as an alternative to public auctions or may use a combination of the two methods, as it elects. The new legislation retains a statutory minimum royalty equal to one-eighth of the gross production value of oil and gas.

SENATE BILL 1112 **SENATE AUTHOR:** Sharp
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Saunders

The federal Mineral Lands Leasing Act gives to the states 50 percent of the income from mineral sales or leases from federal land. Senate Bill 1112 provides for the transfer of the state's entire portion to the county in which the federal land is located, to be distributed as follows: 50 percent is available to the independent school districts in proportionate shares based on average daily attendance; 15 percent is available to the incorporated cities in proportionate shares based on population; and the remaining 35 percent is retained by the county. The only county currently expected to produce income from federal mineral sales or leases is Bastrop County.

HOUSE BILL 1964 **HOUSE AUTHOR:** Whaley
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Montford

Under previous law, land dedicated to the permanent school fund had to be sold with a reservation of only one-eighth of the sulphur and one-sixteenth of the other minerals as a royalty to the state. House Bill 1964 permits the School Land Board to set the mineral rights reserved on future sales, with the previous limits becoming the new minimum reservation. This act also makes several changes in the conditions for sale or lease of public school land.

REDISTRICTING

The legislature in 1981 redrew the state's house, senate, and U.S. Congressional districts. The house and senate districts were drawn again by the Legislative Redistricting Board after the state supreme court ruled the house plan unconstitutional and the governor vetoed the senate plan. In response to U.S. Justice Department objections and legal suits filed against all three plans, U.S. district court judges ordered temporary plans for the 1982 elections. The state was given until September 1, 1983, to enact its own permanent house and senate plans. The court retained jurisdiction to establish permanent districts if the state failed to enact valid plans.

The 68th Legislature enacted legislation establishing congressional and state house districts. A bill delineating senate districts was not passed, but the senate did adopt a resolution expressing its views regarding a court-ordered redistricting plan for the senate.

HOUSE BILL 1389 **HOUSE AUTHOR:** Uher, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Mauzy

The act defines the 150 districts from which members of the Texas House of Representatives are elected. It makes no changes in the court-ordered plan used in the 1982 elections.

SENATE BILL 480 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Uher

The act defines the state's 27 U.S. Congressional districts. All but seven of these districts remain the same as the court-ordered districts used in the 1982 elections.

SENATE RESOLUTION 599 **SENATE AUTHOR:** Mauzy, et al.

The resolution calls for the Legislative Redistricting Board plan for the senate, with a proposed modification of several districts, to be submitted by the attorney general to the courts and the U.S. Justice Department for adoption as a permanent court-ordered redistricting plan.

STATE TAXES AND TAX ADMINISTRATION

This chapter provides descriptions of legislation relating to state tax and to local taxes involving state administration. Enactments relating to property taxation are summarized in a separate chapter.

General Legislation

SENATE BILL 580 — **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-83 — **HOUSE SPONSOR:** Shea

Prior to this act there was a wide range of penalties and interest relative to various state taxes. To standardize the penalty and interest provisions of state taxes this act provides a five percent penalty for failure to file a report or pay the tax when due and provides an additional five percent penalty for failure to file a report or pay the tax within 30 days of the due date, with minimum penalty of $1. The penalties and interest provisions of the following taxes have been standardized by this act: motor vehicle sales tax, motor fuels taxes, cigar and tobacco taxes, cement production tax, miscellaneous gross receipts tax, oil well service tax, natural gas production tax, sulphur production tax, inheritance tax, and utility taxes.

SENATE BILL 581 — **SENATE AUTHOR:** Farabee
EFFECTIVE: 5-10-83 — **HOUSE SPONSOR:** Schlueter

Senate Bill 581 allows the comptroller and taxpayer to extend the statute of limitations for filing tax refund claims. This act also authorizes the comptroller to provide refunds to the taxpayer while an extension agreement is in effect, and credit the amount against any other taxes, penalties, or interest the taxpayer may owe the state. This act, in addition, allows a county clerk to bill the comptroller for the filing fee for a release of a tax lien. The comptroller may in turn charge the fee to the taxpayer against whom the lien was filed.

SENATE BILL 737 — **SENATE AUTHOR:** Mauzy
EFFECTIVE: 5-25-83 — **HOUSE SPONSOR:** Schlueter

Senate Bill 737 repeals a provision of the Tax Code to limit the comptroller's use of a sample audit to determine the validity of a taxpayer's records. Under the act, the comptroller now may perform a sample audit only with the written agreement of the taxpayer.

Sales and Use and Gross Receipts Taxes

HOUSE BILL 1122 — **HOUSE AUTHOR:** Schlueter
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Parker

House Bill 1122 repeals sections of the Tax Code that impose the following: (1) an application fee on miscellaneous gross receipts tax permits; (2) a tax on quotation services; (3) a tax on brokers and factors; (4) a tax on pistol dealers; (5) a tax on shipbrokers; and (6) a tax on billiard table owners and operators. The act also extends the definition of a newspaper for sales and use tax purposes to include publications produced and distributed by a licensed certified carrier, thereby enabling these publications to be defined as classified newspapers and to be exempt from sales and use taxes.

HOUSE BILL 1613 — **HOUSE AUTHOR:** D. Lee
EFFECTIVE: 8-29-83 — **SENATE SPONSOR:** Sims

The Tax Code provides sales tax exemptions on certain agricultural and agriculture-related items. House Bill 1613 amends the Tax Code to extend the sales tax exemption to bins used exclusively as containers for transporting fruit and vegetables from the field or place of harvest to a location where the items are processed, packaged, or marketed.

HOUSE BILL 1869 — **HOUSE AUTHOR:** Robnett
EFFECTIVE: 9-1-83 — **SENATE SPONSOR:** Brown

House Bill 1869 amends the Tax Code by exempting from the sales and use taxes a gold, silver, or numismatic coin sale or a sale of platinum, gold, or silver bullion in which the total sales price of all the items sold equals $10,000 or more.

SENATE BILL 123 **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Shea

This act amends the Tax Code to expand the list of health care supplies exempt from sales and use taxes. Under Senate Bill 123, the following equipment will be exempt from sales and use taxes: braille paper, braille writer, braille wristwatch, and braille electronic equipment. The act also exempts the visually handicapped from paying taxes on the following items: a slate and stylus, print enlarger, magnifier, white cane, talking clock, large print terminal, talking terminal, or harness for a guide dog.

SENATE BILL 541 **SENATE AUTHOR:** Edwards
EFFECTIVE: 5-24-83 **HOUSE SPONSOR:** Wieting

This act provides that an applicant for a direct payment permit for the payment of sales tax must provide records to the comptroller showing annual purchases of taxable items that have a value of $800,000 or more. Previous law required applicants to show an annual purchase of $200,000 in taxable items to qualify for a direct payment permit.

SENATE BILL 582 **SENATE AUTHOR:** Farabee
EFFECTIVE: 5-20-83 **HOUSE SPONSOR:** Bomer

Senate Bill 582 adds a section to the Tax Code that exempts the retail buyer of a vehicle from paying the motor vehicle tax if the purchased vehicle is transported out of state prior to any use in Texas, other than its transportation out of state. The act imposes a use tax on an operator of a motor vehicle that was purchased tax-free under Texas law and brought back into Texas for use on public highways.

SENATE BILL 594 **SENATE AUTHOR:** Sharp
EFFECTIVE: 5-10-83 **HOUSE SPONSOR:** Coody

Senate Bill 594 amends the Tax Code by adding provisions for the application of sales and use taxes to accessories added to manufactured houses by a retailer. Any part or accessory added to a manufactured house by a retailer is now subject to the sales tax provisions of the Tax Code. The act provides a credit due a retailer who previously paid the tax, and who made a sale of a manufactured home to be installed outside of the state.

SENATE BILL 638 **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Laney

This act provides that farm machinery used primarily for farming and ranching purposes be exempted from taxes on the sale, rental, and use of motor vehicles. "Farm machinery" is defined, and the necessary procedures to obtain the exemption are established.

SENATE BILL 713 **SENATE AUTHOR:** Uribe
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Rudd

Senate Bill 713 simplifies and expedites the forwarding of county motor vehicle tax collections to the comptroller. Under this act, the frequency of payment by counties to the comptroller is based on the amount of taxes collected during the preceding fiscal year. In counties that collected less than $2 million in motor vehicle taxes the preceding year, the county tax assessor-collector must forward the collections to the comptroller on the 10th day of each month. In counties that collected between $2 million and $10 million, the county tax assessor-collector is required to forward the collections once a week, and in counties that collected over $10 million the previous year, daily payment to the comptroller is required. This act also amends the Motor Vehicle Sales and Use Tax Act to require the county tax assessor-collector to send tax receipts to the comptroller in accordance with the comptroller's instructions.

SENATE BILL 985 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 10-1-83 **HOUSE SPONSOR:** G. Hill

This act revises the law that provided that the limited sales and excise taxes are paid quarterly, due on the last day of the month after the end of the quarter, or are paid monthly if the taxpayer owes more than $1,500 a month. To accelerate this collection of taxes, Senate Bill 985 requires these taxes to be paid quarterly, due on the 20th day of the month after the end of the quarter. If the taxpayer owes less than $500 for a month or $1,500 for a quarter the taxes must be paid monthly, due on the 20th day, unless the taxpayer has prepaid the tax on a quarterly basis. This act repeals provisions allowing certain manufacturers to pay sales taxes annually. The act also lowers the discount for all retailers who prepay their taxes from a rate of 2 percent to 1.25 percent.

HOUSE BILL 962 **HOUSE AUTHOR:** Schlueter
EFFECTIVE: 5-21-83 **SENATE SPONSOR:** Grant

House Bill 962 relates to cigarette manufacturers that produce and distribute complimentary packages of cigarettes. Prior to this act, Texas law required a tax stamp to be affixed to each individual cigarette package, except sample packages containing five or fewer cigarettes. This act repeals the five cigarette limit on sample packages and allows the manufacturer to distribute sample packages containing more than five cigarettes. The act requires packages of sample cigarettes be clearly marked as complimentary and not for sale and requires that all applicable state taxes be paid by the manufacturer.

HOUSE BILL 1554 **HOUSE AUTHOR:** A. Smith
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Henderson

House Bill 1554 amends the Insurance Code to allow the State Board of Insurance semiannually to collect certain insurance maintenance taxes from insurers whose liability for the previous year exceeds $2,000. The act also standardizes the language and procedures relating to those premiums taxes and, subject to maximum rates, allows the board to set the assessment rates based on an annual estimate of the amount of revenue needed to regulate the insurance industry. Taxes collected by the board will now be deposited in a single state treasury account in lieu of being credited to separate accounts.

HOUSE BILL 2436 **HOUSE AUTHOR:** Schlueter, et al.
EFFECTIVE: 6-9-83 **SENATE SPONSOR:** Jones

As an incentive for the Texas gasohol industry the 67th Legislature in 1981 enacted a five cent per gallon tax credit on gasohol from the motor fuels tax. House Bill 2436 of the 68th Legislature, Regular Session, amends the Tax Code to limit the state fuels tax credit for mixtures of gasoline and alcohol. Under this act, to qualify for a fuels tax exemption, gasohol must contain alcohol produced or distilled only from a renewable source produced in Texas.

SENATE BILL 500 **SENATE AUTHOR:** Harris, et al.
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** B. Gibson

This act amends the Tax Code to clarify state inheritance tax and generation-skipping transfer tax filing and payment procedures. Under the act, the state inheritance tax and generation-skipping transfer tax returns or payments must be filed or paid on the same date that the federal tax return or payment is due. The act makes an executor of an estate, who sells the estate's property without paying the tax, penalty, and interest, responsible for any amount owed to the state. The act also repeals all references to inheritance tax liens to prevent estates from being tied up unnecessarily while awaiting removal of the automatic lien presently in effect.

SENATE BILL 531 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Messer

Under this act, a corporation will no longer be allowed to use the "short form" table method in determining franchise tax liability. Revisions in the franchise tax report have simplified filing procedures making the short form obsolete and no longer useful.

SENATE BILL 570 **SENATE AUTHOR:** Montford
EFFECTIVE: 5-10-83 **HOUSE SPONSOR:** Valles

Previous law required interstate truckers to post a bond equal to two times the tax that could accrue on fuels during a reporting period. The burden to truckers and the administrative problems relative to assuring compliance with this requirement have proven that this system of bonding is not economical. Senate Bill 570 amends the Tax Code by deleting the requirement that interstate truckers hold surety bonds for payment of delinquent gasoline and fuel tax.

SENATE BILL 637 **SENATE AUTHOR:** Traeger
EFFECTIVE: 5-10-83 **HOUSE SPONSOR:** Berlanga

Senate Bill 637 authorizes the comptroller to withhold payments to persons who owe taxes that are administered by the comptroller. These taxes include local sales taxes, metropolitan transit authority sales taxes, and local bingo taxes.

SENATE BILL 614 **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Laney

Under previous law, user permits and decal permits for taxes on diesel fuel and liquified gas fuel used in motor vehicles expire at the end of the calendar year regardless of the date of issuance. Senate Bill 614 changes the current calendar year application for diesel fuel and liquified gas fuel used in motor vehicles to a 12-month basis. These permits now will be valid from the date of issuance through the last day of the same month the following year. The act continues to allow the permit holder to receive a refund for the unused portion of the permit in the event the motor vehicle is destroyed, transferred, or is no longer used on the highway.

SENATE BILL 619 **SENATE AUTHOR:** Harris
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** G. Hill

The Tax Code imposes a gross receipts tax on business done in this state by a telegraph company. This act amends the Tax Code by excluding from the definition of "business" certain telegraph transmissions. This exclusion explicitly exempts from the telegraph companies gross receipts tax: (1) the transmission of communications by telegraph from one point in Texas to another point in Texas by means of equipment located outside of Texas; and (2) business involving the provision of equipment or circuits used to transmit communications by telegraph across the boundaries of this state or involving access to that equipment or circuits.

SENATE BILL 658 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 5-3-83 **HOUSE SPONSOR:** G. Thompson

Previous Texas law did not assign liability for delinquent hotel occupancy taxes if a hotel owner sold the hotel. Senate Bill 658 assigns liability for delinquent hotel taxes to the purchaser. The act requires that a purchaser of a hotel withhold an amount of the purchase price sufficient to pay the amount of tax due until the seller provides either a receipt from the comptroller that the amount has been paid or a certificate stating that no amount is due. If the purchaser fails to withhold an amount of the purchase price, he then becomes liable for the delinquent tax. The purchaser may request from the comptroller a certificate stating that no tax is due or stating the amount of taxes due.

SENATE BILL 741 **SENATE AUTHOR:** Harris
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Criss

Senate Bill 741 refines the Bingo Enabling Act passed in 1981 to address certain regulatory problems. Qualifying organizations are more strictly defined, and the comptroller of public accounts is given increased authority concerning the licensing provisions for bingo operators, those who lease premises for bingo games, and those who manufacture or distribute bingo equipment and supplies. Receipts from the sale of food and beverages, already subject to sales tax, are no longer included in taxable gross receipts.

SENATE BILL 897 **SENATE AUTHOR:** Caperton
EFFECTIVE: 5-20-83 **HOUSE SPONSOR:** Turner

In 1981, the 67th Legislature enacted the Bingo Enabling Act, which authorized local option elections for the purpose of legalizing or prohibiting bingo. The Bingo Enabling Act also empowers the comptroller to investigate any licensed bingo operator in order to verify the accuracy of any tax return. Senate Bill 897 allows the comptroller to set fees charged against a licensee to recover the costs of an investigation or audit authorized under the Bingo Enabling Act.

SENATE BILL 986 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 6-9-83 **HOUSE SPONSOR:** Stiles

Senate Bill 986 changes the quarterly due dates for public utilities' gross receipts tax payments from the last day of August, November, February, and May to the 15th day of those months. For utilities making annual rather than quarterly payments, the due date is changed from the 31st to the 15th of August.

SENATE BILL 987 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Shea

Insurance carriers other than life, accident, and health insurance carriers, mutual benefit associations, and certain other tax exempt organizations, must pay an annual tax equal to a percentage of their gross premiums.

Senate Bill 987 requires these companies to pay the taxes quarterly—on March 1, May 15, August 15, and November 15—if they have an annual tax liability of over $1,000 for the previous year.

The act also amends the Tax Code to allow a taxpayer to file a tax payment protest applicable to the total annual taxes at the time of the final annual tax payment even though quarterly installment payments have been made without protest.

SENATE BILL 988 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Turner

For oil production, gas production, gasoline and diesel fuel taxes, Senate Bill 988 requires that a tax payment be made on August 15 of each odd-numbered year. This payment is to be based on a reasonable estimate of the tax liability for July of that year. This act accelerates these tax collections by moving the payment dates into the succeeding biennium. The bill also includes penalty provisions for producers and purchasers of these commodities, if additional taxes are due to the state.

TRANSPORTATION AND HIGHWAYS

Highway Administration

HOUSE BILL 287 **HOUSE AUTHOR:** Glossbrenner
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Truan

House Bill 287 designates the portion of United States Highway 83 that runs through Texas as the Texas Vietnam Veterans Memorial Highway.

HOUSE BILL 675 **HOUSE AUTHOR:** Polumbo, et al.
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Williams

House Bill 675 prohibits all persons from remaining in highway rest areas for more than 24 hours or from erecting tents and other structures. Exempted by the act's provisions are nonprofit organizations using temporary structures at the areas to provide aid to travelers if the organizations have been issued permits by the State Department of Highways and Public Transportation.

HOUSE BILL 1007 **HOUSE AUTHOR:** Finnell
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Farabee

House Bill 1007 directs the Department of Public Safety to establish a statewide incoming toll-free telephone service to receive calls regarding malfunctions of mechanical devices at intersections of railroad tracks and public roads. The act prohibits introduction of evidence regarding the existence of the service in any judicial proceeding, however, and prohibits any court from holding the state, a state agency, or a railroad company liable for damages caused by an action taken under the act.

HOUSE BILL 1091 **HOUSE AUTHOR:** Hilbert, et al.
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Henderson

The act prohibits the placement of signs on public road rights-of-way in Harris County unless the placement is authorized by state law. The act also gives the county sheriff the authority to confiscate a sign placed on a right-of-way in violation of the act and to sell the sign at public auction if it is not reclaimed by the owner.

HOUSE BILL 2119 **HOUSE AUTHOR:** Hightower
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Caperton

House Bill 2119 establishes a procedure by which a county historical commission may apply to the Texas Historical Commission and the State Department of Highways and Public Transportation to designate a farm or ranch road that follows a historical trail with its historical name.

SENATE BILL 148 **SENATE AUTHOR:** Blake
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Turner

Senate Bill 148 revises the state's laws governing county road and bridge administration by reorganizing 96 articles in the Texas statutes into a more comprehensible and accessible format. Organized into three major chapters, the provisions of the act deal with: (1) the powers of the commissioners court of each county regarding road and bridge construction and maintenance; (2) the methods of organizing the commissioners court as a road-governing authority; and (3) finance issues, including funds, taxes, fees, fines, and condemnation.

SENATE BILL 970 **SENATE AUTHOR:** Henderson
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** E. Barton

Senate Bill 970 relates to the financing, constructing, and operating of toll transportation facilities in counties with populations of more than 50,000 bordering on the Gulf of Mexico. The act provides that revenue bonds may be issued by the commissioners court of a county without voter approval and authorizes the use of ad valorem taxes among other funds to pay for the operation and maintenance of projects constructed with proceeds from the issuance of these bonds. It also authorizes counties subject to its provisions to use any land or rights-of-way acquired from any source in developing toll projects.

HOUSE BILL 455 **HOUSE AUTHOR:** Barrientos, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Uribe

The act allows an operator of a motor vehicle, trailer, or semitrailer a five-day grace period following the expiration of the vehicle's registration stickers before the lapsed registration is a misdemeanor offense.

HOUSE BILL 872 **HOUSE AUTHOR:** A. Moreno, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Uribe

The act requires that before a person may obtain a certificate of title or registration in Texas for a vehicle that has not been previously titled or registered in any other state, the person must provide to the county tax assessor-collector: (1) a form issued by the United States Customs Service stating that when first brought into this country, the vehicle was declared in compliance with federal law; or (2) satisfactory proof that the vehicle was not brought into the United States from outside the country. This provision does not apply to a motor vehicle lawfully imported into the United States by a distributor or dealer from the manufacturer of the motor vehicle.

HOUSE BILL 965 **HOUSE AUTHOR:** Jackson
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Harris

House Bill 965 allows the commissioners court of a county to impose an optional $5 surcharge for motor vehicle registration. The fee must be imposed for a minimum of five years and provisions are made for certain procedures under which the county may remove the surcharge.

The act also permits a person to file concurrently an application for a certificate of title and an application for the registration of a motor vehicle in either the person's home county or the county in which the vehicle was purchased. However, all subsequent registrations must be obtained in the county in which the person resides.

Additionally, the act removes the requirement that, while transacting a secondhand vehicle transfer, the registration license receipt and certificate of title be filed in the transferee's county of residence.

HOUSE BILL 2157 **HOUSE AUTHOR:** Turner
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Truan

Under Texas law, an owner of a truck tractor, semitrailer, or lowboy trailer used exclusively to haul the owner's soil conservation machinery or equipment is eligible to receive a 50 percent reduction on the registration of the vehicle. House Bill 2157 eliminates the provision requiring the owner to obtain certification from the County Agricultural Stabilization and Conservation Committee in order to get this reduction.

HOUSE BILL 2183 **HOUSE AUTHOR:** Barrientos
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Montford

House Bill 2183 requires the recording of the odometer reading of a motor vehicle, or the number of miles actually traveled by the vehicle, on the motor vehicle's certificate of title, on the application for a certificate of title, on affidavits to transfer a certificate of title, and on forms verifying inspection of the vehicle prior to registration.

SENATE BILL 222 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Saunders

The act amends Texas law regarding temporary registration permits for certain vehicles not registered in this state. It allows a new 144-hour registration permit to be obtained for the fee of $50 and raises the fee of the 72-hour permit from $10 to $25.

SENATE BILL 802 **SENATE AUTHOR:** Brown
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** Hury

Senate Bill 802 requires that the owner of a motor vehicle that has been rendered a total loss because of flood to surrender the certificate of title to the State Department of Highways and Public Transportation, which must cancel the certificate. The act also provides that the owner of such a vehicle, before operating it in this state, must obtain a new certificate of title and must disclose the vehicle's history of flood damage, which the department must then designate on the new and all subsequent certificates of title.

SENATE BILL 261 **SENATE AUTHOR:** Sharp
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Davis

Senate Bill 261 clarifies state law pertaining to the perfection of a creditor's security interest in a motor vehicle. A creditor perfects a security interest in a motor vehicle sold to and held as inventory by a dealer by filing a financing statement as provided for under the state's Business & Commerce Code. A creditor perfects a security interest in a vehicle sold to a consumer by noting the lien on the certificate of title for the vehicle.

Special Licenses and Designations

HOUSE BILL 470 **HOUSE AUTHOR:** Blanton
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Harris

The act amends current law regarding registration of antique motor vehicles by changing the minimum age of an antique vehicle from 35 years to 25 years; this is the national standard for classic or antique status. It also allows owners of these vehicles to use antique license plates, if the plates were issued in Texas the year the car or truck was manufactured, and the plates are approved by the State Department of Highways and Public Transportation.

HOUSE BILL 908 **HOUSE AUTHOR:** T. Smith
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Doggett

Texas law requires the identification of all city-owned and county-owned motor vehicles and heavy equipment. Exempted from the act's provisions are automobiles used by police and sheriffs' departments, which shall be unmarked at the discretion of the sheriff or chief of police. House Bill 908 amends current law by removing the exemption for counties with populations of more than 350,000.

HOUSE BILL 1778 **HOUSE AUTHOR:** Luna
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Sharp

House Bill 1778 amends current law regarding the designation of Texas automobile dealers by increasing the fee from $100 to $250 to obtain a new dealer's or manufacturer's general distinguishing number and master dealer's license plate. The fee for renewing these license plates will be $100 per year, with an extra $10 fee for each additional set of plates. The act also requires a new applicant for a dealer's license plate to post a $25,000 bond with the State Department of Highways and Public Transportation; the bond requirement is waived if the applicant already has a valid dealer's license issued by the Texas Motor Vehicle Commission.

SENATE BILL 139 **SENATE AUTHOR:** Blake, et al.
EFFECTIVE: 4-26-83 **HOUSE SPONSOR:** Keller

Senate Bill 139 allows members of the Texas Army National Guard, Texas Air National Guard, and Texas State Guard to obtain special license plates identifying their membership in these military organizations.

SENATE BILL 228 **SENATE AUTHOR:** Blake
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** G. Hill

Senate Bill 228 adds the Railroad Commission of Texas, the Texas Alcoholic Beverage Commission, and the Texas Juvenile Probation Commission to the list of state agencies that are exempt from the requirement that state-owned vehicles be identified with State of Texas inscriptions.

SENATE BILL 284 **SENATE AUTHOR:** Santiesteban, et al.
EFFECTIVE: 8-29-83 **HOUSE AUTHOR:** P. Moreno

Texas law provides for the issuance of specially designed license stickers for vehicles transporting permanently disabled persons in order to gain access to parking areas for the handicapped. Senate Bill 284 adds that handicapped individuals may also obtain identification cards for their use while traveling in vehicles not marked with the license plate stickers. The act also provides that a disabled person commits a misdemeanor if the person loans an identification card to another person who uses the card in violation of the law.

SENATE BILL 766 **SENATE AUTHOR:** Doggett
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Edwards

Senate Bill 766 amends Texas law providing for parking for the disabled by allowing political subdivisions the discretion to exempt private parking lot owners from the state-specified standards for identification signs

and for space dimensions with which local governments must comply. Private property owners who operate parking lots, however, may be required by political subdivisions to provide the parking spaces.

The act also permits local governments to prohibit illegal parking in parking spaces for the disabled on private property as well as allowing both private and public security personnel to charge people with violations of the law regarding parking spaces for the disabled.

Inspection and Insurance Requirements

HOUSE BILL 725 **HOUSE AUTHOR:** Rangel
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Truan

The act provides a defense to prosecution under the Texas Motor Vehicle Safety-Responsibility Act to drivers not carrying proof of automobile liability insurance coverage if the vehicle was in the person's possession for the sole purpose of maintenance and repair and the vehicle was not fully or partially owned by that person.

HOUSE BILL 736 **HOUSE AUTHOR:** Green
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Doggett

The Texas Motor Vehicle Safety-Responsibility Act regarding mandatory automobile liability insurance is amended by House Bill 736. The act clarifies the provision under which a bond may be filed with the Department of Public Safety or a certificate of deposit of money or securities obtained from the state treasurer in lieu of carrying insurance. It also specifies what information is evidence of financial responsibility. Additionally, a defense to prosecution is provided, as well as a provision for the waiver of the requirement for filing proof of financial responsibility under certain conditions.

HOUSE BILL 1794 **HOUSE AUTHOR:** Denton
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Traeger

Under the provisions of House Bill 1794, any vehicles for which title is held in the name of a volunteer fire department are exempt from the mandatory automobile liability insurance requirements of the state. This exemption, however, does not apply to the operators of volunteer fire department vehicles.

SENATE BILL 1205 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Hackney

Senate Bill 1205 requires the Department of Public Safety, on the request of the Texas Air Control Board, to establish an emission inspection and maintenance program for motor vehicles in any county failing to meet national air quality standards. The program, applicable initially just to Harris County, would involve inspections of emission controls on vehicles of certain model years. To cover the costs of the new program, the department could impose on subject motorists an inspection fee of up to $5. This fee would be in addition to the fee for annual safety inspections required of all Texas motorists. Vehicles passing the emission inspection would receive special stickers.

SENATE BILL 444 **SENATE AUTHOR:** Traeger
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** W. Martinez

Senate Bill 444 increases the motor vehicle inspection fee from $5 to $5.25. The act also increases the portion of this fee that goes into the Law Enforcement and Custodial Officer Supplemental Retirement Fund from 75 cents to $1.

Vehicle Loads and Dimensions

HOUSE BILL 691 **HOUSE AUTHOR:** Finnell
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Blake

House Bill 691 prohibits the operation of overweight motor vehicles on state-maintained roads and highways inside incorporated towns and cities. It allows the Department of Public Safety inspectors and patrolmen and county sheriffs to enforce weight allowances inside city limits, in addition to granting this authority to local police in Houston.

This act extending weight limits to all state-maintained roadways brings Texas into compliance with the standards set by the Federal Highway Administration.

HOUSE BILL 860 **HOUSE AUTHOR:** Rudd, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Sarpalius

House Bill 860 exempts single-motor vehicles used exclusively for the transport of cotton seed modules from current state height restrictions and provides for a new height limit of 14 feet, 6 inches. These vehicles, however, are still subject to federal weight and height regulations while traveling on interstate and defense highways.

HOUSE BILL 1114 **HOUSE AUTHOR:** Granoff, et al.
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Jones

House Bill 1114 is similar to House Bill 691 in that it extends standard weight limits to state-maintained roadways located within incorporated city limits, allows Department of Public Safety personnel and troopers and county sheriffs to enforce its provisions, and permits local police in Houston to share this authority.

This act further prohibits loading certain vehicles with intent to violate the allowable weight limits. Intent to violate the weight limitations will be presumed if the weight of a vehicle exceeds the allowable limit by 15 percent or more. A vehicle carrying unprocessed agricultural or forestry products is not subject to this prohibition.

The act also establishes a stricter fine schedule for violations of the weight limits.

HOUSE BILL 1601 **HOUSE AUTHOR:** L. Hall
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Henderson

House Bill 1601 puts Texas into compliance with federal law regarding length limits of certain motor vehicles and combinations of vehicles. Its provisions amend various state statutes by eliminating prescribed limits for truck-tractors and truck-tractor combinations by establishing limits for the lengths of trailers and semitrailers, and by setting a maximum length for a combination of those types of vehicles.

The act also exempts truck-tractors and truck-tractor combinations from length limits for vehicles transporting specific products.

HOUSE BILL 1602 **HOUSE AUTHOR:** L. Hall
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Henderson

The act brings state statutes into compliance with federal regulations regarding width limits of motor vehicles by increasing these limits to 102 inches. The State Department of Highways and Public Transportation, however, is granted the authority, following the completion of an engineering study, to order specific sections of highways exempt from the maximum width requirement and to set a maximum width of 96 inches for the sections of highway that cannot accommodate wider loads.

HOUSE BILL 1966 **HOUSE AUTHOR:** Laney
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** Howard

House Bill 1966 provides that vehicles used exclusively to transport solid waste may be operated on public streets and highways with a tandem axle load not to exceed 44,000 pounds, a single axle load not to exceed 20,000 pounds, and a gross load not to exceed 64,000 pounds. If the tandem axle gross load of a vehicle exceeds 34,000 pounds, the owner of the vehicle must file with the State Department of Highways and Public Transportation a surety bond to pay for any damages to highways or streets caused by the operation of the vehicle.

SENATE BILL 86 **SENATE AUTHOR:** Henderson
EFFECTIVE: 1-1-84 **HOUSE SPONSOR:** Emmett

Senate Bill 86 requires covers on trucks whose open loads could blow or spill onto Texas highways. Exempted from the act's provisions is any load of loose materials not blowing or spilling over the top of the load-carrying compartment, any vehicle merely crossing a public highway, and any vehicle moving at less than 30 miles per hour.

SENATE BILL 303 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Hanna

Texas law provides for the suspension of a driver's license for a person who is a habitual violator of the traffic laws of this state. This act exempts violations of height, weight, width, and length limitations from those moving violations that would result in a habitual violator license suspension.

SENATE BILL 749 **SENATE AUTHOR:** Sharp
EFFECTIVE: 5-20-83 **HOUSE AUTHOR:** Armbrister

Senate Bill 749 permits the operation of an unlicensed vehicle that exceeds the overall gross weight limits to cross the width of a highway from private property to private property if: (1) the vehicle is transporting certain materials; (2) the private party has agreed to indemnify the State Department of Highways and Public Transportation for the cost of road repairs; and (3) the private party has executed an adequate surety bond.

SENATE BILL 1322 **SENATE AUTHOR:** Sharp
EFFECTIVE: 6-19-83 **HOUSE SPONSOR:** L. Hall

Senate Bill 1322 allows a person to operate a vehicle in excess of the allowable weight limits across certain public highways if the person contracts with the State Highway and Public Transportation Commission to indemnify the State Department of Highways and Public Transportation for the cost of maintenance and for the repairing of the damage to the highway caused by the operation of the vehicle. Under the act's provisions, private parties that contract with the commission must execute an adequate surety bond.

SENATE BILL 1438 **SENATE AUTHOR:** Sharp
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** McWilliams

The act prohibits manufactured housing that is in excess of statutory width or length limits from being moved over Texas roadways except in accordance with permits issued by the State Department of Highways and Public Transportation.

Vehicle and Traffic Offenses

HOUSE BILL 18 **HOUSE AUTHOR:** C. Smith
EFFECTIVE: 12-1-83 **SENATE SPONSOR:** Mauzy

Under the provisions of this act, when a person is charged with certain misdemeanor offenses committed while operating a motor vehicle, the court is required to defer proceedings and allow the person 90 days to successfully complete a defensive driver's course approved by the Department of Public Safety or the court, if certain conditions are present.

HOUSE BILL 1571 **HOUSE AUTHOR:** Gavin
EFFECTIVE: 6-19-83 **SENATE SPONSOR:** Farabee

The Nonresident Violator Compact of 1977 was adopted by the 67th Legislature to provide a means through which state governments may participate in a reciprocal program to ensure compliance in one jurisdiction with the terms of a traffic citation issued in another jurisdiction. By adding certain exemptions to the compact's provisions, House Bill 1571 brings Texas law in harmony with provisions adopted by the other states adhering to the agreement.

HOUSE BILL 1712 **HOUSE AUTHOR:** Wolens
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Farabee

Under the provisions of House Bill 1712, a driver who is involved in an accident involving at least $250 damage, or involving an injury or death, is no longer required to submit an accident report to the Department of Public Safety if the accident is investigated by a law enforcement officer. In the case of an accident not investigated by an officer, a written report must be submitted to the department by the driver of the vehicle.

SENATE BILL 185 **SENATE AUTHOR:** Glasgow, et al.
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Criss

Texas law prohibits the obstruction by a train of streets, railroad crossings, and public highways for more than five minutes. Senate Bill 185 allows a railroad employee or agent to be issued a citation for this offense which, when signed, is a promise to later appear in court.

SENATE BILL 1095 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 8-29-83 **HOUSE SPONSOR:** Hackney

Texas law prohibits the use of television-type receiving equipment in motor vehicles if the screen is in the view of the driver. Senate Bill 1095 now allows the use of this equipment if it is used exclusively for receiving digital information for commercial purposes.

Motorcycles and Bicycles

HOUSE BILL 306 **HOUSE AUTHOR:** Criss
EFFECTIVE: 9-1-83 **SENATE SPONSOR:** Brown

The act provides for the establishment, administration, and funding of a motorcycle operator training and safety program. It also amends current law by increasing the annual registration fee for a motorcycle, by providing that a portion of the registration fees for motorcycles and mopeds be deposited in the motorcycle education fund, and by requiring operators of mopeds to obtain drivers' licenses. Additionally, restricted drivers' licenses may be issued to certain motorcycle operators.

HOUSE BILL 825 **HOUSE AUTHOR:** Hackney
EFFECTIVE: 8-29-83 **SENATE SPONSOR:** McWilliams

House Bill 825 amends various motor vehicle statutes by changing the definitions of "motorcycle" and "motor-driven cycle" and by recognizing and defining "moped." Under its provisions, current law regulating licensing, registration, certification, and annual inspections for motorcycles and motor-driven cycles is now extended to apply to mopeds. The act also provides for restricted drivers' licenses for certain operators of these vehicles.

SENATE BILL 843 **SENATE AUTHOR:** Doggett
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** R. Martinez

The act clarifies state law regarding the application of certain vehicle and traffic regulations to the operation of bicycles on Texas thoroughfares. Among its provisions, Senate Bill 843 includes "bicycle" in the definition of "vehicle," establishes sidewalk and roadway rules for bicycle operation, and exempts the vehicles from special equipment regulations.

Drivers' Licenses

HOUSE BILL 444 **HOUSE AUTHOR:** Danburg
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Whitmire

Under the provisions of the act, a person may notify the Department of Public Safety concerning a change of address on a driver's license or other certificate by submitting written notice and paying a $3 fee. The department is then required to furnish a sticker or certificate to apply to or carry with the person's license or certificate indicating that the change of address has been filed.

HOUSE BILL 1273 **HOUSE AUTHOR:** E. Barton
EFFECTIVE: 1-1-84 **SENATE SPONSOR:** Caperton

House Bill 1273, a substantive revision of the law governing licensing of motor vehicle drivers, now bases the state's license system on the type of vehicle being driven, rather than the vehicle's use. It also provides for motorcycle licensing, hardship licenses, out-of-state licenses, license suspensions and occupational licenses, driver education, and other license matters.

SENATE BILL 24 **SENATE AUTHOR:** Sarpalius, et al.
EFFECTIVE: 9-1-83 **HOUSE SPONSOR:** Rudd

Senate Bill 24 provides for certain procedures to be followed in the issuance of a driver's license based on essential need. Under its provisions, "essential need" is now defined and the statutory restrictions regarding the terms under which a vehicle may be operated with such a license, including times and routes, are strengthened. The driver is also required to carry a certified copy of the court order while operating the vehicle.

SENATE BILL 89
EFFECTIVE: 5-3-83

SENATE AUTHOR: Glasgow
HOUSE SPONSOR: G. Hill

Senate Bill 89 allows the Department of Public Safety to grant a hardship driver's license to a person age 15 to 17 if the person can prove either economic hardship, family illness, disability, or death-related emergency, or the person's need for the license to attend vocational education courses. The act includes provisions for licensing requirements, drivers' training courses, and license suspension.

SENATE BILL 1208
EFFECTIVE: 1-1-84

SENATE AUTHOR: Brooks
HOUSE SPONSOR: L. Hall

Senate Bill 1208 provides that a qualified person who possesses a valid out-of-state driver's license may obtain a Texas license without taking a written examination. The act also allows a person with a Texas license to renew it by mail.

Miscellaneous

HOUSE BILL 593
EFFECTIVE: 9-1-83

HOUSE AUTHOR: Messer, et al.
SENATE SPONSOR: Howard

House Bill 593 is the sunset renewal act for the Railroad Commission of Texas. It grants the commission the authority to regulate taxicabs serving certain airports. Other provisions of the act are discussed in the chapter on sunset legislation.

SENATE BILL 28 (1st C.S.)
EFFECTIVE: 9-1-83

SENATE AUTHOR: Brooks
HOUSE SPONSOR: Messer

Senate Bill 28 corrects a citation in House Bill 593 (regular session) relating to the regulation of taxicabs serving airports.

HOUSE BILL 1420
EFFECTIVE: 9-1-83

HOUSE AUTHOR: Schoolcraft
SENATE SPONSOR: Montford

The act clarifies the methods a state law enforcement official may use in the disposition of a stolen or abandoned vehicle or a vehicle part that has been seized by a law enforcement official under authority of the Certificate of Title Act.

SENATE BILL 960
EFFECTIVE: 9-1-83

SENATE AUTHOR: McFarland
HOUSE SPONSOR: C. Evans

Senate Bill 960, the Obstruction to Air Navigation Control Act, gives the Texas Aeronautics Commission the authority to regulate the height of certain structures in the interest of aviation safety. It establishes a special fund in the state treasury for uses related to aviation safety. This act also grants joint municipal airport authorities the power to regulate taxicabs serving certain airports.

SENATE BILL 765
EFFECTIVE: 9-1-83

SENATE AUTHOR: Leedom
HOUSE SPONSOR: Cain

Under Senate Bill 765, approval by the Department of Public Safety of an item of motor vehicle equipment is no longer required. The Department of Public Safety now has the authority to establish safety standards and testing procedures for motor vehicle equipment, and may initiate legal action for noncompliance with its standards. The act makes it a misdemeanor to operate a vehicle on a public highway with equipment in violation of the department's standards. It also amends Texas law by removing the equipment approval fee.

SENATE BILL 1025
EFFECTIVE: 8-29-83

SENATE AUTHOR: Sharp
HOUSE SPONSOR: G. Hill

Senate Bill 1025 adds titled motorboats, outboard motors, and vessels to the list of motor vehicles that are subject to Texas law concerning the disposal of abandoned or junked motor vehicles. Under its provisions, these vehicles are subject to registration with the Parks and Wildlife Department.

APPENDIXES AND INDEXES

A. List of Vetoed Legislation
B. Proposed Constitutional Amendments
C. Resolutions Authorizing Interim Research
D. Legislative Policy Resolutions
E. State Agencies and Advisory Boards, Abolished and Created
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LIST OF VETOED LEGISLATION

Of legislation passed during the regular session, the governor vetoed 17 senate bills, 23 house bills, and one house concurrent resolution. In addition, the governor vetoed line-item appropriations in Senate Bill 179 and Senate Bill 325. No legislation passed during the 1st called session was vetoed.

Senate Bill 179, general appropriations act; *item veto* (by Jones; Presnal).

Senate Bill 242, relating to the conveyance to the city of Austin of the state's right of reverter or reversion in certain real property (by Doggett; Gerald Hill).

Senate Bill 253, relating to regulation of private process servers; giving the secretary of state powers and duties; prescribing fees; defining offenses and providing penalties (by Washington; Shaw).

Senate Bill 319, relating to the regulation of nepotism in government (by McFarland; Millsap).

Senate Bill 325, relating to allocation of certain cigarette tax revenue to and the use of the local parks, recreation, and open-space fund and to gifts and donations of private funds to the Sesquicentennial Museum Board; making an appropriation; *item veto* (by Truan; Turner).

Senate Bill 367, relating to local government compensation for required removal of outdoor advertising (by Sharp; Messer).

Senate Bill 369, relating to purchase of land for a highway right-of-way (by Williams; Emmett).

Senate Bill 382, relating to the number of ballots furnished for each polling place (by Mauzy; Sam Hudson).

Senate Bill 454, relating to the powers and duties of the Fort Bend County Drainage District, to certain duties of the commissioners court, to notice, hearing, and application procedures, and to injunctive relief (by Sharp; DeLay).

Senate Bill 482, relating to the definition of the term "bet" for purposes of the Penal Code prohibitions against gambling (by Harris; Messer).

Senate Bill 583, relating to fees charged by local health departments that administer public health services (by Whitmire; Hackney).

Senate Bill 810, relating to treatment programs at certain state chest hospitals (by Brooks; Tejeda).

Senate Bill 853, relating to the duration of a bail bondsman's liability as surety on an appearance bond (by Whitmire; Oliveira).

Senate Bill 884, relating to the definition of water and sewer utilities and to their regulation; to the jurisdiction, powers, duties, and qualifications of members of the Texas Water Commission; to the jurisdiction and powers of municipalities (by Traeger; Schlueter).

Senate Bill 943, relating to the terms of office of directors of certain general law water districts (by Traeger; Dudley Harrison).

Senate Bill 975, relating to the exemption of implements of husbandry from ad valorem taxation (by Jones; Peveto).

Senate Bill 1000, relating to the requirement for a saltwater sportfishing stamp and to fees (by Brown; Messer).

Senate Bill 1036, relating to the authority of the Guadalupe-Blanco River Authority to regulate certain activities and to notice of prohibited activities (by Sharp; Armbrister).

Senate Bill 1221, relating to certain state purchase invoices and to certain powers and duties of the State Purchasing and General Services Commission and of the comptroller (by Blake; Gerald Hill).

House Bill 36, relating to adoption of a Uniform Statutory Court Act to govern certain existing statutory county courts (by Anita Hill; Lyon).

House Bill 149, relating to bidding procedures under the state employees group insurance program (by Presnal; McFarland).

House Bill 186, relating to the payment of jurors from a district clerk juror pay account in certain counties (by Green; Whitmire).

House Bill 524, relating to the rulemaking procedures of the Department of Agriculture and the Texas Animal Health Commission, and to the development of domestic and foreign markets for agricultural products (by Laney; Sarpalius).

House Bill 534, relating to the date by which rendition statements and property reports must be delivered to the chief appraiser (by Peveto; Jones).

House Bill 730, relating to the validity of signatures on voters' petitions in certain elections (by Charles Evans; McFarland).

House Bill 788, relating to work credit for determining salary or retirement benefits of a vocational teacher (by Charles Evans; McFarland).

House Bill 888, relating to a court's continuing jurisdiction over a prisoner sentenced to the Texas Department of Corrections and to the authority of a court to sentence the defendant with a period of probation commencing on release from the department (by Rudd; McFarland).

House Bill 943, relating to write-in voting in an election for the office of trustee of an independent school district (by Connelly; Henderson).

House Bill 1108, relating to the vacation time of jail personnel of certain county jails (by Keller; Lyon).

House Bill 1133, relating to the repeal of the state law requiring that automobile repair shops maintain and make available to law enforcement officers certain personal information about their customers (by Bruce Gibson; Parker).

House Bill 1186, relating to adoption of a nonsubstantive revision of the statutes relating to civil procedure and civil remedies and liabilities (by Messer; McFarland).

House Bill 1415, authorizing the board of regents of The University of Texas System to waive its reversionary interest in Mahncke Park and Brackenridge Park Golf Course (by Sutton; Kothmann).

House Bill 1444, relating to the assignment of judges by the presiding judges of administrative judicial districts (by Rangel; Mauzy).

House Bill 1678, relating to the hours of sale and consumption of alcoholic beverages (by Salinas; Santiesteban).

House Bill 1745, relating to mandatory joint elections held by political subdivisions and to the use of county election precincts and polling places (by Russell; Howard).

House Bill 1967, relating to the designation of county roads as farm-to-market roads (by Emmett; Whitmire).

House Bill 1980, relating to the definition of a motor vehicle (by Hackney; Edwards).

House Bill 2181, relating to the creation of the legal excellence fund in the state treasury for the purpose of accepting gifts and donations from private sources to attain legal excellence in the office of the attorney general (by Colbert; Lyon).

House Bill 2258, relating to recovery of actual costs and attorney's fees by the attorney general in a charitable trust suit and to the venue of a charitable trust suit (by Gerald Hill; Glasgow).

House Bill 2376, relating to office machines repaired by the State Purchasing and General Services Commission (by Presnal; Farabee).

House Bill 2393, relating to abolition of the office of county auditor in Llano County (by Barton; Jones).

House Bill 2445, relating to the creation of the County Court of Jefferson County at Law No. 4 (by Collazo; Parker).

House Concurrent Resolution 147, granting William Kenon and George Purvis permission to sue the state (by Oliveira; Uribe).

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

During the regular session, the legislature passed 18 joint resolutions proposing constitutional amendments. In the 1st called session, one additional joint resolution was passed. Eleven proposed amendments will appear on the November 8, 1983, election ballot, and the remaining eight amendments will appear on the November 6, 1984, ballot.

This list includes the description that will appear on the ballots. The bill number in parentheses is the enabling legislation that has been passed contingent on voter approval of the amendment. The joint resolutions and the enabling legislation are summarized in the appropriate topical chapter.

For Election on November 8, 1983

HOUSE JOINT RESOLUTION 1
HOUSE AUTHOR: Oliveira
SENATE SPONSOR: Farabee

The constitutional amendment allowing the legislature to provide for additional remedies to enforce court-ordered child support payments. (House Bill 2)

HOUSE JOINT RESOLUTION 30
HOUSE AUTHOR: Hollowell
SENATE SPONSOR: Traeger

The constitutional amendment authorizing statutory provisions for succession of public office during disasters caused by enemy attack, and authorizing the suspension of certain constitutional rules relating to legislative procedure during those disasters or during immediate threat of enemy attack. (House Bill 1216)

HOUSE JOINT RESOLUTION 70
HOUSE AUTHOR: Wright
SENATE SPONSOR: Washington

The constitutional amendment providing for assignment of judges of statutory probate courts to other statutory county courts with probate jurisdiction and to county courts.

HOUSE JOINT RESOLUTION 91
HOUSE AUTHOR: Dudley Harrison
SENATE SPONSOR: Sims

The constitutional amendment authorizing fewer justice of the peace and constable precincts in counties with a population of less than 30,000 and providing for continuous service by justices of the peace, constables, and county commissioners when precinct boundaries are changed.

HOUSE JOINT RESOLUTION 105
HOUSE AUTHOR: Charles Evans
SENATE SPONSOR: Caperton

The constitutional amendment replacing the limitation on the value of an urban homestead with a limitation based on size. (House Bill 2006)

SENATE JOINT RESOLUTION 1
SENATE AUTHOR: Williams
HOUSE SPONSOR: Kemp

The constitutional amendment to authorize taxing units to exempt from taxation property of certain veterans' and fraternal organizations. (Senate Bill 23)

SENATE JOINT RESOLUTION 12
SENATE AUTHOR: Jones
HOUSE SPONSOR: Haley

The constitutional amendment authorizing use of the permanent school fund to guarantee bonds issued by school districts. (Senate Bill 384)

SENATE JOINT RESOLUTION 13
SENATE AUTHOR: Farabee
HOUSE SPONSOR: Rudd

The constitutional amendment to change the Board of Pardons and Paroles from a constitutional agency to a statutory agency and to give the board the power to revoke paroles. (Senate Bill 396)

SENATE JOINT RESOLUTION 14
SENATE AUTHOR: Williams
HOUSE SPONSOR: Tejeda

The constitutional amendment for financial assistance to veterans and to authorize the issuance of $800 million in bonds of the state to finance the Veterans' Land Program and the Veterans' Housing Assistance Program. (Senate Bill 408)

SENATE JOINT RESOLUTION 17
SENATE AUTHOR: Brown
HOUSE SPONSOR: Wright

The constitutional amendment to permit a city or town to expend public funds and levy assessments for the relocation or replacement of sanitation sewer laterals on private property. (Senate Bill 595)

SENATE JOINT RESOLUTION 1 (1st called session)
SENATE AUTHOR: Sarpalius
HOUSE SPONSOR: Uher

The constitutional amendment providing for the advancement of food and fiber production and marketing in this state through research, education, and promotion financed by the producers of agricultural products. (Senate Bill 607, regular session)

For Election on November 6, 1984

HOUSE JOINT RESOLUTION 4
HOUSE AUTHOR: Bush
SENATE SPONSOR: Caperton

The constitutional amendment relating to the membership of the State Commission on Judicial Conduct and the authority and procedure to discipline active judges, certain retired and former judges, and certain masters and magistrates of the courts.

HOUSE JOINT RESOLUTION 19
HOUSE AUTHOR: Delco
SENATE SPONSOR: Parker

The constitutional amendment to create from general revenue a special higher education assistance fund for construction and related activities, to restructure the permanent university fund, and to increase the number of institutions eligible to benefit from the permanent university fund.

HOUSE JOINT RESOLUTION 22
HOUSE AUTHOR: Watson
SENATE SPONSOR: Jones

The constitutional amendment to provide a per diem for members of the legislature equal to the maximum daily amount allowed by federal law as a deduction for ordinary and necessary business expenses incurred by a state legislator.

HOUSE JOINT RESOLUTION 29
HOUSE AUTHOR: Coody
SENATE SPONSOR: Traeger

The constitutional amendment to provide state banks the same rights and privileges as national banks.

HOUSE JOINT RESOLUTION 65
HOUSE AUTHOR: Billy Hall
SENATE SPONSOR: Traeger

The constitutional amendment authorizing the legislature to provide for payment of assistance to the surviving dependent parents, brothers, and sisters of certain public servants killed while on duty.

HOUSE JOINT RESOLUTION 73
HOUSE AUTHOR: Ashley Smith
SENATE SPONSOR: McFarland

The constitutional amendment to permit use of public funds and credit for payment of premiums on certain insurance contracts of mutual insurance companies authorized to do business in Texas.

SENATE JOINT RESOLUTION 20
SENATE AUTHOR: Vale
HOUSE SPONSOR: Tejeda

The constitutional amendment to abolish the office of county treasurer in Bexar and Collin counties.

SENATE JOINT RESOLUTION 22
SENATE AUTHOR: Jones
HOUSE SPONSOR: Messer

The constitutional amendment authorizing the state senate to fill a vacancy in the office of lieutenant governor.

RESOLUTIONS AUTHORIZING INTERIM RESEARCH

Interim Studies by House or Senate Committees

HOUSE RESOLUTION 116

Author: Thompson, Senfronia
Subject: Acupuncture
Committee: House Committee on Public Health
Duties: The committee shall conduct a study of the regulation, practice, standards, and licensing of acupuncturists.

HOUSE RESOLUTION 449

Author: Wright
Subject: Psychologists
Committee: House Committee on Public Health
Duties: The committee is directed to study the role of psychologists in the mental health commitment process and in the delivery of health services.

HOUSE RESOLUTION 460

Author: Wright
Subject: Texas Health Facilities Commission
Committee: House Committee on Public Health
Duties: The committee shall conduct a study of the Texas Health Facilities Commission and monitor the sunset review of the commission.

HOUSE RESOLUTION 534

Author: Ceverha
Subject: Legal-size forms and papers
Committee: House Committee on State Affairs
Duties: The committee shall study the merits of eliminating legal-size papers for records and correspondence in state government.

SENATE RESOLUTION 524

Author: Leedom
Subject: State agency funds
Committee: The special Senate Committee on Agency Funds Management shall be composed of 12 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 from 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; one staff member from the governor's budget office to be designated by the governor; one staff member from the state treasurer's office to be designated by the treasurer; and one staff member from the Sunset Advisory Commission to be appointed by the commission's director.
Duties: The committee shall examine state agency handling of funds and conduct an analysis to determine the best methods of developing and coordinating more effective cash management functions and investment decisions for the state.

SENATE RESOLUTION 653

Author: Mauzy
Subject: Venue laws; workers' compensation; wiretapping; child support; DWI
Committee: Senate Jurisprudence Committee
Duties: The committee shall (1) study venue laws in Texas; (2) study workers' compensation laws relating to vocational rehabilitation and also to out-of-state insurance companies that do not have offices in Texas to service their policies; (3) consider reenactment of the state's current law concerning electronic surveillance; (4) study enforcement of child support; (5) study the use and accuracy of devices for measuring alcohol concentration among suspected intoxicated drivers.

SENATE RESOLUTION 672

Author: Parker
Subject: Federal recreation programs
Committee: Senate Finance Committee
Duties: The committee shall monitor changes in federal recreation programs that affect the state and shall recommend policies and actions that will maintain the availability of quality recreation services without undue burden on state and local government agencies.

SENATE RESOLUTION 3 (1st Called Session)

Author: Edwards
Subject: Small business, high technology, and the state's education system
Committee: The Senate Special Committee on Business, Technology and Education shall be composed of five members of the senate, to be appointed by the lieutenant governor.
Duties: The committee shall study the interdependence of small business, high technology, and the state's education system.

Interim Studies by Joint Committees

HOUSE CONCURRENT RESOLUTION 62

Author: Green
Senate Sponsor: Whitmire
Subject: Fire protection standards
Committee: The special Texas Fire Protection Standards Committee shall be composed of 15 members: two members of the house of representatives, to be appointed by the speaker of the house; two members of the senate, to be appointed by the lieutenant governor; the state fire marshal, serving as an ex officio member; and one member each representing the Association of General Contractors of America, American Institute of Architects, Texas State Association of Firefighters, State Firemen's and Fire Marshals' Association of Texas, Independent Insurance Agents of Texas, Professional Insurance Agents of Texas, Society of Fire Protection Engineers, Association of Fire and Casualty Companies in Texas, and Texas Insurance Advisory Association, to be selected by their respective organizations and one active or retired paid professional fire fighter appointed by the chair of the Texas Fire Protection Standards Committee.
Duties: The committee shall formulate and recommend fire protection standards for the state to be enacted statutorily or otherwise adopted through enhanced rulemaking authority on the part of the state fire marshal.

HOUSE CONCURRENT RESOLUTION 275

Author: Haley
Senate Sponsor: Parker
Subject: Public education
Committee: The Select Committee on Public Education shall be composed of the governor, lieutenant governor, speaker of the house of representatives; chair of the Senate Committee on Education; chair of the House Committee on Public Education; five members appointed by the governor; four members appointed by

the lieutenant governor; four members appointed by the speaker of the house of representatives; the chairman of the State Board of Education; and two members of the State Board of Education, appointed by the chairman of that board.
Duties: The committee, originally created by the 67th Legislature, is reestablished to study the issues relating to public education in Texas, particularly all aspects of school finance as well as the source of funding and structure of the educational system.

Interim Studies by Agencies or Advisory Committees

HOUSE CONCURRENT RESOLUTION 8

Author: Khoury
Senate Sponsor: Edwards
Subject: State parks
Agency: Parks and Wildlife Commission
Duties: The commission will study the feasibility of establishing a state park in Falls County.

HOUSE CONCURRENT RESOLUTION 84

Author: Polk, et al.
Senate Sponsor: Brooks
Subject: Insurance coverage of pregnancy of dependent minors
Agency: State Board of Insurance
Duties: The board shall investigate the feasibility of requiring private medical insurance carriers to provide optional coverage for prenatal, delivery, and pregnancy complication expenses for dependent minor children of policyholders.

HOUSE CONCURRENT RESOLUTION 127

Author: Hill, Gerald
Senate Sponsor: Vale
Subject: Driver education
Agency: State Board of Education
Duties: The board shall undertake a study of the problems of providing effective training for all new drivers in Texas.

HOUSE CONCURRENT RESOLUTION 213

Author: Simpson
Senate Sponsor: Harris
Subject: Property/casualty insurance
Agency: State Board of Insurance
Duties: The board is directed to study the various advantages and disadvantages of the various forms of property/casualty ratemaking and policy form implementation.

HOUSE CONCURRENT RESOLUTION 247

Author: Smith, Terral
Senate Sponsor: Washington
Subject: Municipal jails
Agency: Texas Commission on Jail Standards
Duties: The commission shall conduct a general study of the conditions of municipal jails. The resolution also directs the commission to recommend model jail standards in the areas of housing, supervisory personnel, prisoner care and custody, and programs for prisoners.

SENATE CONCURRENT RESOLUTION 14

Author: Parker, et al.
House Sponsor: Hackney
Subject: Education programs for persons with diabetes
Agency: Texas Department of Health
Duties: The department is directed to study the scope and standards of diabetes education programs in order to recommend standards for certification of future diabetes education programs and to study means of documenting diabetes mortality statistics.

SENATE CONCURRENT RESOLUTION 19

Author: Parker, et al.
House Sponsor: Hackney
Subject: Health insurance for persons with diabetes
Agency: State Board of Insurance
Duties: The board shall study high-risk health insurance programs in other states and other high-risk pools operating in Texas in order to recommend appropriate methods of instituting an assigned risk pool or similar structure for providing health and hospitalization insurance for persons who have diabetes.

SENATE CONCURRENT RESOLUTION 98

Author: Brooks
House Sponsor: Madla
Subject: Services to autistic citizens
Committee: An interagency Autism Task Force shall be composed of, but not necessarily limited to, representatives of the legislature, governor's office, appropriate state agencies, the Texas Planning Council for Developmental Disabilities, private and public autism services, and consumer groups.
Duties: The interagency task force shall study the implementation of the recommendations made by the 67th Legislature's Joint Committee on Autism and shall serve as a forum for improving the coordination of services and policies concerning autistic persons.

SENATE CONCURRENT RESOLUTION 124

Author: Farabee
House Sponsor: Peveto
Subject: Sentencing in the criminal justice system
Agency: A Commission on Sentencing Practices and Procedures shall be established by the Criminal Justice Policy Council (created by S.B. 911 of the 68th Legislature), shall be composed of members representing the judiciary, district and county attorneys, the defense bar, the legislature, and other members at the discretion of the policy council.
Duties: The commission is directed to investigate critical problems in the area of sentencing and recommend practices and procedures to solve these problems of the criminal justice system.

SENATE CONCURRENT RESOLUTION 126

Author: Brown
House Sponsor: Pennington
Subject: Telephone service
Agency: Public Utility Commission of Texas
Duties: The commission is directed to study and examine alternatives for solving the problems resulting from triplicate telephone service in municipalities of 2,000 to 2,500.

Miscellaneous

SENATE CONCURRENT RESOLUTION 123 (Blake; Evans) authorizes the lieutenant governor and speaker of the house to appoint joint committees during the interim.

LEGISLATIVE POLICY RESOLUTIONS

House Concurrent Resolution 85, requesting the Department of Human Resources to amend Medicaid program to provide reimbursement for prenatal care for pregnant women (Polk; Brooks).

House Concurrent Resolution 117, requesting the governing boards of the Teacher Retirement System, Employees Retirement System, Permanent School Fund, and Permanent University Fund to conduct a review of system personnel policies and staffing requirements (Hammond; Traeger).

House Concurrent Resolution 135, encouraging community gardening (Barrientos; Santiesteban).

House Concurrent Resolution 136, directing state agencies to release personnel of the Jewish faith for observance of Rosh Hashanah and Yom Kippur (Wilson; Washington).

House Concurrent Resolution 144, directing all state departments and agencies to close for a half day on Good Friday (Barrientos; Doggett).

House Concurrent Resolution 154, naming the building that is headquarters of the Texas Cosmetology Commission as the "Frank Joseph Cosmetology Building" (Don Lee; Uribe).

House Concurrent Resolution 162, declaring that federal and state nutrition programs should be protected from further budget cuts (Price; Parmer).

House Concurrent Resolution 197, calling on the Houston Metropolitan Transit Authority to submit to a state audit (Pennington; Brown).

House Concurrent Resolution 236, directing the Houston Metropolitan Transit Authority to purchase buses manufactured in this state (Wallace; Uribe).

House Concurrent Resolution 242, encouraging school districts to provide American Sign Language classes (Price; Parker).

House Concurrent Resolution 246, directing the Department of Human Resources to seek a waiver of Medicaid restrictions relating to Ashley Bailey (Lewis; Brooks).

House Concurrent Resolution 268, directing the Department of Water Resources and the Air Control Board to give careful consideration before permitting hazardous waste disposal in flood prone areas (Stiles; Parker).

House Concurrent Resolution 277, directing licensing agencies to make prompt refunds of fees to applicants who do not take examinations (Leonard; Jones).

Senate Concurrent Resolution 14, requesting the Department of Health to redirect its diabetes screening money (Parker; Hackney).

Senate Concurrent Resolution 15, requesting the Texas Education Agency to emphasize health education, including diabetes, in public schools throughout elementary and secondary grades (Parker; Hackney).

Senate Concurrent Resolution 16, requesting the Texas Diabetic Association to develop standards for hospital and outpatient care for persons with diabetes (Parker; Hackney).

Senate Concurrent Resolution 17, recommending that nursing schools include in their coursework on diabetes mellitus material relevant to outpatient management and patient education (Parker; Hackney).

Senate Concurrent Resolution 18, recommending that medical schools include in their coursework on diabetes mellitus material relevant to outpatient management and patient education (Parker; Hackney).

Senate Concurrent Resolution 66, relating to adopting the definition of autism and other pervasive developmental disorders as stated in the third edition of the Diagnostic and Statistical Manual (Brooks; Madla).

Senate Concurrent Resolution 67, relating to developing rules ensuring the coordination of identification, diagnosis, referral, evaluation, training, and education within a continuum of services to persons with autism or other pervasive developmental disorders (Brooks; Madla).

Senate Concurrent Resolution 68, requiring individual educational plans for students with autism or other pervasive developmental disorders (Brooks; Madla).

Senate Concurrent Resolution 82, directing the Texas Department of Human Resources to establish a family violence advisory group to assist the staff and the department in its decision-making and planning efforts regarding the Family Violence Program (Brooks; W. Tip Hall).

Senate Concurrent Resolution 83, directing the Texas Department of Human Resources to conduct demonstration projects to assist family violence centers in expanding services responsive to the developmental and psychosocial needs of the children residing in shelters (Truan; Glossbrenner).

Senate Concurrent Resolution 84, directing the Texas Department of Human Resources to implement program models, designed to improve the delivery of services to victims of family violence in geographically isolated and underserved areas of the state (Sarpalius; W. Tip Hall).

Senate Concurrent Resolution 85, directing the Texas Department of Human Resources to pursue activities designed to heighten public awareness of the magnitude and dynamics of spouse abuse and abuse of the elderly (Sarpalius; W. Tip Hall).

Senate Concurrent Resolution 86, directing the Texas Department of Human Resources to study the feasibility of establishing a statewide, toll free information, referral, and reporting system to provide assistance to persons involved in spouse or elder abuse (Sarpalius; W. Tip Hall).

Senate Concurrent Resolution 87, directing the Texas Department of Human Resources to examine existing programs for batterers, to analyze the effectiveness of such programs, and to pilot such models, as resources allow, on a demonstration basis (Sarpalius; W. Tip Hall).

Senate Concurrent Resolution 88, directing the Texas Commission on Law Enforcement Officer Standards and Education to organize a subject area on family violence in its mandatory basic law enforcement training for all peace officers (Sarpalius; Granoff).

Senate Concurrent Resolution 89, directing the Governor's Criminal Justice Division to initiate continuing education programs on family violence for criminal justice professionals (Caperton; Granoff).

Senate Concurrent Resolution 91, recognizing the Mental Health Association for the dedicated service it provides to mentally ill persons (Farabee; Hury).

Senate Concurrent Resolution 113, directing the Houston Metropolitan Transit Authority to purchase buses manufactured in this state (Uribe; Wallace).

NOTE: The first name in parentheses is the resolution's author. The second name indicates the resolution's sponsor in the other house.

STATE AGENCIES AND ADVISORY BOARDS, ABOLISHED AND CREATED

Bill numbers refer to the regular session unless stated otherwise. Where there is no bill, the agency either is abolished under the Texas Sunset Act or is abolished due to the expiration of its authorizing legislation. Future termination dates are listed, if applicable, for new and continued agencies and advisory boards. Codes for the second column are as follows:

X	Abolished
C	Created
RX	Replaced by a new agency or advisory board (i.e., replacement, reorganization, or name change)
RC	Replaces a previous agency or advisory board
T	Termination date change, other than by sunset renewal
*	Appointment authorized, at discretion of agency or state official

Bill	Change	Agency	Termination Date Sunset	Termination Date Other
HB 2 (1st C.S.)	RX	All prior state advisory councils of the Texas Employment Commission		
	RC*	State Advisory Council (Texas Employment Commission)	1995	
HB 14 (1st C.S.)	C	Commission on Human Rights	1987	
HB 586	X	Battleship Texas Commission		
	C	Battleship "Texas" Advisory Board (Parks and Wildlife Department)	1985	
HB 593 (See SB 232.)				
HB 1121	C	Elections Advisory Task Force		
HB 1125	C	Enterprise Zone Board	1995	
HB 1510	C	Texas Feed and Fertilizer Control Service		
HB 1719	C	Municipal Solid Waste Management and Resource Recovery Advisory Council (Texas Department of Health)	1985	
HB 1731	C*	Texas Trails Advisory Council (Parks and Wildlife Department)	1985	

Bill	Change	Agency	Termination Date Sunset	Termination Date Other
HB 1732	C	Legislative Study Committee on Temporary Emergency Relief Programs		1985
HB 1985	C	Texas Planning Council for Developmental Disabilities	1995	
HB 2031	RX	Board of Tax Assessor Examiners		
	RC	Board of Tax Professional Examiners	1995	
HB 2061	C	Gateway State Park Board		
HB 2154	C	State Ethics Advisory Commission	1995	
HB 2251	C	State Job Training Coordinating Council		
	C	Job Training Partnership Act Monitoring Committee		
SB 84	C	Interagency Council on Sex Offender Treatment		1989
SB 105	RX	Industrial Commission		
	RC	Texas Economic Development Commission	1995	
SB 117	C	Community Health Center Advisory Committee (Texas Department of Health)	1985	
SB 147	C	State Preservation Board	1995	
	C*	State Preservation Board Advisory Committees	1995	
SB 215	C	Texas Diabetes Council	1987	
	C*	Texas Diabetes Council Advisory Committee	1987	
SB 232/ HB 593	C	Office of Public Utility Counsel	1995	
SB 234	C	Fire Protection Advisory Council (State Board of Insurance)	1995	
SB 238	C	Lay Midwifery Board (Texas Department of Health)	1989	
SB 272	RX	Office of the Southern Interstate Nuclear Board Member for Texas		

Bill	Change	Agency	Termination Date Sunset	Termination Date Other
SB 272 (cont'd)	RC	Office of the Southern States Energy Board Members for Texas	1995	
	RX	Atomic Energy Advisory Committee		
	RC*	Energy Advisory Committee	1995	
SB 315	C	Community Development Review Committee (Texas Department of Community Affairs)	1995	
SB 370	C	Agent Orange Advisory Committee (Texas Department of Health)	1985	
SB 385	C	Emergency Medical Services Advisory Council (Texas Department of Health)	1985	
SB 422	RX	Texas Youth Council		
	RC	Texas Youth Commission	1987	
SB 427	RX	Records Preservation Advisory Committee		
	RC	Records Management and Preservation Advisory Committee (Texas State Library and Archives Commission)	1995	
SB 565	RX	Texas Court Reporters Committee		
	RC	Court Reporters Certification Board	1987	
SB 636	C	Texas Real Estate Broker-Lawyer Committee (Texas Real Estate Commission)	1991	
SB 671	C	Texas State Board of Examiners of Dietitians	1993	
SB 705	RX	Interagency Committee on Children's Vision		
	RC	Interagency Committee on Special Senses and Communication Disorders	1985	
	RX	Advisory Committee on Children's Vision		
	RC	Children's Vision Screening Advisory Committee (Texas Department of Health)	1985	

Bill	Change	Agency	Termination Date Sunset	Termination Date Other
SB 705 (cont'd)	C	Children's Speech, Hearing, and Language Screening Advisory Committee (Texas Department of Health)	1985	
SB 706	C*	Advisory Committee on Examinations for Legal Reserve Life Insurance Agents (State Board of Insurance)	1995	
SB 711	C	Texas Health and Human Services Coordinating Council	1989	
	C	Medical Care Advisory Committee	1989	
	C	Council on Disabilities	1989	
	C	Long-Term Care Coordinating Council for the Elderly	1989	
SB 813	C	State Committee of Examiners for Speech Pathology and Audiology (Texas Department of Health)	1993	
SB 899	T	Texas Agricultural Extension Service	Exempt	
	T	Texas Agricultural Experiment Station	Exempt	
	T	Texas Engineering Extension Service	Exempt	
	T	Texas Engineering Experiment Station	Exempt	
	T	Office of South Central Interstate Forest Fire Protection Compact Administrator for Texas	Exempt	
SB 911	X	Criminal Justice Division Advisory Board		
	C	Criminal Justice Policy Council	1995	
	C*	Advisory Councils to the Criminal Justice Policy Council	1995	
SB 1094	C*	Advisory Board on Examinations for Life Insurance Agents (State Board of Insurance)	1995	
SB 1110	X	Legislative Information System Committee		

Bill	Change	Agency	Termination Date Sunset	Termination Date Other
SB 1213	C	Texas Advisory Board of Occupational Therapy (Texas Rehabilitation Commission)	1985	
SB 1226	T	Texas Department of Human Resources	1987	
	T	Texas Department of Mental Health and Mental Retardation	1987	
SB 1355	C	Texas Public Building Authority	1995	
	C	State Telephone Service Advisory Committee (State Purchasing and General Services Commission)		1985
None	X	Metric System Advisory Council (Industrial Commission)		
None	X	Public Servant Standards of Conduct Advisory Committee		
None	X	Texas Energy and Natural Resources Advisory Council		
None	X	Texas Historical Resources Development Council		
None	X	Texas Commission on Interstate Cooperation		
None	X	Governor's Committee on Interstate Co-operation		

The Texas Workers' Compensation Assigned Risk Pool referred to in SB 515 and the Texas Hospital Equipment Financial Council referred to in SB 752 are not state agencies.

TEXAS SENATE

68th LEGISLATURE

Name	Dist No.	Name	Dist No.
Roy Blake	3	Bob McFarland	10
Chet Brooks	11	John Montford	28
J. E. (Buster) Brown	17	Carl Parker	4
Kent Caperton	5	Hugh Parmer	12
Lloyd Doggett	14	Tati Santiesteban	29
Chet Edwards	9	Bill Sarpalius	31
Ray Farabee	30	John Sharp	18
Bob Glasgow	22	Bill Sims	25
O. H. (Ike) Harris	8	John Traeger	21
Don Henderson	7	Carlos Truan	20
Ed Howard	1	Hector Uribe	27
Grant Jones	24	Bob Vale	26
Glenn Kothmann	19	Craig Washington	13
John Leedom	16	John Whitmire	15
Ted Lyon	2	Lindon Williams	6
Oscar Mauzy	23		

TEXAS HOUSE OF REPRESENTATIVES

68th LEGISLATURE

Name	Dist. No.	Name	Dist. No.
Fred Agnich	114	Robert A. Eckels	133
Kenneth Armbrister	32	Al Edwards	146
Gordon (Doc) Arnold, Jr.	4	Frank Eikenburg	60
Gonzalo Barrientos	51	Edward M. (Ed) Emmett	127
Bob Barton, Jr.	47	Roy English	93
Erwin W. Barton	144	Charles Evans	92
Hugo Berlanga	34	Larry Evans	147
Bill Blanton	99	Charles Finnell	80
Elton Bomer	11	Milton Fox	125
J. W. Buchanan	88	Joe Gamez	116
Dick Burnett	66	Charles Gandy	105
Bob Bush	62	A. C. (Tony) Garcia	42
David Cain	107	Matt Garcia	115
Steven Carriker	78	John Gavin	81
Reby Cary	95	Gerald Geistweidt	67
Eddie Cavazos	35	Bruce Gibson	58
Bill Ceverha	112	Jay Gibson	75
Jerry Clark	20	Smith Gilley	3
Billy Clemons	17	Ernestine Glossbrenner	44
Paul Colbert	132	Al Granoff	108
Frank Collazo, Jr.	23	Gene Green	140
D. Barry Connelly	126	Noel Grisham	52
W. G. (Bill) Coody	63	Clint Hackney	139
Tom Craddick	76	Bill Haley	10
Lloyd Criss	25	Lanny Hall	91
Jim Crockett	45	W. N. (Billy) Hall, Jr.	43
Debra Danburg	137	W. Tip Hall	61
Mark R. Davis	28	Bill Hammond	109
Thomas D. (Tom) DeLay	26	Joe Hanna	64
Wilhelmina Delco	50	Dudley Harrison	68
Betty Denton	56	W. O. (Bill) Harrison, Jr.	36

Name	Dist. No.
Talmadge Heflin	149
Joe Hernandez	124
Allen Ross Hightower, Jr.	18
Paul J. Hilbert	150
Anita Hill	101
Gerald Hill	49
Patricia Hill	102
Juan Hinojosa	41
Bill Hollowell	5
Jim Horn	59
David Hudson	6
Sam Hudson	100
James Hury	24
Lee Jackson	113
Arves E. Jones, Sr.	71
Ray Keller	104
Hill Kemp	27
Rollin Khoury	55
L. B. Kubiak	13
Edmund Kuempel	46
James E. (Pete) Laney	85
Don Lee	38
El Franco Lee	142
Bob Leonard, Jr.	97
Gibson D. (Gib) Lewis	89
Al Luna	143
Frank Madla	117
Jimmy Mankins	7
Roman Martinez	148
Walter Martinez	119
Jan McKenna	94
Jim McWilliams	9
Bill Messer	53
Mike Millsap	96
Alejandro (Alex) Moreno, Jr.	40

Name	Dist. No.
Paul Moreno	72
Rene Oliveira	39
Jesse Dean Oliver	111
Jim Parker	65
Kae T. Patrick	123
David Patronella	138
L. P. (Pete) Patterson	2
Randy Pennington	130
Wayne Peveto	19
George Pierce	122
Mary Polk	73
Anthony L. (Tony) Polumbo	128
Bill Presnal	14
Al Price	22
Paul Ragsdale	110
Irma Rangel	37
Phillis Robinson	31
Nolan J. (Buzz) Robnett	82
Jim Rudd	77
Sam Russell	8
Froy Salinas	83
Robert Saunders	30
Stan Schlueter	54
Alan Schoolcraft	121
Larry Don Shaw	69
Gwyn Clarkston Shea	98
Alex Short, Jr.	1
Bob Simpson	86
Ashley Smith	136
Carlyle Smith	106
Terral Smith	48
Chip Staniswalis	87
Mark Stiles	21
Lou Nelle Sutton	120
Frank Tejeda	118

Name	Dist. No.	Name	Dist. No.
Gary Thompson	79	Ralph Wallace	145
Senfronia Thompson	141	Ed R. Watson	129
Mike Toomey	135	Foster Whaley	84
Rodney Tow	16	Leroy J. Wieting	33
Jim Turner	15	Doyle Willis	90
D. R. (Tom) Uher	29	Ron Wilson	131
Robert (Bob) Valles	74	Steven D. Wolens	103
Jack Vowell	70	C. K. (Chock) Word, Jr.	57
Tom Waldrop	12	Brad Wright	134

ENACTMENTS BY AUTHOR AND SPONSOR

In the Texas Legislature, the terms author and sponsor have distinctive meanings. The author is the legislator who introduces a legislative measure in the house of origin. The sponsor is the legislator who carries or is responsible for passage of the measure in the other chamber after the measure has been passed in the house of origin.

The following is a list of state senators and representatives with the bills and joint resolutions that they authored and sponsored during the regular and 1st called sessions.

BLAKE:

Authored —

SB 95
SB 139
SB 147
SB 148
SB 228
SB 373
SB 506
*SB 1221
SB 1222
SB 1308
SB 1371
SB 1402

Sponsored —

HB 276
HB 691
HB 1210
HB 1255
HB 1669
HB 2013
HB 2379
HB 2380

HB 2 (1st C.S.)

BROOKS:

Authored —

SB 79
SB 82
SB 84
SB 606
SB 635
SB 703
SB 705
SB 711
*SB 810
SB 812
SB 813
SB 815
SB 816
SB 817
SB 818
SB 878
SB 1050
SB 1205
SB 1207
SB 1208
SB 1213
SB 1215
SB 1287
SB 1328
SB 1358

SB 28 (1st C.S.)

Sponsored —

HB 134
HB 141
HB 166
HB 225
HB 487
HB 570
HB 586
HB 718
HB 893
HB 1020
HB 1100
HB 1130
HB 1217
HB 1291
HB 1304
HB 1370
HB 1507
HB 1732
HB 1748
HB 1753
HB 2087
HB 2165
HB 2299
HB 2343
HB 2437

BROWN:

Authored —

SB 42
SB 230
SB 231
SB 438
SB 510
SB 512
SB 595
SB 649
SB 802
SB 834

SJR 17

*SB 1000
SB 1137
SB 1140
SB 1141
SB 1143
SB 1144
SB 1152
SB 1241
SB 1425

Sponsored —

HB 306
HB 590
HB 644
HB 645
HB 647
HB 713
HB 741
HB 877
HB 1121
HB 1199
HB 1253
HB 1299
HB 1336
HB 1372
HB 1460

HB 1505
HB 1644
HB 1685
HB 1686
HB 1766
HB 1769
HB 1838
HB 1845
HB 1869
HB 1914
HB 2227
HB 2348
HB 2350
HB 2398

CAPERTON:

Authored —

SB 118
SB 120
SB 121
SB 122
SB 203
SB 220
SB 221
SB 222
SB 223
SB 232
SB 246
SB 294
SB 295
SB 341
SB 342
SB 360
SB 427
SB 428
SB 448

SB 469
SB 538
SB 578
SB 589
SB 631
SB 670
SB 727
SB 728
SB 897
SB 898
SB 899
SB 910
SB 1082
SB 1086
SB 1088
SB 1181
SB 1184
SB 1185
SB 1226

SB 456
SB 468
SB 1350
SB 1388

Sponsored —

HB 94
HB 176
HB 279
HB 382
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DOGGETT:

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Sponsored —

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FARABEE:

Authored —

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SB 225	SB 996
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GLASGOW:

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HARRIS:

Authored —

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HENDERSON:

Authored —

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HOWARD:

Authored —

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Sponsored —

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JONES:

Authored —

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KOTHMANN:

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LEEDOM:

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LYON:

Authored —

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McFARLAND:

Authored —

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MAUZY:

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PARKER:

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SANTIESTEBAN:

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TRAEGER:

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TRUAN:

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WILLIAMS:

Authored —

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* Vetoed by Governor

AGNICH:

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ARMBRISTER:

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ARNOLD:

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*HB 2393

BARTON, E.:

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BERLANGA:

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BLANTON:

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BOMER:

Authored —

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BUCHANAN:

Authored —

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BURNETT:

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Sponsored —

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BUSH:

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CARRIKER:

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CAVAZOS:

Sponsored —

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CEVERHA:

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CLARK:

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COLBERT:

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COLLAZO:

Authored —

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CONNELLY:

Authored —

*HB 943

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COODY:

Authored —

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CRADDICK:

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DANBURG:

Authored —

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DAVIS:

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DELAY:

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DELCO:

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DENTON:

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ECKELS:

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EDWARDS:

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Sponsored —

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EIKENBURG:

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EMMETT:

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Sponsored —

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EVANS, C.:

Authored —

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*HB 730	HB 2009
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GAMEZ:

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GANDY:

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GARCIA, M.:

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GILLEY:

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GLOSSBRENNER:

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GRANOFF:

Authored —

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GREEN:

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GRISHAM:

Authored —

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HACKNEY:

Authored —

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*HB 1980
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HALL, T.:

Authored —
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HAMMOND:

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HANNA:

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HARRISON, D.:

Authored —
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Sponsored —
*SB 943

HARRISON, W. O.:

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HEFLIN:

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