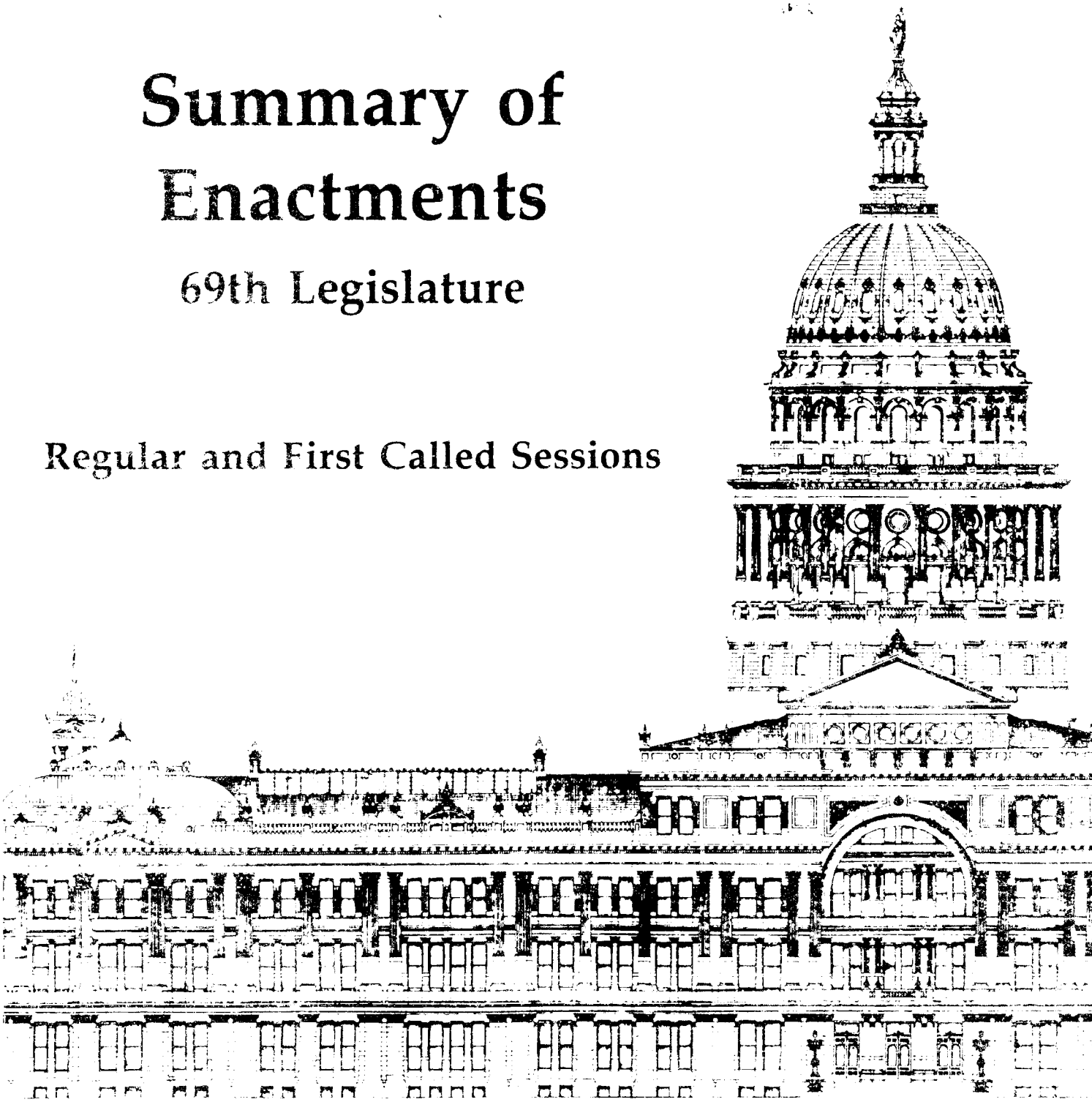
Summary of Enactments

69th Legislature

Regular and First Called Sessions



Texas Legislative Council
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September, 1985

Summary of Enactments
69th Legislature

Regular and First Called Sessions

Prepared by the Staff
of the
Texas Legislative Council

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of the

69th LEGISLATURE OF TEXAS

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FOREWORD

The Summary of Enactments of the 69th Legislature provides synopses of all bills enacted during the 1985 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 69th Legislature may be obtained from house and senate document distribution offices until November 1986 when bill prefiling will begin for the 70th 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) 475-8454]. 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

The Regular Session of the 69th Legislature of the State of Texas was convened on January 8, 1985, and was adjourned sine die on May 27, 1985. During this 140-day period, a total of 4,021 bills were introduced and 1,024 were passed and sent to the governor. The legislature also considered 132 joint resolutions proposing amendments to the Texas Constitution; 16 joint resolutions were passed proposing 17 amendments, which will be presented to voters at the November elections in 1985 and 1986. The following table summarizes the disposition of these measures:

Type of Measure	Introduced	Passed	Vetoed
House Bills	2,524	554	32
House Joint Resolutions	89	7	n/a
Senate Bills	1,497	470	12
Senate Joint Resolutions	43	9	n/a

The number of bills passed during the 69th Regular Session is somewhat less than the number for the 1983 session but is greater than the number for either of the previous two sessions. The table below provides an overview:

	Bills Introduced	Bills Passed
1979 (66th R.S.)	3,596	890
1981 (67th R.S.)	3,696	902
1983 (68th R.S.)	3,891	1,134
1985 (69th R.S.)	4,021	1,024

Numbers, however, give only a partial indication of the work of a legislative session, and they tell little about the character and accomplishments of a session. And in the case of the 69th Legislature, concluding an analysis of the session's work with the date of sine die adjournment also would be misleading. During a three-day special session that began the morning after the end of the regular session, the legislature enacted Senate Bill 1, 1st C.S., which included the Indigent Health Care and Treatment Act and which provided funding for that and related programs established during the regular session. Senate Bill 1, 1st C.S., is summarized in the Health section. Other measures that are part of the indigent health care package and are also summarized in the Health section include the Texas Primary Health Care Services Act (House Bill 1844), the Maternal and Infant Health Improvement Act (House Bill 1023), and an act relating to the transfer of emergency patients among hospitals (House Bill 1963).

In other health, human services, and related measures, the legislature provided for the licensing of abortion facilities and required the compilation of data on abortions performed (House Bill 2091), enacted the Omnibus Hunger Act to provide for food for needy Texans (Senate Bill 526), and extended unemployment compensation benefits to farm laborers (House Bill 32). It also passed a number of important measures concerning child abuse and the regulation of child-care facilities (see sections on Family Law and Business).

Legislative attention remained focused on education. No major revisions were made to the public school reform measures that were enacted during the 1984 special session called, in part, to respond to recommendations of the Special Committee on Public Education (SCOPE) chaired by H. Ross Perot. The legislature did, however, pass House Bill 505, which entitles most public school teachers to a duty-free lunch period. Because of continuing budgetary limitations, reductions were made in appropriations for higher education (General Appropriations Act, House Bill 20), state college and university tuition was raised (House Bill 1147), and a special committee to study higher education matters was created (House Concurrent Resolution 105).

The issue of drinking and driving also continued to receive extensive legislative consideration. In September 1986, the drinking age will be raised to 21 (Senate Bill 21 and House Bill 1819), but legislation banning open containers of alcohol in the front seats of automobiles did not pass. In another driving matter, beginning

September 1, 1985, Texas drivers of most passenger cars and pickup trucks and their front-seat passengers are required to wear seat belts (Senate Bill 500).

Although a final decision concerning the location of new United States naval bases for a battleship group was not made before the legislature adjourned, members enacted a measure providing state aid for public works improvements for the purpose of encouraging the location of naval facilities in Texas (House Bill 955). In July it was announced that Corpus Christi had been selected as the home port of a battleship, an aircraft carrier, and three smaller ships and that Houston-Galveston would serve as the home port for five support vessels in the battleship group.

Development of a statewide water plan has been an issue of increasing concern for a number of sessions, and the 69th Legislature worked out a compromise package that creates a statewide plan for water development, conservation, and research (House Bill 2). Implementation is dependent on voter approval of a constitutional amendment authorizing $1.43 billion for loans and other project financing (House Joint Resolution 6). Other important environmental measures include House Bill 2358, which strengthens the state's regulatory powers relating to hazardous waste, and House Bill 1112, which requires companies using toxic chemicals to inform employees and local officials of potential health hazards.

The 69th Legislature may also be remembered for its action concerning the blue law. In House Bill 1280 the state law prohibiting the sale of numerous retail items on consecutive weekend days was repealed.

House Bill 1330 provides for state regulation of billboards in unincorporated areas and sets out requirements concerning compensation of owners for cities that order outdoor signs to be removed.

In other business-related matters, the legislature did not pass a bill to allow banks to charge fees for credit cards (Senate Bill 952) or a bill that would have partially deregulated securities (House Bill 296, which was passed by the House but not called up for third reading in the Senate).

A number of issues of special concern to women were considered by the legislature. Senate Bill 1367 allows for the continuation of certain health insurance benefits for a year after the death of a spouse or the dissolution of a marriage. A bill authorizing the award of limited alimony payments to a spouse unable to provide self-support who had been married at least 10 years (Senate Bill 547) and a bill eliminating the exemption for spouses from the statute concerning prosecution for sexual assault (House Bill 280) did not pass.

Throughout the session, members faced the serious problem of the rising cost of state government and the concurrent slowdown in the growth of state revenues. While enacting no new taxes, the legislature raised or authorized the raising of many state fees. House Bill 1593 provides for $144 million in additional state revenue through raising fees of a number of agencies, and numerous other bills relating to specific agencies include provisions for increasing fees. House Bill 20, the General Appropriations Act, appropriated $37.1 billion for state government expenditures during the 1986-87 biennium. This amount represents a 14.3 percent increase over the 1984-85 amount, but only a 6.2 percent increase when considering the continuation of the increases adopted for education and highways during the special session in 1984.

In two important efforts to cut costs in state agencies, the legislature passed House Bill 473 (summarized in the section on Public Officials and Employees), which establishes an incentive program to recognize and reward state employees who make recommendations that reduce state costs or increase revenues, and House Bill 460 (summarized in the section on State Government), which provides for a comprehensive review of the operation and administration of each state agency to identify opportunities to eliminate waste and reduce or avoid costs.

The 69th Legislature also considered, but did not pass, measures to legalize pari-mutuel betting, including a bill relating to horse racing that was considered on the House floor (House Bill 440).

Other far-reaching measures that contributed to the work and tone of the session but that did not pass include a bill relating to the ownership of white oil (Senate Bill 1396) and a measure to establish an early presidential primary date (Senate Bill 1028).

The bills passed during the regular session and not vetoed, joint resolutions proposing constitutional amendments that will come before the voters in 1985 and 1986, and the three bills passed during the 1st called

session are summarized in this publication. The summaries, grouped by subject, are intended to provide a general review of significant provisions of the enactments and of important changes that result.

AGRICULTURE

A major agricultural initiative of the 69th Legislature was a proposed constitutional amendment (House Joint Resolution 19) and enabling legislation (House Bill 196) authorizing financial assistance to farmers and ranchers for purchases of land. The existing farm and ranch security program, enacted in 1979 with a similar purpose in mind, was augmented by amendments broadening its eligibility provisions (Senate Bill 1184).

The 1985 session was marked also by the establishment of a control program to curb serious brush infestation in parts of the state (Senate Bill 1083). Several other measures modified various agricultural licensing, labeling, and fee laws. Elsewhere in this publication, the chapter on labor describes new legislation extending unemployment compensation to farm and ranch workers (House Bill 32).

Farm and Ranch Finance Program

HOUSE JOINT RESOLUTION 19 **HOUSE AUTHOR:** Patterson
FOR ELECTION: 11-5-85 **SENATE SPONSOR:** Sarpalius

House Joint Resolution 19 would grant the Veterans' Land Board the constitutional authority to issue up to $500 million in general obligation bonds to make loans and provide other financial assistance for the purchase of farm and ranch land. House Bill 196 will implement the Farm and Ranch Finance Program if the amendment is approved by the voters.

HOUSE BILL 196 **HOUSE AUTHOR:** Patterson
EFFECTIVE: see below **SENATE SPONSOR:** Sarpalius

House Bill 196 is the enabling legislation for House Joint Resolution 19, which is the proposed constitutional amendment that authorizes the issuance of general obligation bonds to provide financial assistance for the purchase of farm and ranch land. The proceeds from the sale of the bonds will create a fund to finance the Farm and Ranch Finance Program, which will be administered by the Veterans' Land Board. The bill sets eligibility standards for participation in the program and provides for local review of the applicants. The bill also sets forth conditions for the purchase, sale, transfer, lease, and other distribution of land financed under this program. This act takes effect September 1, 1986, if the amendment proposed by House Joint Resolution 19 is approved by the voters in an election set for November 5, 1985.

Family Farm and Ranch Security Program

SENATE BILL 1184 **SENATE AUTHOR:** Lyon
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Carriker

Senate Bill 1184 amends state law to increase participation in the Texas Family Farm and Ranch Security Program, a guaranteed loan program established to assist farmers in purchasing land. This act increases from $100,000 to $200,000 the maximum net worth that an applicant may have to be eligible to participate in the program. The act limits the amount of a loan to $250,000 and authorizes the use of graduated payments and balloon payments. The program administrator, rather than the commissioner of agriculture, shall determine eligibility for participation in the program and the advisory council is responsible for approving loan applications.

Property obtained by the state under the program is to be maintained in good condition before sale. The commissioner may reject any and all bids in a sale. If all bids are rejected, the sale process is to be restarted within 180 days.

Brush Control Program

SENATE BILL 1083 **SENATE AUTHOR:** Sims
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Harrison

Senate Bill 1083 creates the Texas Brush Control Program to be administered by the State Soil and Water Conservation Board and all districts under its jurisdiction. The board is directed to prepare and adopt a state

brush control plan which will designate critical areas where brush infestation is particularly serious and include a strategy for managing brush where it is contributing to a substantial water conservation problem.

As part of the program, the act creates a cost-sharing program whereby landowners wishing to participate in a brush control program would be eligible for direct state assistance.

Regulation and Licensure

SENATE BILL 231 **SENATE AUTHOR:** Montford
EFFECTIVE: 5-17-85 **HOUSE SPONSOR:** Saunders

Currently, cotton plant by-products are subject to commercial feed laws. Senate Bill 231 exempts cottonseed by-products from the commercial feed laws by adding them to the list of other feed-roughage such as cottonseed, peanut, and rice hulls.

SENATE BILL 559 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 5-24-85 **HOUSE SPONSOR:** Laney

Senate Bill 559 clarifies current labeling requirements for agricultural and vegetable seed sold in Texas. The act requires the labels on containers of seed sold on a pure live seed basis to include the percentage of pure live seed and the month and year germination tests were completed. The act also permits the Department of Agriculture to adopt rules requiring that labels on vegetable seed show expiration dates in lieu of seed germination dates.

SENATE BILL 1243 **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Shaw

Under current law, the Department of Agriculture is permitted to impose additional fees for late payments on a license or certificate fee required by the nursery program, floral program, pesticide dealers license program, pesticide regulation, herbicide dealers program, and pesticide dealers program. Senate Bill 1243 allows the department to suspend or cancel a license or refuse to renew a license under one of those programs until all fees due are paid by the licensee. The act requires that a hearing be held before suspending, canceling, or refusing to renew a license.

HOUSE BILL 1762 **HOUSE AUTHOR:** Harrison
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Sims

Currently, a commodity in package form must be marked on the outside of the package with the net quantity expressed in weight, measure, or numerical count. House Bill 1762 allows the net quantity marking to also be expressed by a combination of weight, measure, or numerical count that is generally used by consumers and users.

HOUSE BILL 1802 **HOUSE AUTHOR:** A. Moreno
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Uribe

House Bill 1802 allows the Texas Department of Agriculture to refuse to issue a license to a vegetable or citrus fruit dealer who has not been previously licensed and who has engaged in conduct for which a dealer's license could be suspended or revoked. Currently, the department may refuse to issue a license to an applicant only if a license issued previously to the applicant has been revoked or suspended. The act also provides that a court judgment or certified claim against an applicant that is due or owing to a licensee, as well as a grower or producer, may be considered by the department in determining whether to refuse to issue a license.

HOUSE BILL 1803 **HOUSE AUTHOR:** A. Moreno
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Uribe

House Bill 1803 makes various changes relating to licenses required to handle and market vegetables and citrus fruit. The changes include a revision of license categories, authorization of a late fee for renewal of an expired license, and exemption from licensure as a dealer for producers who deal exclusively in their own products. A retailer license is now required for a person employing a buying agent who buys directly from a producer, and a cash dealer licensee may now purchase produce from producers who are not licensees. The act also limits the types of licensees who may apply for vegetable or citrus fruit transporting and buying agent identification cards.

The act also creates an offense for a person who acts as a retailer or cash dealer without the appropriate license.

In addition, the act amends provisions relating to the administration of the produce recovery fund, which is used to pay claims against certain licensees. The changes include increasing the maximum claim payment from $10,000 to $20,000 and the total amount that can be paid against a licensee in a year from $25,000 to $50,000.

HOUSE BILL 2077 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Uribe

Current law requires manufacturers of food to register with the Texas Department of Health and pay a registration fee. House Bill 2077 amends current law to exclude from the definition of a manufacturer of food a person, firm, or corporation that harvests, packages, washes, or ships raw vegetables or fruits.

Miscellaneous

HOUSE BILL 1278 **HOUSE AUTHOR:** Carriker
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Farabee

Current law requires state agencies making purchases of supplies, materials, or equipment to give preference to goods produced or offered by bidders in Texas. House Bill 1278 amends the law to make it explicit that agricultural products produced or grown in Texas have preference over those offered by Texas bidders but produced elsewhere.

HOUSE BILL 1741 **HOUSE AUTHOR:** Perry
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Sims

House Bill 1741 changes the procedure for continuing a security interest in farm products. Under the act, a person with a security interest in farm products that have been sold after the creation of the security interest will lose the security interest unless he notifies the buyer of the existence of the security interest within 90 days after the purchase. The act also changes the place for filing security interest in farm products from the office of the county clerk to the office of the secretary of state.

A separate section of the act affects all security interests, by defining what constitutes unlawful appropriation of a lender's secured property by a debtor, and it changes the definitions for grading offenses for unlawful appropriation.

HOUSE BILL 1870 **HOUSE AUTHOR:** Patterson
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Blake

House Bill 1870 eliminates the statutory requirement that the Egg Marketing Advisory Board meet twice annually. Future board meetings will be held at the call of the commissioner of agriculture.

HOUSE BILL 2486 **HOUSE AUTHOR:** Hinojosa
EFFECTIVE: 6-12-85 **SENATE SPONSOR:** Uribe

Current law prohibits certain agricultural cooperatives from dealing in the products or supplies of nonmembers in an amount that exceeds the value of the products of members. The act will allow agricultural cooperatives, organized primarily for the production and marketing of citrus products, whose industry has been affected by a natural disaster to deal in nonmember products in amounts that exceed the value of member products. Under the act, cooperatives may handle greater amounts of nonmember products for a period of five years following a natural disaster.

ALCOHOLIC BEVERAGES

Alcoholic beverage legislation having wide public impact includes a pair of measures, Senate Bill 21 and House Bill 1819, raising the legal drinking age to 21 in 1986 conditional on the continuation of federal highway funding sanctions. The latter measure also targets the issue of drinking while driving by increasing the penalties for traffic offenses committed with an open container in one's possession.

Drinking Age

SENATE BILL 21 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 9-1-86 **HOUSE SPONSOR:** Gary Thompson

In 1984, the U.S. Congress passed the Surface Transportation Act of 1984, which includes a provision mandating a reduction of five percent in federal highway funding for states that do not set their minimum drinking age at 21 by October 1, 1986, and 10 percent if those states do not comply by October 1, 1987.

Senate Bill 21 raises the minimum drinking age to 21 by amending the Alcoholic Beverage Code to redefine a minor as a person under 21 years of age for purposes of specific offenses relating to the purchase, consumption, sale, and possession of alcoholic beverages. The act includes a provision reverting the drinking age to 19 if the federal highway sanctions are repealed or declared unconstitutional.

HOUSE BILL 1819 **HOUSE AUTHOR:** Hall
EFFECTIVE: see below **SENATE SPONSOR:** McFarland

House Bill 1819, with provisions similar to Senate Bill 21, raises the minimum drinking age to 21. These provisions are effective September 1, 1986; the remainder of the act is effective August 26, 1985.

In addition, the act contains other provisions relating to the regulation of alcoholic beverages. The scheduled sunset expiration of the Texas Alcoholic Beverage Commission is changed from 1987 to 1991.

The Texas Court of Criminal Appeals ruled as unconstitutionally vague a provision of the Alcoholic Beverage Code that prohibited the sale or service of beer to a person showing evidence of intoxication. House Bill 1819 amends the law to prohibit sale and service to "an intoxicated person."

The penalties for driving while intoxicated are increased if the person who committed the offense had an open container of an alcoholic beverage in his immediate possession at the time of the offense.

Alcoholic Beverage Commission

HOUSE BILL 2084 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Traeger

The Alcoholic Beverage Code is currently scheduled for sunset review during the 1991 session of the legislature. The purpose of this act is to revise general administrative provisions in accordance with Sunset Advisory Commission across-the-board approaches applied to all agencies reviewed by the commission. This act amends the enabling statute to incorporate certain sunset reforms which are anticipatory changes in the Alcoholic Beverage Code prior to sunset review. It bars various types of discrimination in appointments to the commission, and prohibits registered lobbyists from serving as commission members or as general counsel. This act also provides for grounds for removal of commission members; the development and implementation of policies to promote public involvement in commission activities; annual written reports to the governor and the legislature accounting for all receipts and disbursements by the commission during the preceding year; agency personnel policies; and biennial audits by the state auditor.

Licensure

SENATE BILL 297 **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Agnich

Currently, the manager of a hotel who is a member of a private club located within the hotel building may issue a guest card to a patron of the hotel who is staying in the hotel overnight or longer. However, that same

guest cannot be served alcoholic beverages in the guest's hotel room. Senate Bill 297 amends the Alcoholic Beverage Code to permit the holder of the guest card issued by the manager of a hotel who is a member of a private club located within the hotel building to be served alcoholic beverages in the club or the holder's hotel room.

HOUSE BILL 160 **HOUSE AUTHOR:** Cavazos
EFFECTIVE: 1-1-86 **SENATE SPONSOR:** Sharp

House Bill 160 amends the sections of the Alcoholic Beverage Code relating to the process an applicant must follow to be issued a license or permit to sell alcoholic beverages on premises. The act requires an applicant to post a prominent sign outside the location of the proposed establishment at the time that the applicant gives notice of the application in two consecutive issues of a newspaper in general circulation. The act also provides that the sign be both in English and a language other than English if a substantial number of residents in the area speak a language other than English as their familiar language. An application may not be denied for failing to post the notice if the commission or administrator determines that the general public in the area in which the premises is located is adequately aware of the nature of the application.

HOUSE BILL 162 **HOUSE AUTHOR:** Martinez
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Whitmire

This measure provides for summary suspension of certain alcoholic beverage permits or licenses for up to seven days pending investigation of violent acts taking place on the licensed premises. A notice of the order suspending the permit shall be given to the permittee in person within 24 hours of the time the violent act occurs. If the permittee cannot be located, notice shall be provided by posting a copy of the order on the front door of the licensed premises.

HOUSE BILL 163 **HOUSE AUTHOR:** Martinez
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Whitmire

This act amends the Alcoholic Beverage Code by requiring local law enforcement agencies in each county with a population of two million or more to send the Texas Alcoholic Beverage Commission reports and other data concerning shootings, stabbings, and other public disturbances that occur on the premises of a licensee or permittee. The administrator of the commission shall prescribe the form and content of the reports.

HOUSE BILL 167 **HOUSE AUTHOR:** Martinez
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Barrientos

The Alcoholic Beverage Code currently provides that wine and beer retailer's off-premise permittees must display a sign stating: IT IS A CRIME (MISDEMEANOR) TO CONSUME LIQUOR OR BEER ON THESE PREMISES. The Alcoholic Beverage Code also requires licensees to display a sign stating: FELONY. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF TEN YEARS' IMPRISONMENT AND A FINE NOT TO EXCEED $5,000 FOR CARRYING WEAPONS WHERE ALCOHOLIC BEVERAGES ARE SOLD, SERVED, OR CONSUMED. House Bill 167 amends the Alcoholic Beverage Code to provide that the commission or administrator may require the holder of either the permit or license to display the signs in a language other than English if it is observed or determined that a substantial portion of the expected customers speak the other language as their customary language.

HOUSE BILL 168 **HOUSE AUTHOR:** Martinez
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Whitmire

This act amends the Alcoholic Beverage Code to provide that the commission or administrator shall refuse to issue a mixed beverage permit or private club registration permit for a period of one year after cancellation for a premises where two or more licenses and permits have been canceled during the previous 12 months as a result of a shooting, stabbing, or other violent act, or as a result of an offense involving drugs. The act also provides that the county judge, commission, or administrator shall refuse to approve or issue a retail dealer's on-premise license or a wine and beer retailer's permit for a period of one year after cancellation for a premises where two licenses or permits have been canceled during the same period as a result of similar acts.

HOUSE BILL 353 **HOUSE AUTHOR:** Tejeda
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Krier

This measure requires a person appealing the denial of the issuance or renewal of an alcoholic beverage license or permit to provide notice of the appeal to any local public official who is on record at a hearing as

opposing the issuance or renewal. Notice is also required to be given to the first three persons not public officials who are on record as being in opposition. The notice may be by registered or certified mail.

HOUSE BILL 1132 **HOUSE AUTHOR:** Berlanga
EFFECTIVE: 6-11-85 **SENATE SPONSOR:** Truan

House Bill 1132 amends the Alcoholic Beverage Code to provide that a mixed beverage permit may be issued for a boat if the boat carries at least 350 passengers, weighs at least 90 gross tons, and is at least 80 feet long, and the home port of the boat is in an area where the sale of mixed beverages is legal. The act also states that a permit for a boat is inoperative in a dry area.

Also, the Alcoholic Beverage Code is amended to authorize a passenger train beverage permit. The holder of this permit has the same rights with respect to the sale of alcoholic beverages as the holder of an airline beverage permit. Application and payment of the $500 fee will be made directly to the commission. The commission or administrator may issue a passenger train beverage permit to certain corporations operating a commercial passenger train service in or through the state. Taxes shall be paid on all alcoholic beverages on a commercial passenger train departing from a depot in this state in accordance with rules prescribed by the commission. Also, the preparation and service of alcoholic beverages by the holder of the permit is exempt from the tax imposed by the Limited Sales, Excise, and Use Tax Act. A passenger train service fee of five cents is imposed on each serving of an alcoholic beverage served by the permittee inside the state. The permittee shall remit the fees to the commission each month under a reporting system prescribed by the commission.

HOUSE BILL 1874 **HOUSE AUTHOR:** Shea
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** McFarland

The Alcoholic Beverage Code is amended to create a market research packager's permit. This permit allows the holder to receive alcoholic beverages produced or belonging to a winery, a distiller's or brewer's permittee, or a manufacturer's licensee and to place the beverages in containers as a service to the producer for market testing purposes. The beverages would then be returned to the person from whom they were received. The commission may issue the permit in a wet or dry area for an annual fee of $100. The person in possession of the permit has no right of title to the alcoholic beverages, other than possession.

Miscellaneous

SENATE BILL 106 **SENATE AUTHOR:** Henderson
EFFECTIVE: 4-3-85 **HOUSE SPONSOR:** A. Smith

A sexually oriented business licensed to sell alcoholic beverages was previously exempt from certain provisions of city and county ordinances regulating the location of such a business. Instead, these businesses were regulated under the Alcoholic Beverage Code. Senate Bill 106 authorizes a city or county to impose uniform restrictions on sexually oriented businesses regardless of whether they are licensed to sell alcoholic beverages. The act also amends the current law to ensure that the same penalty, a Class B misdemeanor, will apply to violations of city and county ordinances regulating the location of these businesses.

SENATE BILL 501 **SENATE AUTHOR:** Lyon
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Arnold

The Texas Alcoholic Beverage Commission, through the Alcoholic Beverage Code, has placed restrictions on the outdoor advertisement of alcoholic beverages. This act amends the Alcoholic Beverage Code's definition of "outdoor advertising" to exclude advertising displayed on a race car participating at a professional racing event at a permanent racetrack facility. Race cars will therefore be able to display an alcoholic beverage logo while participating in a racing event that takes place in a dry area where the sale of alcoholic beverages is prohibited by local ordinance.

SENATE BILL 652 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Madla

Senate Bill 652 amends the Penal Code to authorize a peace officer or magistrate to release a person arrested for public intoxication if another adult will assume responsibility or if the person agrees to participate in an alcohol or drug treatment program approved by the Texas Commission on Alcoholism. However, release

under this act may not be considered in a subsequent incident involving public intoxication, and the peace officer and the agency employing the peace officer are immune from liability for damages resulting from actions of an individual released under these provisions.

This act also states that the offense of public intoxication is not a lesser included offense under the offense of driving while intoxicated. Therefore, a DWI arrest may not be reduced to charges of public intoxication.

APPROPRIATIONS

Meeting in biennial regular sessions, the Texas Legislature appropriates the state's revenues to cover two years of state governmental spending; the General Appropriations Act is the primary budget legislation, but a number of other measures also include appropriations that range from the thousands to the millions of dollars.

Constrained by Article III, Section 49a, of the Texas Constitution, which prohibits appropriations in excess of the comptroller's biennial revenue estimate, the 69th Legislature convened amid a slowdown in state revenue growth precipitated by reductions in oil prices and sales tax collection paired with a rising demand for state services. The session was adjourned without the enactment of new or increased taxes, but many state fees were raised (House Bill 1593, summarized in the chapter on state government), state college tuition was raised (House Bill 1147, summarized in the chapter on higher education, as well as the appropriations chapter), and most state agencies were granted little or no increase in funding.

The legislature appropriated $37.2 billion for the 1986-87 biennium, including $37.1 billion in the General Appropriations Act (House Bill 20), $70 million for the indigent health care package and the Texas Cancer Council (in Senate Bill 1, 1st Called Session), major allocations for the United States Navy facility in Corpus Christi (in House Bill 955), and important appropriations concerning water development and conservation in the Texas Water Commission's sunset act (Senate Bill 249). This total represents a $5.2 billion, or 15.2 percent, increase over the state's spending level for the 1984-85 biennium.

In its 1984 special session, the 68th Legislature raised taxes for improvements in highways and public education. In contrast with the funding patterns for most state agencies, the State Department of Highways and Public Transportation and the Texas Education Agency received substantial appropriations increases as a result of the 1984 legislation (House Bill 20). Also in 1984, Texas voters approved an amendment to the Texas Constitution to dedicate $100 million a year for permanent improvements at state colleges and universities not supported by the Permanent University Fund. Senate Bill 578, summarized in the higher education chapter, allocates the funds.

General Appropriations Act

HOUSE BILL 20 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Jones

The General Appropriations Act provides the major portion of funds for the 1986-87 biennium. It appropriates $37.1 billion for the next two years that includes $26.2 billion from the major general revenue-related state funds.

The governor vetoed various line-item appropriations in the general appropriations act that include the following: a grant to the Department of Public Safety that would have appropriated $3,757,958; a grant to the Commission on Jail Standards appropriating $247,200; a grant to the Texas Department of Corrections appropriating $4,051,278; a grant to the Prosecutor Council appropriating $769,164; a grant to the supreme court appropriating $189,888; an appropriation totalling $204,600 to the State Department of Highways and Public Transportation to be used as salaries for the services of part-time citizen board members; and an appropriation of $325,000 for Stephen F. Austin State University for anticipated claims against the state relative to litigation brought against the university.

Education

The area of education continues to receive the largest share of the state's appropriations. The $16.8 billion appropriation represents a 9.4 percent increase over the previous biennium, but only a 2.9 percent increase over the 1985 level of spending.

The largest allocation within the area of education is for the Central Education Agency school programs with an appropriation of $11.2 billion for the biennium, representing an increase of $584.9 million over the 1985 level of funding. Adjustments in the Foundation School Program for the 1986-87 biennium reflect changes in the average daily attendance of students and changes in the composition of the total student population. The Foundation School Program includes appropriations of $11.7 million for early childhood

summer school programs for children with limited English proficiency and $81.3 million for prekindergarten programs. Also included are appropriations of $6.6 million for testing teachers and for training and certification of appraisers of teacher performance for career ladder purposes; $3.5 million for technical assistance to local school districts relating to accreditation, training, and curriculum; and $1 million for research, development, and evaluation of school programs.

In the area of higher education, appropriations for the 35 formula-funded senior colleges and universities total $2.3 billion, or, after certain adjustments, 98 percent of the 1985-level appropriations. This total does not include the annual $100 million approved by voters in 1984 and constitutionally dedicated for permanent improvements at certain colleges and universities. Public junior colleges are allocated funds totalling $889.8 million for the 1986-87 biennium.

Employee Benefits

Funds are also appropriated in the act to provide an increase in state employee salaries by three percent in 1986 and three percent in 1987. Funding to maintain fringe benefits at current levels is appropriated at $3.1 billion, a 22.5 percent increase over the previous biennium. Merit raises are authorized; however, no additional funds are provided for that purpose.

Human Services

Human services received appropriations totalling $5.4 billion, representing a 6.8 percent increase over the previous biennium, but only a 1.8 percent increase over the 1985 level of spending. These figures represent amounts appropriated for the Texas Department of Human Services, the Texas Rehabilitation Commission, the Texas Employment Commission, the Texas Department on Aging, the Texas Commission for the Blind, the Texas Commission for the Deaf, and other human services agencies.

Appropriations for the Texas Department of Human Services reflect an increase in the average AFDC grant from $53 to $57 per month. Significant issues addressed within the funding of the department include an increase of $55.6 million in funds for income assistance, an increase of $29.7 million to provide funding for health care services, an increase of $8.4 million for services to families and children, a reduction of $14.9 million for services for aged and disabled persons due to a decline in caseload, and a rider appropriation providing $4.5 million for the biennium from the general revenue fund to implement provisions of the Omnibus Hunger Act of 1985 pertaining to the Texas Department of Human Services and the Texas Department on Aging.

Transportation

In the area of transportation, including the Texas Department of Highways and Public Transportation, the Texas Aeronautics Commission, the Texas Transportation Institute, and state road aid to counties, House Bill 20 includes an appropriation of $5.4 billion for the 1986-87 biennium. This total represents a 44 percent increase over the 1984-85 appropriation. Much of this increase was first authorized by the 68th Legislature in its 2nd Called Session; the $5.4 billion figure is a 19 percent increase over the 1985 appropriation level.

Health

The area of health, primarily the Texas Department of Mental Health and Mental Retardation and the Texas Department of Health, received a $2.25 billion appropriation, representing a 2.4 percent increase over the previous biennium. In the $1.2 billion appropriation for the Texas Department of Mental Health and Mental Retardation, significant areas include $64.4 million to improve staff-to-patient ratios in state facilities; the provision of $20.6 million to begin operations of the Houston Psychiatric Hospital and $2.1 million to begin operation of the Fort Worth Psychiatric Hospital, both to be completed during the upcoming biennium; a $7.9 million appropriation for the phaseout of the Texas Research Institute of Mental Sciences; a $5.3 million increase in federal mental health block grant funds for the expansion of community-based programs; a $5.7 million reduction in the centralized food purchase fund due to a projected decline in institutional residents; and

a contingency appropriation of $5.6 million for life safety code construction based on the sale of property owned by the department.

The Texas Department of Health received an appropriation of $505.2 million, or a 4.8 percent decrease from the 1985 level of spending. Important appropriations for both the Texas Department of Health and the Texas Department of Human Services, however, are included in the Indigent Health Care Act (Senate Bill 1, 1st Called Session), and are not reflected in these figures.

Public Safety and Corrections

Agencies and programs relating to public safety and corrections received $1.6 billion for the 1986-87 biennium; the total is a 17.6 percent increase over the 1984-85 appropriations, but only an 8.3 percent increase over the 1985 level of spending. This section includes the Department of Public Safety, the Board of Pardons and Paroles, the Texas Adult Probation Commission, the Texas Juvenile Probation Commission, and other related agencies—all of which received reduced appropriations, and the Texas Youth Commission and the Texas Department of Corrections.

The Texas Department of Corrections received a $775 million appropriation for the 1986-87 biennium, exclusive of construction funds; this figure represents a 15.6 percent increase over the current level of the department's operating funds. The appropriation provides for an increase of 2,186 agency personnel for reducing inmate violence and meeting federal court requirements. The largest increase in personnel is for security where the appropriations will provide 1,497 additional correctional officers to staff new inmate housing areas and improve the level of inmate supervision.

In security administration, 129 clerks are being added to perform functions currently being performed by security personnel. In psychiatric services, 560 employees are being added to meet court-ordered requirements relating to mentally ill and retarded inmates.

An appropriation of $178.5 million is made for construction for the Texas Department of Corrections to meet court-ordered requirements to build new facilities and renovate existing facilities. Of this appropriation, $125 million is contingent on the sale of land currently owned by the Texas Department of Corrections. (Information, including appropriations and percentages, is from an analysis prepared by the Legislative Budget Board.)

Emergency or Supplemental Appropriations for Fiscal Year 1985

SENATE BILL 340 **SENATE AUTHOR:** Sharp
EFFECTIVE: 5-24-85 **HOUSE SPONSOR:** Madla

Senate Bill 340 makes a supplemental appropriation of $5,250 to the Board of Nurse Examiners from the professional nurse registration fund for the purpose of program administration.

SENATE BILL 994 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Madla

Senate Bill 994 amends the provisions of the General Appropriations Act passed by the 68th Legislature relating to fund transfer authority and funding to improvement of staff-to-client ratios in state mental hospitals to allow the Texas Department of Mental Health and Mental Retardation to use these provisions to also improve staff-to-client ratios in state schools for the mentally retarded.

SENATE BILL 1452 **SENATE AUTHOR:** Jones
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Hollowell

Senate Bill 1452 transfers $3 million from the general revenue fund to the disaster contingency fund and appropriates that sum as a supplemental appropriation to the Office of the Governor for the purpose of implementing the Texas Disaster Act of 1975. The act also makes supplemental appropriations of: (1) $1.7 million to the Texas Department of Mental Health and Mental Retardation from the general revenue fund for the purpose of paying utility expenses; (2) $31,297 to the Texas State Board of Public Accountancy from the public accountancy fund for payment of costs associated with the employment of a chief accountant and for processing complaints of violations of the Public Accountancy Act of 1979; and (3) $10,000 to The Texas Board of Chiropractic Examiners from chiropractic examiners fund No. 140 for program administration.

HOUSE BILL 952 **HOUSE AUTHOR:** Willis
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** Farabee

House Bill 952 makes a supplemental appropriation of $2.5 million from the general revenue fund to the office of the attorney general for the purpose of paying state employees' workers' compensation claims.

HOUSE BILL 1449 **HOUSE AUTHOR:** Keller
EFFECTIVE: 6-12-85 **SENATE SPONSOR:** Caperton

House Bill 1449 makes a supplemental appropriation of $5,303,355 to the Texas Department of Corrections from the general revenue fund for payment of security salaries.

HOUSE BILL 2414 **HOUSE AUTHOR:** Denton
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Edwards

House Bill 2414 amends the General Appropriations Act for fiscal 1984-85 to include the Texas State Technical Institute among the institutions eligible to benefit from an existing appropriation to the purchased utility contingency fund.

Special Appropriations for 1986-87 Biennium

SENATE BILL 1 (1st C.S.) **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Oliver

Senate Bill 1, also known as the Indigent Health Care and Treatment Act, in addition to its other provisions, makes the following appropriations:

For the 1986-87 biennium, the sum of $7 million is appropriated for the Texas Cancer Council from the money transferred from the general revenue fund to the cancer resource fund.

To the Texas Department of Health from the money transferred from the general revenue fund to the indigent health care assistance fund, the sum of $37,750,000 is appropriated and allocated in the following manner for the 1986-87 biennium:

$22,220,000 for the perinatal program;
$7 million for the women, infants, and children program;
$8 million for the primary program;
$80,000 to implement and enforce transfer policies; and
$450,000 to collect hospital discharge data and data on uncompensated care provided by hospitals.

The sum of $25,250,000 is appropriated to the Texas Department of Human Services from the funds transferred from the general revenue fund to the indigent health care assistance fund for the 1986-87 biennium to be allocated in the following manner:

$15 million to provide Medicaid coverage for the medically needy program;
$3 million to match the counties' contributions for providing indigent care;
$6 million to assist hospitals that bear a disproportionate share of the indigent health care; and
$1,250,000 to implement a computerized, integrated eligibility service program in conjunction with the Texas Department of Health.

At the end of the 1986-87 biennium, all unencumbered money credited to the cancer resource fund or the indigent health care assistance fund would be returned to the general revenue fund.

Senate Bill 1 reduces those appropriations made in the General Appropriations Act by $30 million for the 1986-87 biennium out of the general revenue fund.

SENATE BILL 140 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Millsap

Senate Bill 140 creates the Texas Music Commission and the music commission fund. All gifts, grants, and other funds received by the commission are appropriated to the commission for the purpose of encouraging the development and promotion of the music industry in Texas.

SENATE BILL 249 **SENATE AUTHOR:** Sharp
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** C. Evans

Senate Bill 249 is the sunset renewal act for the Texas Water Commission and the Texas Water Development Board. In addition to its other provisions, the act makes the following appropriations: appropriates those amounts necessary to pay the principal and interest on bonds that mature or become due on September 1, 1985, and transfers them to the Texas water development bonds interest and sinking fund; any federal funds appropriated for reimbursement for services performed using general revenue funds shall be deposited in the general revenue fund; $65,000 is appropriated for the Water Development Fund Management Program for professional fees and services to be used for expenses directly related to the issuance and investment of Texas water development bonds; appropriates for the biennium beginning in September 1985 any balances on hand or revenues accruing in the water assistance fund No. 480; appropriates fees collected for quality fund No. 153 from any federal or state agency, any gifts, fees, or grants deposited in that fund, and any unexpended balance in the fund as of August 31, 1985, for the next biennium; and at the close of the biennium, any remaining funds shall be reported to the comptroller who shall transfer the funds in excess of $1,250,000 for quality fund No. 153 to the general revenue fund.

Appropriations from the agricultural soil and water conservation fund include: one-third of the deposits to the fund, not to exceed $200,000 per year, to the Water Development Board; one-third of the deposits to the fund, not to exceed $200,000 per year, to the State Water and Conservation Board; and one-third of the deposits to the fund, not to exceed $200,000 per year, to the Texas Agricultural Experiment Station.

Also appropriated, in addition to amounts already appropriated for the water development fund, are $1,287,035 for 1986 and $1,204,690 for 1987 from the general revenue fund. In addition to those amounts already appropriated for water resource planning and development, $847,591 for 1986 and $854,339 for 1987 are appropriated from the general revenue fund.

SENATE BILL 384 **SENATE AUTHOR:** Sharp
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** C. Evans

Senate Bill 384 continues the Texas Commission for the Deaf. Among its other provisions relating to the operation of the commission, the act appropriates $38,000 in each year of the 1986-87 biennium to fund the outdoor training program for deaf individuals.

SENATE BILL 791 **SENATE AUTHOR:** Brown
EFFECTIVE: 1-1-86 **HOUSE SPONSOR:** Berlanga

Senate Bill 791 requires fishermen to purchase stamps for saltwater sportfishing and freshwater trout fishing. Money collected from sale of the saltwater sportfishing stamp is appropriated to the Texas Parks and Wildlife Department for coastal fisheries enforcement and management; and that from sale of the freshwater trout stamp is appropriated to the game and fish fund for any purposes authorized for it.

SENATE BILL 957 **SENATE AUTHOR:** Howard
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** McKinney

Senate Bill 957 amends current law relating to the licensing and regulation of home health agencies. Among its other provisions, the act requires the Texas Board of Health to set the home health service license fee in an amount reasonable to meet the costs of administering the act. Penalties are prescribed for violation of licensing requirements. All money collected from fees and penalties is to be deposited in the general revenue fund and is appropriated to the Texas Department of Health for administration of this regulatory program.

The act also provides for the licensing of hospices and branch offices and expands the regulatory provisions, particularly those dealing with inspections.

SENATE BILL 1002 **SENATE AUTHOR:** Harris
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Wallace

Senate Bill 1002 amends current law relating to commemoration of the Texas Sesquicentennial. Among other provisions, it creates the sesquicentennial fund and appropriates to it licensing fees and royalties collected for use of the official state sesquicentennial logo and proceeds from the sale of medallions. Money in the fund is allocated to accounts for the Texas Tourist Development Agency, the Texas Commission on the Arts, the Texas 1986 Sesquicentennial Commission, and the State Preservation Board in certain amounts for specific purposes relating to commemoration of the Texas Sesquicentennial. The act also appropriates excess hotel and

motel tax revenues for the 1986-87 biennium to the Texas Tourist Development Agency for advertising and marketing purposes.

SENATE BILL 1007 **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** McDonald

Senate Bill 1007, relating to the certification and regulation of respiratory care practitioners, creates the Respiratory Care Practitioners Advisory Board and requires the Texas Board of Health to establish requirements and set fees for examinations, certificates, renewals, reinstatements, and temporary permits in amounts reasonable to cover costs of administering the act without use of additional general revenue funds. All fees received are to be deposited in the general revenue fund and are appropriated to the Texas Department of Health for administering this program.

SENATE BILL 1171 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Laney

Senate Bill 1171 directs the State Purchasing and General Services Commission to operate a computer service facility and provide computer services to state agencies that choose to subscribe to the service. The agencies will be billed for full cost of the services and the funds received deposited in a special account for administration of this service.

SENATE BILL 1295 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Colbert

Senate Bill 1295 makes provisions acknowledging the establishment and operation of the Harris County Psychiatric Center by The University of Texas System; the operation of a commitment center by Harris County and the Mental Health and Mental Retardation Authority of Harris County; and the transfer of the Texas Research Institute of Mental Sciences (TRIMS) to The University of Texas System.

The act appropriates any funds generated by enactment of Senate Bill 1322, which transfers certain unobligated fund balances to the general revenue fund, to The University of Texas System for provision of services authorized in the act. In addition, it directs that the sum of $1 million appropriated in the General Appropriations Act to the Texas Department of Mental Health and Mental Retardation for research at TRIMS be transferred by the department to The University of Texas System for the conduct of that research.

HOUSE BILL 309 **HOUSE AUTHOR:** Criss
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Mauzy

House Bill 309, relating to court costs imposed to generate funds for certain purposes, appropriates $450,000 from the compensation to victims of crime fund to the criminal justice division of the governor's office each year of the 1986-87 biennium to fund local crime stoppers programs. The act also creates the judicial and court personnel training fund with revenues supplied by a special $1 court cost to be paid on conviction of any criminal offense and with half of certain fees collected by clerks of the courts of criminal appeals. For each year of the 1986-87 biennium, $2.1 million is appropriated from the new fund for specified projects related to continuing legal education for court personnel.

HOUSE BILL 387 **HOUSE AUTHOR:** Price
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Leedom

House Bill 387 provides for placement of reading devices for blind and visually handicapped persons in certain libraries. If the comptroller certifies that funds are available, a sum of up to $1.9 million is appropriated to the Texas State Library for this purpose.

HOUSE BILL 955 **HOUSE AUTHOR:** A. Smith
EFFECTIVE: see below **SENATE SPONSOR:** Brown

House Bill 955 creates the National Defense Impacted Region Assistance Act of 1985 to provide state financial assistance to any region of the state that is affected by new construction or expansion of a major United States Navy facility. Because the legislature believes that the location of this proposed facility in Texas would provide substantial economic benefit to the state, it passed this act ensuring adequate provision of government services as an incentive to the Navy to choose a site in Texas.

In the act, the Tax Code is amended to exempt from the sales tax property bought by a contractor for use in improving realty in connection with the construction of the naval facility.

The State Highway Commission is directed to provide for construction of highways to provide access to the naval facility and to provide for the state highway system in impacted regions. Appropriations of at least $30 million for the 1986 fiscal year and at least $31 million for the 1987 fiscal year are authorized for this purpose.

The Education Code is amended to provide for adjustment of the basic allotment to school districts in a region impacted by construction of the naval facility. A section is added directing the coordinating board to provide for the offering of courses and degree programs on military installations and allowing institutions of higher learning to cooperate with military installations in providing degree programs and courses of particular benefit to military personnel and civilian employees of military installations.

The act directs the criminal justice division of the governor's office to allocate to units of government in regions impacted by the naval facility an additional 10 percent over funds they would otherwise receive under existing allocation provisions.

The Parks and Wildlife Code is amended to direct the Parks and Wildlife Department to develop, operate, maintain, and improve state parks in the parks use region of the location of the naval facility. Funds totalling at least $4.1 million are allocated for the 1986-87 biennium for this purpose.

The act directs that the governor, in deciding how to allocate funds from the governor's contingency fund for perceived emergencies, give preference to regions impacted by the new naval facility.

The Texas home port trust fund, to be administered by the governor, is created to provide for public works improvements related to the naval facility. The sum of $17 million is transferred from the water assistance fund and appropriated to the new fund.

Effective September 1, 1986, the Tax Code is amended to allocate the portion of the cigarette tax previously allocated to the local parks, recreation, and open space fund to the Texas home port trust fund until $8 million has been allocated. Then, for the balance of the 1987 fiscal year, this portion of the cigarette tax reverts to the local parks, recreation, and open space fund. If no naval facility is located in Texas, all of these funds go to the local parks, recreation, and open space fund.

In any event, the Texas home port trust fund lapses on the fourth anniversary of the commencement of construction of the naval facility and all funds revert to the general revenue fund. Improvements made with these funds may be leased to the United States government, but ownership remains with the state, navigational district, or political subdivision.

The act, with the exception noted above, is effective on the date the governor issues an official proclamation declaring the Department of the Navy's decision to locate its facility in Texas. The act expires if the proclamation is not issued on or before January 1, 1986.

HOUSE BILL 1147 **HOUSE AUTHOR:** Delco
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Jones

House Bill 1147 changes the tuition rates for state institutions of higher education and allocates a portion of the additional funds for educational grants, scholarships, and emergency loans.

HOUSE BILL 1191 **HOUSE AUTHOR:** Earley
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Truan

House Bill 1191 makes an appropriation of $260,000 from the state highway fund to the employees retirement system to finance benefits based on certain service credit.

HOUSE BILL 2359 **HOUSE AUTHOR:** Schlueter
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Farabee

House Bill 2359 creates the hazardous waste generation and facility fees fund and the hazardous waste disposal fee fund, to consist of money collected from certain fees, interest, and penalties collected by the Texas Department of Water Resources and the Texas Department of Health. Money deposited in these funds is allocated and restricted to the administration of specified hazardous waste management programs.

Claims Against the State

SENATE BILL 1273 **SENATE AUTHOR:** Traeger
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Pierce

Senate Bill 1273 makes a series of appropriations from the general revenue fund and various special funds for the payment of specified claims and judgments against the state. Before payment is made, each claim must be approved by the attorney general and the comptroller and verified by the state auditor. The comptroller is directed to make payment on these claims as soon as possible.

Land Sale Proceeds

SENATE BILL 545 **SENATE AUTHOR:** Traeger
EFFECTIVE: 6-11-85 **HOUSE SPONSOR:** Waldrop

Senate Bill 545 authorizes the Texas Youth Commission to sell land in Navarro County and appropriates the proceeds of the sale to the commission for constructing its South Texas Regional Facility in Hidalgo County or for repairs and renovations at the Corsicana State Home in Navarro County.

SENATE BILL 613 **SENATE AUTHOR:** Howard
EFFECTIVE: 5-10-85 **HOUSE SPONSOR:** Patterson

Senate Bill 613 authorizes the Texas Employment Commission to sell land in Paris, Texas, and appropriates the proceeds of the sale to the commission for use in acquiring other land or for the construction or improvement of agency facilities.

SENATE BILL 1300 **SENATE AUTHOR:** Jones
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Rudd

Senate Bill 1300 directs the State Purchasing and General Services Commission to sell certain land in Austin and appropriates $1.5 million of the proceeds from the sale to the commission for construction of replacement warehouse facilities on property transferred from the Parks and Wildlife Department. Any remaining proceeds are to be used by the commission to purchase a specified tract of land in Travis County.

SENATE BILL 1350 **SENATE AUTHOR:** Leedom
EFFECTIVE: 6-5-85 **HOUSE SPONSOR:** Schlueter

Senate Bill 1350 directs the General Land Office to transfer a portion of a tract of land in Williamson County to the Parks and Wildlife Department for development of an urban park and to sell the remainder of the tract, along with certain other tracts. Proceeds from the sale are appropriated as follows: (1) the first $40 million to the general revenue fund; (2) the next $18.5 million to the Texas Department of Mental Health and Mental Retardation for community center construction and renovation, necessary life safety code improvements, land and construction costs for a replacement rehabilitation center, and other construction and improvements or residential contract services for juveniles; and (3) any remainder to the general revenue fund.

HOUSE BILL 539 **HOUSE AUTHOR:** Barton
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** Barrientos

House Bill 539 allows the board of directors of the Texas School for the Blind to sell or lease certain property in Austin and appropriates the proceeds of the sale or the rental income to the school for construction of a facility for severely handicapped students.

HOUSE BILL 1426 **HOUSE AUTHOR:** Sutton
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Kothmann

House Bill 1426 gives the State Purchasing and General Services Commission the right to sell certain property in San Antonio and appropriates the proceeds of the sale to the commission for repairs and renovations to the "West" building of the Sutton State Office Building complex in San Antonio.

BUSINESS AND OCCUPATIONAL REGULATION

The 69th Legislature's repeal of the state's "blue law," which for over a century had prohibited Sunday purchases of various consumer items, received the most publicity among business legislation enacted in 1985. A billboard regulation measure, House Bill 1330, was also the focus of attention in the wake of a similar outdoor advertising measure that was vetoed by the governor two years ago. The session witnessed, however, other minor sales and advertising laws. Senate Bill 1353 prohibits surcharges by sellers for credit card purchases, House Bill 2119 sets requirements for rental-purchase agreements, and House Bill 385 regulates going out of business sales and related advertising.

Texas commerce and investment were the subject of several additional enactments. Senate Bill 533, Senate Bill 782, and Senate Bill 1123 enact comprehensive revisions, respectively, of the state's corporation, banking, and savings and loan statutes. House Bill 809 promotes expansion of Texas trade in international markets. House Bill 690 responds to federal limits on the issuance of tax-exempt industrial development bonds.

Roughly half of the occupational regulation laws passed in 1985 dealt with health professions and occupations. Among the practitioners newly subject to regulation are those practicing respiratory care (Senate Bill 1007) and massage therapy (House Bill 2012). Outside the health field, lawyer referral services are made subject to a set of statutory guidelines (Senate Bill 164).

Initiatives relating to promotion of technological research and development are summarized in the chapter on higher education.

Blue Law

HOUSE BILL 1280 **HOUSE AUTHOR:** Cain
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Farabee

Since 1863, Texas has had a law restricting the sale of goods on Sunday. The current law was enacted in 1961, and prohibits the sale of 42 items on consecutive weekend days. The prohibition applies to specified merchandise including clothing, appliances, hardware, furnishings, household goods, and motor vehicles. There has been controversy surrounding the list of prohibited goods for many years because of the distinctions concerning what could and could not be sold. For example, one can buy canned goods, but not a can opener with which to open them; a hammer but not nails; and many others. This law has been popularly known as the "blue law" because it was originally written on blue paper. House Bill 1280 repeals the "blue law" with the exception of the sale or exchange of motor vehicles by motor vehicle dealers on consecutive Saturdays and Sundays. The restriction on the sale of motor vehicles is retained as part of the state's motor vehicle regulatory policy.

This act also contains measures designed to protect employees in retail establishments from being required to work seven consecutive days and from being prohibited to attend a weekly worship service of the employee's religion. Part-time employees who work fewer than 30 hours per week are not covered by these measures. In addition, if a retail employer had been closed on Sunday to comply with the "blue law" prior to its repeal on September 1, 1985, an employee who had been continuously employed by that establishment prior to that date may not be required to work on Sunday following the repeal. However, an employer is protected from civil action under this act if an employee volunteered for work on Sunday and there is a written statement to this effect signed by the employee.

Finally, the act provides that shopping center leases that require a store to be open when other stores in the center are open does not apply on Sunday unless the contract specifically mentions that it applies on Sunday.

Child Care

HOUSE BILL 231 **HOUSE AUTHOR:** Clemons
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Blake

House Bill 231 requires the Texas Department of Human Services to publish notice of the revocation or suspension of a child-care facility's license to operate in the section of a local newspaper where day-care services

are advertised. If a person who operates a facility that has had its license revoked or suspended reapplies for a license, the facility operator must reimburse the department for the cost of the published notice. A facility that has its license revoked or suspended must mail notification of this action by certified mail to the parents or guardians of children served by the facility. Notice must be mailed within five days of the effective date of the revocation or suspension.

HOUSE BILL 346 **HOUSE AUTHOR:** Barton
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Brooks

House Bill 346 establishes licensing and registration fees for child-care facilities. Licensed foster family homes and family group homes, and certain nonprofit facilities, are exempt from payment of the fee. A registered family home must renew the registration every two years and the registration must be prominently displayed at the home. All fees collected under these provisions will be used to establish a child-care training fund in the state treasury. The fund may be used only to provide programs of parent education and caretaker training designed to ensure the health, safety, and well-being of children. Up to three percent of the fund may be used for the costs of collecting the fees and administering the fund.

HOUSE BILL 1760 **HOUSE AUTHOR:** Clemons
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Blake

Registered family homes are private homes that provide care for up to six children under age 14 and after-school care for up to six more children. Prior to 1975, registered family homes were licensed and inspected by the state. Currently, registered family homes are not inspected unless a formal complaint has been filed with the Texas Department of Human Services.

House Bill 1760 requires any advertisement for a registered family home to include a statement in bold print detailing that although the home is registered with the state, it is not licensed, inspected, or regulated.

Omission of this statement in any registered family home advertisement would be a Class C misdemeanor.

Amusement Rides

HOUSE BILL 1201 **HOUSE AUTHOR:** Millsap
EFFECTIVE: see below **SENATE SPONSOR:** Jones

House Bill 1201 strengthens the inspection requirements for certain amusement rides. Beginning January 1, 1986, the inspection must include a method to test the stress- and wear-related damage of the critical parts of a ride that could cause injury as a result of failure. In addition, amusement ride operators must keep a record of any injury caused by a ride that results in death or requires medical treatment, and must file a quarterly injury report with the State Board of Insurance. Finally, the act increases the penalty for violation of the Amusement Ride Safety Inspection and Insurance Act to a Class B misdemeanor. The provisions of this act pertaining to injury records and penalties take effect September 1, 1985.

HOUSE BILL 2222 **HOUSE AUTHOR:** Messer
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Whitmire

House Bill 2222 requires the owner or operator of an amusement ride to repair or replace equipment that does not meet insurance underwriting standards before the ride is offered for public use.

Outdoor Signs

HOUSE BILL 1330 **HOUSE AUTHOR:** Messer
EFFECTIVE: see below **SENATE SPONSOR:** Uribe

House Bill 1330 regulates outdoor signs in cities, cities' extraterritorial jurisdiction, and in unincorporated areas. It provides for the establishment of a municipal board on sign control in any municipality that requires the relocation, reconstruction, or removal of a sign within its corporate limits or extraterritorial jurisdiction, and outlines the composition of the board. The act establishes procedures that a municipality must follow in requiring the relocation, reconstruction, or removal of any sign. Owners of such signs are entitled to compensation by the municipality for costs associated with moving or relocating the sign. In addition, the

municipality must issue a permit to the owner to display a sign at an alternative site of substantially equivalent value. The act also establishes a schedule for the removal of nonconforming signs.

The methods of compensating sign owners are limited to abatement of the sign owner's municipal property taxes, payment from a special fund in the municipal treasury for such purpose, payment out of the proceeds from the sale of sign abatement revenue bonds, or payment in cash. The act does not prohibit compensation by amortization in municipalities having an ordinance permitting such a plan if the ordinance was in effect June 1, 1985.

To enable a city to offer property tax abatement under these conditions, House Bill 1330 also expands the conditions for designation of an area as a reinvestment zone to include an area encompassing signs, billboards, and other outdoor advertising structures identified by the governing body of the incorporated city or town for relocation, reconstruction, or removal. In addition, a city may designate as a reinvestment zone any real or personal property within the taxing jurisdiction of the city whose use is directly related to the business of outdoor advertising.

House Bill 1330 also sets size and spacing requirements for signs erected in rural areas and authorizes the State Highway and Public Transportation Commission to regulate the erection and maintenance of signs in unincorporated areas. A person may not erect an off-premise sign that is visible from the main-traveled way of a rural road without having first obtained a permit from the commission. Certain signs are exempt from these requirements, including those in existence before the effective date of this act. Owners of off-premise signs erected in rural areas before September 1, 1985, must either remove them or register them with the commission within 120 days following the effective date of this act. The regulation of off-premise portable signs in counties with a population of 1.7 million or more will be the responsibility of the county's commissioners court.

The above regulations become effective September 1, 1985.

Under the provisions of this bill, a municipality may extend the conditions of its outdoor sign regulatory ordinance and enforce the ordinance within its area of extraterritorial jurisdiction. It may, instead, allow the State Highway and Public Transportation Commission to regulate outdoor signs in the city's extraterritorial jurisdiction by filing a written notice with the commission. This section of the act is effective May 31, 1985.

Foreign Trade Zones

SENATE BILL 1427 **SENATE AUTHOR:** Uribe
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** A. Garcia

Foreign merchandise is allowed into the United States within foreign trade zones 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, conditioned on prior state approval. Senate Bill 1427 authorizes the city of Weslaco or the Weslaco Development Corporation to establish and operate a foreign trade zone.

HOUSE BILL 2443 **HOUSE AUTHOR:** Willy
EFFECTIVE: 6-12-85 **SENATE SPONSOR:** Brown

House Bill 2443 authorizes the Brazos River Harbor Navigation District of Brazoria County, or another corporation designated by the district, to apply for and accept a grant to establish and operate a foreign trade zone within the district.

HOUSE BILL 2520 **HOUSE AUTHOR:** A. Smith
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Edwards

Texas was in competition with other states to attract the General Motors Corporation Saturn automobile production facility. If the Saturn facility had been located in Texas, House Bill 2520 would have authorized the Saturn Trade Zone Corporation to establish and operate a foreign trade zone at the designated location.

SENATE BILL 289 **SENATE AUTHOR:** Henderson
EFFECTIVE: 6-13-85 **HOUSE SPONSOR:** Heflin

Senate Bill 289 allows the securities commissioner discretion in exercising his disciplinary authority over securities dealers, agents, and salespersons.

SENATE BILL 820 **SENATE AUTHOR:** Farabee
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Emmett

Senate Bill 820 exempts transportation for compensation by a member of a corporate family for other members of the corporate family (intercorporate hauling) from the motor carrier regulations of the railroad commission. However, before engaging in the transportation, the parent corporation must file with the railroad commission proof of insurance for each vehicle in the amount required by the commission for vehicles subject to its regulation and must provide the commission a list of the participating subsidiaries.

HOUSE BILL 385 **HOUSE AUTHOR:** Jackson
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Howard

House Bill 385 provides for the regulation of going out of business sales. A sale may not be advertised with language indicating that an enterprise is ceasing business unless the business is closing all of its operations in a county and in all of the adjacent counties. To conduct a going out of business sale, an original inventory must be filed with the county clerk for the county in which the principal place of business is located. The clerk will issue a nonrenewable permit for the sale, which must be posted in a conspicuous place at the sale. The act creates inventory requirements for and restricts the frequency of these sales. A violation of this act is a Class A misdemeanor.

HOUSE BILL 690 **HOUSE AUTHOR:** Messer
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** McFarland

Private activity bonds are tax-exempt bonds issued through state and local governmental entities for private projects that will stimulate economic growth. These bonds include industrial development bonds and student loan bonds. In 1984, the federal government placed a limit on the amount of private activity bonds a state can issue in any calendar year, based on the population of the state. The governor was given interim authority to determine a system for allocating the bonds within the state. An option was included for a state to develop a plan for allocating the available bonds, provided action was taken by January 1, 1986. Otherwise, an automatic distribution of 50 percent to state-government entities and 50 percent to local entities takes effect.

House Bill 690 exercises the legislative option to determine an allocation system for the distribution of industrial development bonds in Texas. It establishes a procedure whereby bond issuers may reserve a portion of the state's share of bonds by applying to the Texas Economic Development Commission. Reservations will be granted in the order in which they are received, except provisions are included to ensure an equitable distribution among small and large bond issuers. There is also a provision to carry forward any bonds available after December 15 for specific projects. The act creates a fee for filing a reservation application or a carry forward designation with the commission.

HOUSE BILL 809 **HOUSE AUTHOR:** Jackson
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Howard

House Bill 809 serves to help Texas businesses develop export capabilities to enable them to compete effectively in international markets by creating the Texas World Trade Council and the Texas World Trade Development Authority. The executive director and staff of the Texas Economic Development Commission are directed to serve as executive director and staff of the council and of the authority unless other sources of funds for staff support become available.

The act specifies the membership, powers, and duties of the Texas World Trade Development Authority (TWTDA) and the Texas World Trade Council (TWTC). Both of these entities are subject to the Texas Sunset Act.

The TWTDA will generate funds through a variety of means including the sale of securities and issuance of bonds to create a source of money available to financial institutions that will be used to finance international

export ventures. These ventures are required to create or maintain employment in Texas and at least 25 percent of the final value of the manufactured goods or services must have been produced in this state.

The TWTC will review existing programs designed to promote international commerce and will perform a wide range of duties to encourage export development and production.

HOUSE BILL 2119 **HOUSE AUTHOR:** Glossbrenner
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Lyon

House Bill 2119 amends the Business & Commerce Code by adding a subchapter regulating rental-purchase agreements. The act specifies the form required for a rental-purchase agreement, stipulating that the agreement must be written in plain English and in any other language used by the merchant in an advertisement related to the rental-purchase agreement. The act also outlines the disclosure requirements for advertisements for such agreements and establishes penalties for violation of the act. A consumer damaged by a violation of this act is entitled to recover actual damages, reasonable attorney's fees and court costs, and 25 percent of an amount equal to the balance of remaining payments required to obtain ownership of the merchandise involved except that the amount may not be less than $250 nor more than $1,000.

HOUSE BILL 2240 **HOUSE AUTHOR:** Granoff
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Parmer

Under the Deceptive Trade Practices-Consumer Protection Act, the Consumer Protection Division of the Attorney General's Office must notify the defendant at least seven days in advance of filing suit to obtain a restraining order that would prohibit alleged unlawful conduct. An exception to the requirement for seven days' notice can only be made if there is good cause to believe the defendant would evade service of process or that the person would destroy relevant records if prior contact were made. House Bill 2240 extends the exception to permit the Consumer Protection Division to file suit without prior notice when irreparable injury, loss, or damage would occur as a result of the delay in obtaining a temporary restraining order.

Corporations and Associations

SENATE BILL 533 **SENATE AUTHOR:** McFarland
EFFECTIVE: 5-20-85 **HOUSE SPONSOR:** Arnold

Senate Bill 533 makes several changes in the Texas Business Corporation Act, the Texas Miscellaneous Corporation Laws Act, the Texas Non-Profit Corporation Act, and the Texas Professional Corporation Act. These changes are the culmination of a study by the State Bar of Texas' committee on revision of corporation law, and they represent an effort to modernize and clarify the corporation laws of our state.

This act includes an expansion of the indemnification provisions in the nonprofit corporation act and the business corporation act. It also permits a corporation in its articles of incorporation to vary shareholders' rights and preferences among the different series of a class of preferred shares of stock.

Other provisions increase the amount of the proceeds from the sale of no-par stock that may be dedicated to capital surplus, authorize any officer of a corporation to execute stock certificates, and remove the requirement that Texas corporations have a vice-president and a treasurer in addition to a president and a secretary. Senate Bill 533 also changes the law relating to conflict of interest for corporation directors so that a transaction may not be void or voidable solely because of conflict of interest if the material facts concerning the interest are disclosed to, and the transaction is approved by, the disinterested directors or shareholders.

This act further permits the directors of a nonprofit corporation to hold meetings by telephone; amends the professional corporation act to broaden the restrictions governing who may act as an officer, director, or shareholder for the purpose of winding up the affairs of a corporation; and makes other various clarifying changes in the corporation laws.

SENATE BILL 1450 **SENATE AUTHOR:** Howard
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Jackson

Senate Bill 1450 amends the Texas Non-Profit Corporation Act to provide for the distribution of assets on the dissolution of a nonprofit corporation. A nonprofit corporation can name, in its articles of incorporation, another tax-exempt organization to receive its remaining assets in the event of dissolution. In the event no organization is named, a district court of the county in which the corporation's principal office is located is

authorized to distribute the remaining assets of the corporation to another tax-exempt organization in a manner that will best accomplish the general purposes for which the corporation was organized.

HOUSE BILL 1010 **HOUSE AUTHOR:** Tejeda
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Howard

House Bill 1010 amends the Texas Professional Corporation Act as it applies to professional corporations organized for rendering services customarily provided by attorneys-at-law. It adds definitions for "professional legal service" and "professional legal corporation" and permits such entities to incorporate if a majority of the incorporators are residents of Texas and are legally authorized to render professional legal service in this state. The act allows for the issuance and transfer of shares in a legal corporation, requiring that a majority of the shareholders holding a majority interest must be residents of Texas and legally authorized to render professional legal service in this state.

Finally, this act authorizes a professional legal corporation that is incorporated outside of this state to apply to the secretary of state for a certificate to perform legal service in Texas if a majority of the shareholders holding a majority interest in the corporation are Texas residents.

HOUSE BILL 1442 **HOUSE AUTHOR:** A. Moreno
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Uribe

Current law permits the formation of water supply corporations that provide water and sewer services on a not-for-profit basis. Surplus revenues are allocated to shareholders on the basis of their use. House Bill 1442 prohibits the sale or transfer of stock, memberships, or other rights of participation in a water supply corporation to another person except by will or for no compensation to a person related within the second degree by consanguinity (related by blood). An owner may also transfer membership back to the corporation. The transfer of membership in a water supply corporation as part of the sale of real estate is exempt from the provisions of this act.

Financial

SENATE BILL 162 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Gibson

Under previous law, the prohibition of branch banking in Texas limited banks to conducting their business through one central bank building and one drive-in/walk-up facility whose nearest boundary is more than 500 feet but less than 10,500 feet from the nearest boundary of the central building. Senate Bill 162 expands the definition of "banking house" to include an additional drive-in/walk-up facility whose nearest boundary is located more than 500 feet but less than 20,000 feet from the nearest wall of the central bank building. No such additional facility may be located within the boundary lines of any city or town which, according to the 1980 census, has a population of less than 5,000 and in which a bank is already located.

SENATE BILL 240 **SENATE AUTHOR:** McFarland
EFFECTIVE: 4-25-85 **HOUSE SPONSOR:** Messer

Senate Bill 240 clarifies the legislature's original intent in the passage of the consumer credit law. It grants express authority to the consumer credit commissioner to issue interpretations of the law and provides that persons acting in reliance on these interpretations do not violate the consumer credit law. The commissioner's interpretations are not subject to the provisions of the Administrative Procedure and Texas Register Act regarding the adoption of rules.

SENATE BILL 463 **SENATE AUTHOR:** Farabee
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** R. Smith

The use of sophisticated electronic equipment enables a bank to post items to its accounts at any time of the day or night without requiring examination of such items by a bookkeeper. Those items needing special attention, such as a stop-order or other notice, are handled after the initial electronic posting to the account. Senate Bill 463 deletes language in the Business & Commerce Code declaring a bank's posting of an item to the indicated account to be final payment of that item and authorizes a bank to withhold payment on a pending item until a determination relating to the item is made.

SENATE BILL 497 **SENATE AUTHOR:** McFarland
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Gibson

Senate Bill 497, also known as the Texas Savings and Loan Supplemental Fund Act, establishes a fund in Texas to assist the Savings and Loan Commissioner of Texas in maintaining the solvency of the member associations and to safeguard the public interest and promote the public confidence in state-chartered savings and loan associations. It creates the Texas Savings and Loan Supplemental Fund Corporation as a nonprofit entity. Membership is open to any savings and loan association chartered in Texas that is insured by the Federal Savings and Loan Insurance Corporation (FSLIC).

Corporation members are required to purchase securities issued by the organization to fund its operations. The fund will be used to assist members of the corporation that have been placed in conservatorship by the savings and loan commissioner.

The corporation can operate only if the Federal Home Loan Bank Board and the FSLIC grant the member savings and loan associations authority to function under the laws of Texas and the rules of the Savings and Loan Department of Texas without the stricter federal restraints currently in place.

SENATE BILL 631 **SENATE AUTHOR:** Brooks
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Gibson

Senate Bill 631 provides that the holder of a retail charge agreement may charge a processing fee, not to exceed $15, for a returned check given in payment under the agreement and that the fee may be added to the unpaid balance of the agreement.

SENATE BILL 718 **SENATE AUTHOR:** Harris
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Wallace

To comply with the legal definition of a bank, a financial institution must accept demand deposits and make commerical loans. Certain "limited service banks" do not offer the full range of services required to operate as a bank. By doing so, the "limited service banks" are not subject to prohibitions against interstate or branch banking.

Senate Bill 718 prohibits the acquisition or establishment of a "limited service bank." The act includes a grandfather clause for any insured bank or institution eligible to make application to become an insured bank that was engaged in business in Texas on or before December 31, 1941.

SENATE BILL 746 **SENATE AUTHOR:** Henderson
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Hammond

Senate Bill 746 amends The Texas Banking Code of 1943 by adding a chapter regulating foreign bank agencies. It authorizes a foreign bank corporation to establish an agency in a county having a population of more than 1,500,000. A foreign bank agency may make loans, issue letters of credit, conduct foreign exchange transactions, and perform certain other banking services. It may not accept deposits or exercise fiduciary powers.

A foreign bank agency may not maintain more than one office in this state, and no foreign bank corporation may operate a branch in Texas. Such agencies are permitted to use the word "bank" in their name and their advertising.

SENATE BILL 767 **SENATE AUTHOR:** McFarland
EFFECTIVE: 6-10-85 **HOUSE SPONSOR:** Arnold

Senate Bill 767 amends the Texas Trust Code by authorizing a Texas bank acting as a trustee under a trust which permits or requires investment in obligations of the United States government to hold such obligations either directly or in an open-end investment company or investment trust whose portfolio is limited to such obligations and repurchase agreements fully collateralized by such obligations.

SENATE BILL 782 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Gibson

Senate Bill 782 is a comprehensive revision of The Texas Banking Code of 1943. Under the provisions of this act, the State Banking Board is permitted to approve a charter for a bank assuming the business of a failed or failing bank without complying with the open meetings act and the Administrative Procedure and Texas Register Act. State banks are now required to publish financial statements quarterly, rather than twice a year,

but they are no longer required to file these documents with the commissioner. The banking commissioner is authorized to defer the annual examination of a bank for up to six months.

This act also amends previous law relating to bank mergers. The commissioner must determine that a merger does not violate state antitrust laws but is no longer required to find that it is in the best interest of the depositors, creditors, and stockholders of the bank, or in the public interest, before approving the merger.

Senate Bill 782 contains provisions relating to the election and powers of bank directors. Persons who may be indemnified or reimbursed by a state bank for expenses incurred in a legal action now include persons who were acting for another company at the bank's request.

State banks are permitted to issue preferred stock and invest in preferred stocks approved by the commission. The act also deletes statutory restrictions on real estate loans and clarifies the meaning of loans and extensions of credit as related to a bank's legal lending limit. In addition, a bank when investing in another bank is limited to investing its capital and certified surplus in banks or bank holding companies wholly owned by a depository institution.

Bank subsidiaries are granted authority to perform the same functions as bank holding companies. This act further provides for the priority of claims on liquidation of a state bank and grants the commissioner jurisdiction over bank holding companies if the bank with the largest amount of total assets owned by the holding company is a state bank or if the majority of the combined assets of state and national banks owned by the holding company are held by state banks.

SENATE BILL 1123 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Messer

Senate Bill 1123 is a comprehensive revision of the Texas Savings and Loan Act. It includes provisions granting the savings and loan commissioner increased authority to take action to rehabilitate a faltering savings and loan association. The commissioner may also assess increased penalties for violation of a supervisory order or for violation of the law. The act also adds provisions regarding the merger of savings and loan corporations and no longer requires the commissioner to find a merger equitable to stockholders and account holders before it can be approved. In addition, if a savings and loan association does not take legal action to collect certain claims, the commissioner may determine that suit should be brought and if the association does not sue within 30 days, the commissioner is authorized to bring suit on behalf of the savings and loan association.

SENATE BILL 1353 **SENATE AUTHOR:** Traeger
EFFECTIVE: 6-11-85 **HOUSE SPONSOR:** Blanton

Senate Bill 1353 prohibits a seller from imposing a surcharge on a buyer because the buyer uses a credit card instead of cash, a check, or a similar means of payment.

HOUSE BILL 899 **HOUSE AUTHOR:** Wright
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Henderson

House Bill 899 permits notice of changes in the interest rate applied to variable-rate or open-end accounts to be given on or with any billing statement, except that the notice of change for credit card or bank card accounts must be given by a separate document mailed on or before the beginning of the first cycle to which the change in rate applies.

HOUSE BILL 1252 **HOUSE AUTHOR:** Oliver
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Washington

House Bill 1252 authorizes the investment of assets of certain private and governmental entities in obligations of the African Development Bank.

Established in 1963, the African Development Bank was founded on adoption of an agreement prepared by the Committee of Experts of Nine Member States assisted by the secretariat of the United Nations Economic Commission for Africa. The organization proposes to promote the economic development and social progress of its members, both individually and jointly, by financing development projects within the member states and encouraging economic cooperation among the African countries. Membership in the African Development Bank is comprised of the governments of most African countries.

HOUSE BILL 1618 **HOUSE AUTHOR:** Arnold
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Harris

House Bill 1618 permits financial institutions and insurance companies already authorized to do business in Texas to register their names with the secretary of state and to have a unique claim to that name. Such corporate names may be reserved even if they are the same as or deceptively similar to another authorized corporate name, provided that the financial institution or insurance company was duly organized before the conflicting corporate name was registered with the secretary of state and has been in continual existence since then.

HOUSE BILL 1774 **HOUSE AUTHOR:** Edwards
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Leedom

House Bill 1774 amends The Texas Banking Code of 1943 to require a bank to furnish written notice of each separate charge related to an account within 10 days after the account is opened. If the amount of a charge cannot be stated, the method computing the charge is to be disclosed. Similar notice must be provided to account holders when a charge is added or changed.

HOUSE BILL 2001 **HOUSE AUTHOR:** Colbert
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Leedom

House Bill 2001 requires a bank to notify depositors of a change in interest rates paid on open-ended deposits and investment certificates by mailing a notice to that effect 30 days in advance of the effective date of the rate change.

HOUSE BILL 2066 **HOUSE AUTHOR:** Cain
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Sharp

House Bill 2066 establishes a penalty for charging a fee for storing a motor vehicle, motorboat, vessel, or outboard motor taken into possession by a lienholder unless notice of possession was given to the last known registered owner and each lienholder of record not later than 10 days after possession is obtained. An offense under this act is punishable by a fine of not less than $200 nor more than $1,000.

HOUSE BILL 2161 **HOUSE AUTHOR:** Patronella
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Henderson

House Bill 2161 amends the Texas Trust Code to permit a financial institution that is acting as a trustee or custodian for an Individual Retirement Account to employ an affiliate to provide brokerage services with respect to the purchase and sale of securities for the account, and to charge the account or to receive compensation for such services. The commissions charged by an affiliated brokerage service shall be at the lowest rate charged any customer by that brokerage service.

Miscellaneous Business Regulation

SENATE BILL 34 **SENATE AUTHOR:** Williams
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Criss

Senate Bill 34, also known as the Health Spa Act, was enacted to protect the public from improper health spa operations and to encourage fair business practices and prosperity in such operations.

The act requires all health spas to register with the department of labor and standards. All funds received by a spa as prepayment for its memberships must be deposited in an escrow account until 30 days after the spa opens for business, except that this provision does not apply to a spa that began operation before September 1, 1985. If the spa does not open within six months after the first membership is sold, or if it does not remain open for 30 days, the prepayments shall be refunded in full. The act requires a health spa to file a surety bond with the department as security for its members against bankruptcy.

Contract terms must be fully disclosed before the contract is signed. Life memberships are disallowed by limiting all contracts to no more than two years. The act further provides for the cancellation of a contract and creates guidelines for marketing health spa services. Penalties are established for violations of this act.

SENATE BILL 71 **SENATE AUTHOR:** Leedom
EFFECTIVE: 4-5-85 **HOUSE SPONSOR:** Madla

Senate Bill 71 raises the annual renewal fee for licenses to operate youth camps from $5 to $35.

SENATE BILL 228 **SENATE AUTHOR:** Henderson
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Arnold

Senate Bill 228 requires those who transport currency, coins, and other items of high intrinsic value in armored vehicles with armed guards to obtain a permit to operate as a contract carrier, rather than a common carrier. There is no limit on the number of contracts held by such a carrier.

SENATE BILL 748 **SENATE AUTHOR:** Leedom
EFFECTIVE: 6-5-85 **HOUSE SPONSOR:** C. Harris

This act excludes all taxicabs from the regulatory authority of the railroad commission, and permits a joint airport board to license taxicabs serving a joint airport (DFW airport) and to charge fees for such licenses.

SENATE BILL 792 **SENATE AUTHOR:** Brown
EFFECTIVE: 6-10-85 **HOUSE SPONSOR:** Willy

Mobile business establishments have previously been denied licenses to operate on narrow public beaches because of the safety hazard created by overcrowding and traffic problems. Senate Bill 792 authorizes mobile business establishments to operate from a stationary location on a narrow public beach, under certain conditions. The Parks and Wildlife Department is authorized to charge a fee for such a license.

SENATE BILL 803 **SENATE AUTHOR:** Leedom
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Whaley

Senate Bill 803 raises the fee for a bedding stamp from one cent to an amount not to exceed three cents per stamp. It also extends the period for filing a stamp exemption from every two months to every three months.

SENATE BILL 905 **SENATE AUTHOR:** Brown
EFFECTIVE: 6-4-85 **HOUSE SPONSOR:** Schlueter

Senate Bill 905 makes several revisions in the Texas Motor Vehicle Commission Code. It removes language prohibiting two dealer members of the commission from representing or selling vehicles of the same manufacturer. A second provision restricts a dealer member from participation in contested cases before the commission concerning the sale or proposed sale of vehicles manufactured or distributed by the same person for whom the member is franchised.

The act further binds a manufacturer to the obligations of a franchise agreement between its distributor or representative and a dealer and to the provisions of the Texas Motor Vehicle Commission Code. A manufacturer that unlawfully terminates distribution of vehicles to a dealer will no longer be able to conduct business in the state.

Senate Bill 905 provides that separate locations for the display and sale of motor vehicles must be authorized by the dealer's license and franchise. It also requires that dealers participating in motor vehicle shows and exhibitions must obtain approval from the commission to do so, after first submitting a request 30 days in advance of the event. Other provisions broaden the commission's authority to regulate false advertising, allow the commission to levy civil penalties of not less than $50 nor more than $2,000 per day, and issue cease and desist orders in certain cases.

SENATE BILL 1034 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Cain

Senate Bill 1034 requires utility companies to pay interest on a deposit for installing service at an annual rate set by the Public Utility Commission of Texas. The rate will be based on the United States Treasury bill rate, but will not be less than six percent.

SENATE BILL 1172 **SENATE AUTHOR:** Farabee
EFFECTIVE: 5-24-85 **HOUSE SPONSOR:** Jackson

Senate Bill 1172 amends the Business Opportunity Act by granting the secretary of state authority to administer and enforce the act. It also provides that a disclosure statement filed in accordance with Federal Trade Commission regulations will satisfy the filing requirements of this act if a notice to that effect is filed with the secretary of state. A seller who fails to furnish an annual updated statement may have its registration

terminated. The secretary of state is directed to give a registrant 30 days' notice of the delinquency before terminating the registration. The act also specifies the conditions for voluntary termination of a business opportunity registration.

Under the provisions of this act, if a seller is required to deliver to the purchaser the product, equipment, or supplies necessary to begin substantial operation of the business by a certain date, the contract for such products must contain a statement that if the items are not delivered within 45 days of the specified date, the purchaser may cancel the contract.

Senate Bill 1172 further permits a seller to obtain an irrevocable letter of credit as a further means of security to cover damages from a breach of contract or violation of the Business Opportunity Act.

SENATE BILL 1267 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Messer

Manufactured housing is a term used to describe prefabricated duplex and single-family dwellings built after 1976. All such homes built before 1976 are considered mobile homes. Senate Bill 1267 amends the laws regulating manufactured housing and the transportation of manufactured housing.

Under the provisions of this act, a permit from the State Department of Highways and Public Transportation is required for moving manufactured or industrialized housing that exceeds size limits for motor vehicles. Permits will be issued only to manufacturers or retailers who are registered with the Texas Department of Labor and Standards or who are certified for the transportation of manufactured housing by the Railroad Commission of Texas or the Interstate Commerce Commission. A single trip permit may be issued to a homeowner under certain conditions. The act also establishes required safety precautions that must be used when transporting manufactured housing. Movement is limited to daylight hours and is prohibited on national holidays. A violation of the transportation restrictions is a Class C misdemeanor. Certain violations, such as failure to obtain a permit, may result in an additional civil penalty of not less than $200 nor more than $500.

This act also makes numerous changes in the Texas Manufactured Housing Standards Act, including an increase in the security deposits required by the department of labor and standards for manufacturers, retailers, brokers, and installers of manufactured housing. It permits the assignment of a claim against a security deposit under certain conditions. A registrant of the department may not be considered a consumer for the purposes of this act. In addition, a guarantee of habitability required for any used mobile home built after December 12, 1969, that is offered for sale, exchange, or lease-purchase is limited to consumer sale, and a formaldehyde health notice equivalent to that required by the U.S. Department of Housing and Urban Development must now be given only prior to the transfer of title of any manufactured home to a consumer.

The act enumerates the conditions under which the commissioner of the department of labor and standards is authorized to refuse to issue or permanently revoke a certificate of registration for a specified geographic area or sales location.

The bill requires an annual registration for all salespersons of manufactured housing and mandates a course of at least 40 hours' instruction in the law and consumer protection regulations for each person applying for registration as a retailer. The department is permitted to require instruction for other categories of registrants as well. Persons registered in any category on September 1, 1985, are exempt from this provision.

This act makes further changes relating to the appropriation of fees and expands the penalties available for violations of the act.

This act further provides that an incorporated city may prohibit the installation of a mobile home for use as a residential dwelling within its city limits, although this will not apply to previously permitted homes. The County Road and Bridge Act is amended with regard to manufactured home rental communities. Senate Bill 1267 also amends the Air Conditioning Contractor License Law and the Tax Code.

SENATE BILL 1388 **SENATE AUTHOR:** Sharp
EFFECTIVE: 1-1-86 **HOUSE SPONSOR:** Pierce

Senate Bill 1388 enacts new law authorizing the department of labor and standards to license and regulate motor vehicle storage facilities. The act prohibits the operation of storage facilities without licenses, establishes procedures for issuance of licenses, and specifies the grounds under which the department may reject an application for a license or revoke a license. The act also authorizes the governing body of a city to exercise a local option regarding whether the act will apply inside the limits of the city.

Senate Bill 1388 also entitles a vehicle owner to a hearing to determine whether probable cause existed for the removal and placement of a vehicle in a storage facility. If it is shown that the vehicle was improperly impounded, the owner is not required to pay removal and storage costs.

HOUSE BILL 282 **HOUSE AUTHOR:** Millsap
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** McFarland

This act grants a plastic fabricator a lien on a die, mold, form, or pattern that belongs to a customer for the unpaid balance due on plastic fabrication work done with the die, mold, form, or pattern. The fabricator may also retain possession until the amount due is paid.

HOUSE BILL 659 **HOUSE AUTHOR:** S. Johnson
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Harris

House Bill 659 provides for the regulation of the use of automatic dialing announcing devices. It prohibits the use of such a device without a permit from the Public Utility Commission of Texas (PUC) and requires that written notice specifying the type of device be given to each telecommunications utility over whose system the equipment is to be used. These devices may not be used for random or sequential number dialing and the message must identify the person, company, or organization making the call. The equipment must disconnect from the called person's line not later than 10 seconds after the called person hangs up. The act also restricts the hours during which a device may be used. In addition, a telecommunications utility may disconnect or refuse to connect any device determined to violate the provisions of this act. The PUC is authorized to collect fees for permits in an amount to cover the enforcement cost to the commission but not to exceed $500. Penalties are established for violations of the act.

HOUSE BILL 773 **HOUSE AUTHOR:** Patronella
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Barrientos

House Bill 773 amends state law relating to the regulation of guard dog companies. It directs the Texas Board of Private Investigators and Private Security Agencies to adopt and enforce rules requiring such companies to enclose areas in which guard dogs are maintained with protective fences or other means of security. The act also creates an offense for the mistreatment of guard dogs and amends the definition of "guard dog company" to include any person that furnishes or trains dogs for the purpose of protecting individuals.

HOUSE BILL 1041 **HOUSE AUTHOR:** D. Hudson
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Barrientos

House Bill 1041 defines "common worker" for the purpose of labor agency regulation and changes the penalty for acting as a labor agent without a license from the commissioner of labor and standards.

HOUSE BILL 1218 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: see below **SENATE SPONSOR:** McFarland

Previous law established regulations for the construction, inspection, and installation of manufactured housing, which pertain only to duplex and single-family dwellings. House Bill 1218 establishes such standards for industrialized housing and buildings, meaning a structure built using one or more modular components. The building codes and inspection procedures are similar to those for manufactured housing.

This act creates the Texas Industrialized Building Code Council which will assure that the designs, plans, and specifications of industrialized housing and buildings meet mandatory state codes. The council is subject to the Texas Sunset Act. The department of labor and standards is authorized to regulate and enforce this act and to establish registration and inspection fees. Penalties are established for violations of the act.

The current standards and requirements for the construction of modular homes and modular components remain in effect until January 1, 1986. All other provisions of this act are effective September 1, 1985.

HOUSE BILL 1953 **HOUSE AUTHOR:** Shaw
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Sims

This act affects dealers and manufacturers of: (1) motor vehicles; (2) motorcycles; (3) house trailers; and (4) trailers or semitrailers. Dealers of such vehicles, under current law, may obtain a general distinguishing number and dealer plates for vehicles rather than titling and registering each vehicle individually. The new act places restrictions on this practice, requiring a separate distinguishing number for each of the four types of vehicles listed above that the dealer sells and requiring separate numbers as well for dealer locations in different

cities. Use of dealer plates is limited to vehicles that are available for sale and of a type for which a distinguishing number is held. A new requirement for distinguishing number applicants is that they must intend to remain in business at least one year at the specified dealer locations. An existing requirement that certain applicants purchase a surety bond of $25,000 is amended to allow other security instruments such as a cash pledge, cash deposit, or certificate of deposit. As before, however, this security requirement is waived for dealers licensed by the Texas Motor Vehicle Commission. The act eliminates the requirement that a vehicle manufacturer obtain a general distinguishing number, thereby eliminating associated fees, but increases the fee for each manufacturer's plate from $10 to $20. Dealer fees per distinguishing number and dealer's plate remain the same.

The act directs the State Department of Highways and Public Transportation to cancel a distinguishing number if a dealer fails to maintain requisite qualifications, fails to assign at least five vehicles a year after having been in business a full year, files a false or forged title or tax document, fails to properly assign a certificate of title or other evidence of ownership, uses a dealer's plate or tag on a vehicle that is not offered for sale, makes material misrepresentations before the department, or fails to comply with applicable laws or regulations. It directs the department to deny dealer applications for a distinguishing number if it finds that the applicant has made false statements on the application or is guilty of misconduct that would result in distinguishing number cancellation. The act authorizes the department, as well as any other person, to bring suit to enforce applicable statutes and to prohibit dealer operations in violation of those statutes.

HOUSE BILL 1955 **HOUSE AUTHOR:** Laney
EFFECTIVE: 1-2-86 **SENATE SPONSOR:** Traeger

House Bill 1955 is a comprehensive revision of the fireworks statute. It increases the State Board of Insurance's regulatory control over fireworks, granting the board clear rulemaking authority. The board is directed to adopt rules for applications and set qualifications for licenses and permits to manufacture, convey, or demonstrate fireworks. The act permits the retail sale of fireworks classified by the Consumer Product Safety Commission as Class C, except the sale of certain skyrockets is prohibited. The authority of cities, towns, or villages to enact ordinances prohibiting or further regulating fireworks is not limited or restricted by this act.

House Bill 1955 also requires licenses for manufacturing, distributing, and selling fireworks, and for supervising or conducting a fireworks display. A permit is required for selling fireworks to the general public and for conducting a fireworks display. The minimum age for a pyrotechnic operator's license is 21. The minimum age for all other licenses is 18. Persons licensed by another state may be exempted from the examination requirement for a Texas license if the licensing requirements in the other state are substantially equivalent to those in Texas. The act establishes fees for licenses and permits. An applicant for a public display license or permit must submit to the state fire marshal proof of public liability insurance of not less than $300,000 or a surety bond of not less than $100,000.

Under the provisions of this act, fireworks may not be sold to children under the age of 12, or to an intoxicated or incompetent person. In addition, mail order sales of Class C fireworks are prohibited.

The fees collected under this act shall be deposited in the state treasury to the credit of the insurance board operating fund and may not be used for a purpose other than activities of the State Board of Insurance. Penalties are established for violations of this act.

HOUSE BILL 2323 **HOUSE AUTHOR:** Laney
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Montford

House Bill 2323 amends the Texas Pawnshop Act by adding a specific definition for "pawn transaction."

Occupational Regulation

SENATE BILL 127 **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Armbrister

Senate Bill 127 increases application and licensing fees charged by the Texas Cosmetology Commission. It also adds inspection fees to the licensing fees for beauty shops, specialty shops, and private beauty culture schools. This act provides that renewal licenses will not be issued if the licensee is in violation of the act at the time of renewal and specifies the conditions for renewal of an expired license. Certain other professionals who are operating within the scope of their licenses are exempt from the provisions of this act.

SENATE BILL 164 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Green

Senate Bill 164 provides for the regulation of lawyer referral services. It establishes guidelines for the operation of a lawyer referral service, including a requirement that the combined charges to the potential client by the referral service and the attorney to whom the referral is made do not exceed $20 for the first 30 minutes of the initial office visit with the attorney. All attorneys licensed by this state and maintaining an office within the service area of the organization are eligible to receive referrals of potential clients, provided they comply with reasonable participation requirements. Senate Bill 164 also identifies the conditions under which lawyer referral services and any attorneys accepting referrals from them are required to comply with a representation made to the public concerning a free or fixed limited-fee initial consultation period between a referred potential client and a participating attorney. The act specifies certain persons and organizations who are exempt from its provisions.

SENATE BILL 273 **SENATE AUTHOR:** Sharp
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Riley

Senate Bill 273 authorizes the Texas Board of Architectural Examiners to charge a fee not to exceed $100 for administering exams to out-of-state applicants. The act also establishes procedures to appeal a board decision to revoke or refuse a certificate in the manner provided by the Administrative Procedure and Texas Register Act and deletes the previous procedure of appeal. Noncompliance with registration requirements may result in the assessment of a fine in addition to any penalty provided by law. The board may be represented in these cases by legal counsel other than the attorney general.

SENATE BILL 651 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Stiles

Senate Bill 651 authorizes the State Board of Morticians to set licensing fees in amounts that are reasonable and necessary to cover the costs of regulating funeral directing, embalming, and funeral establishments.

HOUSE BILL 48 **HOUSE AUTHOR:** Toomey
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Farabee

This act amends existing law concerning the licensing of persons to practice law in Texas. It provides the Board of Law Examiners 270 days within which to notify applicants for admission to the bar whether they have been found to have acceptable character and fitness to practice law, with the exception that first-year law students who file the Declaration of Intention to Study Law on or before January 1 of the year in which they begin law school shall be notified of the board's decision on or before August 1 of the following year.

House Bill 48 also directs the state supreme court to adopt rules establishing uniform practices and procedures for the district committees of the Board of Law Examiners and rules providing for guidance and oversight of these committees.

The board is also granted authority to obtain information on criminal history records of bar applicants from any law enforcement agency, including the Department of Public Safety and the Federal Bureau of Investigation. Information received under this act is privileged and confidential, and can be released only on court order or consent of the applicant. Unauthorized disclosure of this information is a criminal offense.

This act sets examination and investigation fees for bar applicants at not to exceed $150 for each service. The application fee for foreign attorneys is not to exceed $700, and any fee may be waived or lowered in the case of indigent persons under such regulation as provided by the Board of Law Examiners. Fees collected under the provisions of this act shall be sufficient to pay all costs of the board so that no state general revenue funds are necessary to operate the board. The act sets a ceiling of $20,000 per year for the amount of compensation paid to board members.

House Bill 48 also repeals four articles which allow the granting of a license to practice law without passing the state bar examination.

HOUSE BILL 593 **HOUSE AUTHOR:** Millsap
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Brooks

House Bill 593 amends several provisions in state law relating to the regulation of nursing home administrators by the Texas Board of Licensure for Nursing Home Administrators. By removing the board

from the administrative jurisdiction of the Texas Department of Health, the board is now authorized to hire its own staff and submit its own budget requests. The board is further directed to obtain administrative support through interagency contracts with other state agencies and to collect fees for the training classes that it conducts.

House Bill 593 also amends the manner in which consumers and service recipients shall be notified of the board's procedures for filing complaints against nursing home administrators. Other provisions authorize the board to deny, revoke, or suspend an administrator's license if proof is found that a person applied for or obtained the license through misrepresentation or deceit or by misstating facts on the application.

HOUSE BILL 759 **HOUSE AUTHOR:** Ceverha
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Mauzy

The Texas Board of Private Investigators and Private Security Agencies may require persons applying for a license, registration, or commission to resubmit a set of fingerprints during the application procedure. House Bill 759 authorizes the board to charge a reasonable fee for processing a set of resubmitted fingerprints.

HOUSE BILL 900 **HOUSE AUTHOR:** Madla
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Brooks

House Bill 900 authorizes professional associations and licensing and disciplinary authorities to establish peer assistance programs to identify and assist professionals impaired by chemical dependency or mental illness and authorizes the Texas Commission on Alcohol and Drug Abuse to establish minimum criteria for these programs. Licensing and disciplinary authorities may add up to $1 to license and license renewal fees to fund such programs. The act also includes provisions relating to reporting professionals whose conduct is impaired, assistance to be provided by peer assistance programs, confidentiality of information, and immunity from civil liability.

HOUSE BILL 1957 **HOUSE AUTHOR:** Richardson
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Glasgow

House Bill 1957 defines "air conditioning maintenance work" and specifies additional exemptions from the Air Conditioning Contractor License Law. Under the provisions of this act, licensed professional engineers as well as maintenance men or maintenance engineers employed by property owners, property lessees, or property management companies are exempt from the Air Conditioning Contractor License Law provided they do not engage in the occupation of air conditioning contracting for the general public.

The act also states that persons under the supervision of an individual licensed under the provisions of the Air Conditioning Contractor License Law are not required to hold a municipal license to practice air conditioning contracting in any municipality within this state.

HOUSE BILL 2092 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** McFarland

House Bill 2092 is a new law that provides for a certification process for city secretaries and allows for a private association of city secretaries to contract with a college or university to provide a program of instruction to certify city secretaries. A person who successfully completes the program will be issued a certificate by the association, which must be renewed not less than five years after issuance. Certification is optional and is not required for a person to hold the position.

HOUSE BILL 2182 **HOUSE AUTHOR:** Keller
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Sharp

Since 1981, real estate inspectors have been required to register with the Texas Real Estate Commission and to provide a bond of $25,000 for the purpose of reimbursing persons who suffer monetary damages because of misconduct by an inspector. House Bill 2182 eliminates provisions requiring the registration of real estate inspectors and establishes licensing standards and procedures for real estate inspectors. An applicant for a real estate inspector license must complete not less than 90 classroom hours of core real estate inspection courses, including electrical, mechanical, plumbing, roofing, and structural courses, and must pass a licensing examination before a license will be issued. This act also establishes annual fees for licensing and requires an initial fee of $250 to be deposited in the real estate inspection recovery fund. Funds in the real estate inspection recovery fund shall be used for reimbursing persons who suffer monetary damages due to the misconduct of an

inspector. The $25,000 bond is no longer required, but if the balance in the real estate inspection fund is less than $50,000 on December 31 of any year, an additional fee not to exceed $100 may be assessed at the time of license renewal in the following year. The act outlines procedures for receiving payments from the real estate recovery fund, provides exemptions from licensing, and establishes penalties for violation of the act. Persons are not required to be licensed to engage in the business of real estate inspecting until January 1, 1986.

HOUSE BILL 2386 **HOUSE AUTHOR:** Hury
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Brooks

House Bill 2386, also known as the Galveston County Pilots Licensing and Regulatory Act, creates a board of pilot commissioners for the ports of Galveston County. The act specifies the membership of the board and the board's powers and duties. Included among the duties are the licensing and certification of pilots and setting pilotage rates for vessels within the board's jurisdiction.

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

Regulation of Health-Related Occupations

SENATE BILL 283 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Madla

Senate Bill 283 amends existing law regarding chiropractic peer review committees. An executive peer review committee is established to oversee local committees and to hear disputes referred from local committees. Membership on the local and executive peer review committees is by appointment of the Texas Board of Chiropractic Examiners. Members are chosen on a voluntary basis and must have completed a program of peer review training sanctioned by the board. No member of a peer review committee may be a consultant to or an employee of any company or carrier of health care insurance. The immunity of committee members from civil liability does not extend to conduct of a committee that involves any form of restraint of trade.

SENATE BILL 483 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Madla

Senate Bill 483 amends the Texas Pharmacy Act to place a student of pharmacy, enrolled in the last three years of a professional pharmacy program at an accredited college of pharmacy, under the jurisdiction of peer review committees of the Texas State Board of Pharmacy. The peer review program, which previously applied only to pharmacists, is designed to further reduce the number of Texas pharmacists impaired because of drug dependencies. This act authorizes a surcharge of $1 on license and license renewal fees for the purpose of providing aid to impaired pharmacists or pharmacy students. Collected funds are to be used to cover the costs of initial evaluation and referral services by a qualified health professional but may not be used for any subsequent treatment for the impaired pharmacist or pharmacy student.

SENATE BILL 524 **SENATE AUTHOR:** Lyon
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Russell

Many retired pharmacists in Texas have expressed a desire to maintain their pharmacist licenses although they do not intend to resume the practice of pharmacy. Senate Bill 524 permits the State Board of Pharmacy to charge a fee of $75 per year for processing an application and issuing or renewing a pharmacist license for a pharmacist who has been licensed by the board for at least 50 years and who does not actively practice pharmacy.

SENATE BILL 632 **SENATE AUTHOR:** Brooks
EFFECTIVE: see below **HOUSE SPONSOR:** Madla

Senate Bill 632 updates provisions of the Psychologists' Certification and Licensing Act and raises the period of supervised experience necessary for obtaining a license under the act to two years. It exempts marriage and family counselors from regulation by the Texas State Board of Examiners of Psychologists and brings psychologists employed by licensed hospitals and clinics under the board's regulation. The act also expands the definition of psychological services, clarifies certain powers of the board, changes the title of the executive officer

of the board from secretary to executive director, removes statutory fee limits, and authorizes the board to set fees in amounts that are reasonable and necessary to cover administration costs.

Except for changes in licensing provisions, this act takes effect on September 1, 1985. The new requirement for supervised experience goes into effect on September 1, 1987.

SENATE BILL 819 **SENATE AUTHOR:** Uribe
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Madla

Senate Bill 819 authorizes the Texas State Board of Podiatry Examiners to require up to 25 hours of continuing education as a prerequisite for annual license renewal. The board may charge an annual fee to cover the cost of administering the additional licensing requirement. This act also replaces the term "pedicurist" regarding the practice of podiatry with the words "podiatric physician."

SENATE BILL 866 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Wright

Current law permits an optometrist to practice under the trade or professional name of a corporation or association. Senate Bill 866 clarifies that the payment of a franchise fee or a fee for other services is not a violation of the Texas Optometry Act.

SENATE BILL 1007 **SENATE AUTHOR:** Santiesteban
EFFECTIVE: see below **HOUSE SPONSOR:** McDonald

Senate Bill 1007 provides for the regulation of respiratory care practitioners. It creates the Respiratory Care Practitioners Advisory Board under the Texas Board of Health and establishes certification standards for the practice of respiratory care. The Texas Department of Health is responsible for issuing temporary permits and certificates. The act enumerates application procedures, collection and disposition of application fees, exceptions, and penalties for violation of its provisions. Fees collected under the provisions of this act will be used for the administration of this act.

This act takes effect September 1, 1985, with certain exceptions. The initial appointments to the advisory board and the applications for certification take effect January 1, 1986. Temporary permits will be issued, a person may not perform respiratory care without a certificate or temporary permit, and penalties will be enforced after January 1, 1987.

SENATE BILL 1170 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Messer

Senate Bill 1170 amends the Medical Practice Act by allowing members of the Texas State Board of Medical Examiners to consider licensure and disciplinary action in executive session. The board must vote and announce decisions in open session. The act also authorizes the board to issue institutional permits to unlicensed physicians participating in graduate medical education training programs approved by the board. Retired physicians are exempted from paying the annual registration fee required of medical practitioners. Senate Bill 1170 further authorizes the board to consider disciplinary action by a branch of the United States Armed Forces in refusing to offer an examination or to issue a license to practice medicine. This act further specifies accepted hearing procedures for disciplinary matters and requires an appeal of a board decision to be submitted to a district court in Travis County.

Other provisions of this act identify persons who may give information to the board concerning impaired physicians and prohibit the disclosure of records that relate to impaired physicians for use in an action for damages.

HOUSE BILL 356 **HOUSE AUTHOR:** Russell
EFFECTIVE: 6-11-85 **SENATE SPONSOR:** Howard

House Bill 356 extends the application deadline for waiver of certain requirements for licensure in speech-language pathology or audiology from August 31, 1984, to January 1, 1986. Persons who filed applications on or after the previous expiration date but before August 1, 1986, are entitled to licensure under the former criteria. It also provides for the waiver of certain license qualifications for audiologists having graduate degrees in speech-language pathology or audiology and a minimum of 10 years in practice prior to the effective date of this act provided they file an application for licensure before January 1, 1986. These applicants must pass the licensing exam no later than August 31, 1986.

HOUSE BILL 488 **HOUSE AUTHOR:** Messer
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Glasgow

Under previous law, the State Board of Dental Examiners could not regulate dental advertising except to prohibit false, misleading, or deceptive practices. House Bill 488, in response to a recent United States Supreme Court decision supporting further regulation of dental advertising, details a variety of communications that the board by rule may prohibit. These include ads that are misleading, contain a statement of opinion as to the quality of the services offered, appeal to an individual's anxiety, create unjustified expectations, fail to reflect risk and safety considerations, make unverifiable statistical assertions, refer to a fee without disclosing the possibility of additional charges, offer misleading discounts, or fail to make other disclosures. First-time offenders are to be given written notice of violation 30 days prior to the commencement of prosecution.

House Bill 488 also lists exceptions to the requirement of a license for the practice of dentistry. Dental students practicing without pay as part of their education, dental assistants performing specified duties under the supervision of licensed dentists, and dentists licensed by another state or country performing in educational settings are exempt from charges of practicing dentistry without a license.

HOUSE BILL 728 **HOUSE AUTHOR:** Madla
EFFECTIVE: 5-9-85 **SENATE SPONSOR:** Sharp

Previous law required the secretary of the State Board of Dental Examiners to mail to board members copies of complaints received regarding the practice of dentistry. This provision is inconsistent with the state's Administrative Procedure and Texas Register Act (APTRA), which prohibits the distribution of information regarding contested cases unless notice and opportunity are given for all parties to participate. House Bill 728 brings the law into conformity with the general hearing procedures prescribed by the APTRA.

HOUSE BILL 742 **HOUSE AUTHOR:** Millsap
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Montford

House Bill 742 permits the State Board of Dental Examiners to assess a fine of not more than $2,500 in addition to or in lieu of other penalties for violations of Article 4549, Revised Statutes. It also provides that a dental hygienist licensed by the board and residing outside the United States may be exempt from the requirement for annual CPR certification by submitting proof of residence at the time of license renewal. The act further expands the definition of the practice of dentistry and authorizes the board to employ an assistant executive director who shall perform the duties of executive director when necessary.

HOUSE BILL 823 **HOUSE AUTHOR:** Arnold
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Barrientos

House Bill 823 authorizes the Board of Vocational Nurse Examiners to waive the licensing requirement for completion of at least two years of education from an approved nursing school in Texas if the applicant can produce satisfactory evidence that the nursing education received outside this state is equivalent to that required for licensure as a vocational nurse in Texas. This act also establishes conditions under which the board may issue a temporary permit to practice vocational nursing.

HOUSE BILL 1229 **HOUSE AUTHOR:** J. Harris
EFFECTIVE: 5-7-85 **SENATE SPONSOR:** Brooks

House Bill 1229 permits licensed dental hygienists to perform certain treatment for peridontal disease under the supervision of a dentist. The removal of cementum which may take place during this procedure is not prohibited from being performed by the dental hygienist.

HOUSE BILL 2004 **HOUSE AUTHOR:** Colbert
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Brooks

The Special Senses and Communication Disorders Act, passed by the 68th Legislature, provides for mandatory screening of students in public and private preschools and schools to detect vision and hearing disorders and other special senses or communication disorders. House Bill 2004 amends that act to update language relating to licensing requirements and to authorize the Texas Department of Health to provide screening personnel, equipment, and services only if there are no other means for meeting the screening requirements. It also provides that screening of hearing conducted by persons other than appropriately licensed professionals be limited to the screening of hearing sensitivity and that individuals unable to respond reliably be referred to an appropriately licensed professional.

HOUSE BILL 2012 **HOUSE AUTHOR:** Colbert
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Brooks

House Bill 2012 requires the registration of massage therapy practitioners and creates the Advisory Council on Massage Therapy to assist the department of health in administering this act. It establishes requirements for registration and prohibits the use of the word "massage" in any form of advertising by anyone other than a registered massage therapist. Minimum requirements for registration include either the completion of a 250-hour supervised course of instruction by an approved massage therapy instructor or not less than five years' experience as a professional massage therapist. An individual who has been convicted of crimes or offenses involving prostitution or sexual offenses is ineligible for registration as a massage therapist. The act provides membership requirements and duties for the council and provides penalties for violations of the act. Fees collected under the provisions of this act will be used for the administration of this act. An individual is not required to be registered under this act until January 1, 1986.

CIVIL REMEDIES AND PROCEDURES

Few measures relating to civil remedies and procedures were enacted in the 1985 session. The relative absence of activity, however, was compensated for by passage of the Civil Practice and Remedies Code, which reorganizes existing state laws in the subject area.

Civil Practice and Remedies Code

SENATE BILL 797 **SENATE AUTHOR:** McFarland
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Messer

Senate Bill 797 adopts the Civil Practice and Remedies Code, a nonsubstantive revision of the statutes relating to civil procedure and civil remedies and liabilities. The general organization of the Civil Practice and Remedies Code is:

TITLE 1. GENERAL PROVISIONS
TITLE 2. TRIAL, JUDGMENT, AND APPEAL
SUBTITLE A. GENERAL PROVISIONS
SUBTITLE B. TRIAL MATTERS
SUBTITLE C. JUDGMENTS
SUBTITLE D. APPEALS
TITLE 3. EXTRAORDINARY REMEDIES
TITLE 4. LIABILITY IN TORT
TITLE 5. GOVERNMENTAL LIABILITY
TITLE 6. MISCELLANEOUS PROVISIONS

Miscellaneous

SENATE BILL 344 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Willis

Under existing law, in a civil action other than an action on sworn account, an affidavit may be used to establish sufficient evidence for findings by a judge or jury that services were necessary and amounts charged for the services were reasonable. This conserves judicial resources by placing reliance on any uncontroverted affidavit, thereby eliminating the need to gather testimony regarding matter contained in the affidavit. Senate Bill 344 amends the law to provide that the affidavit must be filed and served on each other party to the cause at least 30 days prior to the day on which presentation of evidence at trial is to begin. Any party intending to controvert a claim covered by the affidavit must file and serve a counter-affidavit within a specified period of time. In addition, Senate Bill 344 requires the counter-affidavit to be made by a person specifically qualified to testify in contravention of matters contained in the initial affidavit.

SENATE BILL 532 **SENATE AUTHOR:** McFarland
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** A. Smith

During the 1983 regular legislative session, statutes were enacted to abrogate a rule established by Texas courts that held agreements to arbitrate future disputes unenforceable. The statutes applied only to separate written agreements or contracts between members of certain associations or corporations exempt from the payment of federal income taxes. Senate Bill 532 amends the statutes to allow nonprofit corporations to provide in the bylaws for mandatory arbitration.

SENATE BILL 1455 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Hinojosa

Current law requires that the attorney general receive service of pleadings and notice of intent to take default judgment in actions where the State of Texas or any agency in the executive or legislative department is named as a party. Senate Bill 1455 amends that law to provide that a copy of the petition and notice of intent to take a default judgment must be mailed to the attorney general in actions against certain current or former

state employees whose liability is imposed upon the state. If the petition or notice is not mailed, the default judgment may be set aside without costs.

HOUSE BILL 685 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 6-11-85 **SENATE SPONSOR:** Sims

Current law exempts certain governmental agencies and officials from the requirement of giving bond or security incident to suit. This act amends the law to include the Federal Deposit Insurance Corporation, in both its capacity as receiver and its corporate capacity, among those governmental agencies that are exempt.

CORRECTIONS

Corrections legislation in the 69th Legislature was foreshadowed by a federal court order requiring improvements at state corrections institutions and by inmate violence that had reached record levels in 1984. Correspondingly, House Bill 20 summarized in the appropriations chapter provides for $178.5 million in prison construction and for substantial increases in corrections security personnel. Among those summarized in this chapter, several measures deal with the expansion of offense classifications and of penalties relating to crimes committed by prison inmates (Senate Bill 185, Senate Bill 186, and Senate Bill 477). Other major corrections legislation established a new prison industries program (House Bill 1573) and proposed a constitutional amendment to allow Texas to join in the Interstate Corrections Compact and share incarceration facilities with other states (Senate Joint Resolution 6 and Senate Bill 126).

Texas Department of Corrections

SENATE BILL 548 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Hightower

In 1983, the 68th Texas Legislature appropriated funds to the Texas Department of Corrections for the construction of various psychiatric and mental care centers. In response to an earlier court decision calling for the enhancement and expansion of the Texas Department of Corrections' mental health services, the Texas Department of Corrections' medical director, Armand Start, has called for all acute and intermediate services to be performed at one unit for cost efficiency. The Ellis II unit, being the newest and easiest to expand, was chosen as the best possible location for this purpose. This site, however, was not a recipient of the 1983 appropriations; Senate Bill 548 repeals the restrictions on the remaining funds from the appropriations to allow them to be used for the construction and completion of health services facilities at Ellis II as well.

SENATE BILL 845 **SENATE AUTHOR:** Farabee
EFFECTIVE: see below **HOUSE SPONSOR:** Waldrop

Senate Bill 845 is designed to remedy any lack or disparity of information concerning prisoners in the Texas Department of Corrections. The act lengthens an enumeration of matters that should be included in a criminal court judgment and expresses that the sentence served shall be based on the information contained in the judgment. The act also requires counties transferring a defendant to the Texas Department of Corrections to deliver certain documents to the department director. The department is prohibited from taking a defendant into custody until the director receives both a copy of the judgment and a copy of any order revoking probation and imposing sentence. These provisions of Senate Bill 845 take effect on January 1, 1986.

An additional provision of Senate Bill 845 took effect on June 10, 1985. This provision requires the Office of Court Administration of the Texas Judicial System to promulgate a standarized felony judgment form and to mail a copy of this form to all district courts hearing criminal cases.

SENATE BILL 1167 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Hightower

Senate Bill 1167 allows the director of the Texas Department of Corrections to reinstate good conduct time to inmates whose parole has been revoked if the revocation was not the result of a new criminal violation.

HOUSE BILL 76 **HOUSE AUTHOR:** Keller
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Lyon

Previously, the Texas Department of Corrections was exempted from the State Purchasing and General Services Act regarding the construction of facilities. House Bill 76 amends this act by deleting the exemption and by adding a subsection listing the sections that specifically apply to the Texas Department of Corrections. The intent is to provide for a more closely supervised construction process.

HOUSE BILL 667 **HOUSE AUTHOR:** Hightower
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Caperton

The Code of Criminal Procedure requires that all executions take place in Huntsville, Texas. This act amends the code to remove that requirement and to provide that an execution may take place at any location designated for that purpose by the Texas Department of Corrections.

HOUSE BILL 1573 **HOUSE AUTHOR:** Granoff
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Farabee

House Bill 1573 provides for the establishment of a prison industries division of the Texas Department of Corrections for the purpose of expanding and developing certain prison industries. The act directs the board of corrections to appoint a nine-member panel to be known as the Prison Industries Advisory Committee. Under the program, the division may enter into contracts with private businesses and lease prison land to private business enterprises for terms not to exceed 50 years. The board may institute, under the act, an incentive pay scale for inmate labor. All monetary gains from the prison industries program are to be deposited in the industrial revolving fund and are to be used for the purchasing of raw materials, manufacturing supplies, equipment, machinery, and buildings necessary for the operation of the program.

Interstate Corrections Compact

SENATE JOINT RESOLUTION 6 **SENATE AUTHOR:** Farabee
FOR ELECTION: 11-5-85 **HOUSE SPONSOR:** Cain

The Interstate Corrections Compact, approved in 1934 by congress, allows a member state the right to make agreements for the transfer and incarceration of its inmates with another member state. The Texas Constitution has prohibited this state from participating in the program. Senate Joint Resolution 6 proposes to amend Article I, Section 20, of the Texas Constitution in such a manner as to allow Texas to become a member of the Interstate Corrections Compact.

SENATE BILL 126 **SENATE AUTHOR:** Farabee
EFFECTIVE: see below **HOUSE SPONSOR:** Cain

Senate Bill 126 amends the Code of Criminal Procedure by adding the Interstate Corrections Compact and thereby providing for the state's membership in the compact. It authorizes the Texas Department of Corrections to do all that is necessary for engagement in the interstate compact. This act will take effect on January 1, 1986, if the constitutional amendment proposed by Senate Joint Resolution 6 is adopted by the voters.

Parole

SENATE BILL 59 **SENATE AUTHOR:** Lyon
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Blackwood

Senate Bill 59 requires the payment by a parolee of any fines, costs, or fees imposed in sentencing as a condition of parole. This act amends the Code of Criminal Procedure to empower the Board of Pardons and Paroles to enforce such a condition. The act is designed to ease the cost to the justice system by placing a degree of the financial responsibility on the defendant.

SENATE BILL 589 **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Danburg

Senate Bill 589 provides for a nonsubstantive restructuring of felony and misdemeanor probation and parole laws. This act was designed to eliminate confusion in regards to the Code of Criminal Procedure by combining the two similar articles dealing with felony and misdemeanor probation laws into one article. A new article is created for the subject of parole that was previously written in the same article as felony probation and mandatory supervision.

SENATE BILL 842 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Hightower

Senate Bill 842 authorizes the Board of Pardons and Paroles to consider a felony conviction as sufficient evidence for parole revocation, without affording the inmate a formal hearing.

HOUSE BILL 1307 **HOUSE AUTHOR:** Oliver
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Farabee

House Bill 1307 changes procedures by which a prisoner suspected of parole violation is subject to a hearing. The act authorizes the Board of Pardons and Paroles to have the prisoner detained in another

institution or issued a summons to appear for a hearing at a later date, rather than returned to the institution from which he was released, pending the hearing. Previously, the hearing was required to be held within 90 days of the service of a summons or arrest under warrant. House Bill 1307 requires that the hearing be held within 70 days. The act also requires the board to rule on a case no later than 30 days after the hearing.

HOUSE BILL 2053 **HOUSE AUTHOR:** Tejeda
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Krier

House Bill 2053 amends the Code of Criminal Procedure to provide that the terms and conditions of probation or parole may include required psychological counseling at the probationer's or parolee's own expense. Such counseling may be required of persons convicted of offenses under the following sections of the Penal Code: (1) 21.11, indecency with a child; (2) 22.011, sexual assault; (3) 22.021, aggravated sexual assault; and (4) 22.04, injury to a child or an elderly individual.

Inmate Crime

SENATE BILL 185 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Keller

Senate Bill 185 creates a new offense by classifying the possession of a deadly weapon in a penal institution as a third-degree felony. The bill further states that being under the supervision of an employee of the penal institution at the time of the offense is an affirmative defense to prosecution.

SENATE BILL 186 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Keller

Senate Bill 186 amends the Code of Criminal Procedure relating to the sentencing of a defendant convicted of two or more crimes. This act provides for an exception to the court's ability to deliver concurrent sentences if the defendant is an inmate in the Texas Department of Corrections at the time of the offense. The act requires that the subsequent sentence begin on the completion of the original sentence.

SENATE BILL 477 **SENATE AUTHOR:** Lyon
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Keller

The Penal Code states that a person commits a third degree felony if the person commits assault and uses a deadly weapon, causes serious bodily injury to another person, or causes bodily injury to certain persons. Included among these persons are peace officers, jailers, or guards. The Penal Code is amended to further declare that a person commits a second degree felony if the person commits assault and uses a deadly weapon to threaten or cause bodily injury to a peace officer, jailer, or guard.

HOUSE BILL 393 **HOUSE AUTHOR:** Hightower
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Caperton

Texas has 11 counties acting as hosts to Texas Department of Corrections facilities. Each of these counties has had the responsibility for the costs of prosecuting any crime committed by an inmate of a Texas Department of Corrections facility within its boundaries. House Bill 393 authorizes the state to reimburse these counties for certain expenses incurred in such prosecutions. This act details the types of costs that shall be covered and the method of reimbursement.

COURTS

This chapter summarizes enactments, many of them applicable to particular localities, dealing with court organization. Court procedures pertaining to criminal and civil justice are covered in separate chapters. Court organization was affected, during the 69th Legislature, by a proposed constitutional amendment to expand the appeals jurisdiction of the Texas Supreme Court and Texas Court of Criminal Appeals (Senate Joint Resolution 10) and by a new Court Administration Act to provide for the preparation of a judicial district reapportionment plan (House Bill 1658). Among other laws, the legislature created two new judicial districts and over 20 new county courts at law and probate courts.

Court Administration Act

HOUSE BILL 1658 **HOUSE AUTHOR:** Gilley
EFFECTIVE: 1-1-86 **SENATE SPONSOR:** Farabee

House Bill 1658, the court administration act, calls for the Texas Judicial Council and the supreme court to present a reapportionment plan of the supreme judicial districts to the next regular session of the Texas Legislature.

The court administration act seeks to improve the administration of the courts of this state by assigning judges as need dictates, examining regional and local rules of court to achieve uniformity, assigning justices and appellate judges as needed, and providing for the operation, administration, and management of the Office of Court Administration and the administrative judicial regions of this state.

Statutory Revision

SENATE BILL 1228 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** C. Evans

Senate Bill 1228 adopts Title 2 of the Government Code, a nonsubstantive revision of the statutes relating to the judiciary. The general organization of Title 2 is:

TITLE 2. JUDICIAL BRANCH
SUBTITLE A. COURTS
SUBTITLE B. JUDGES
SUBTITLE C. PROSECUTING ATTORNEYS
SUBTITLE D. JUDICIAL PERSONNEL AND OFFICIALS
SUBTITLE E. JURIES
SUBTITLE F. COURT ADMINISTRATION
SUBTITLE G. (reserved for State Bar Act, Board of Law Examiners, and statutes relating to licensing of attorneys)
SUBTITLE H. INFORMATION RESOURCES

Existing Courts

SENATE JOINT RESOLUTION 10 **SENATE AUTHOR:** Montford
FOR ELECTION: 11-5-85 **HOUSE SPONSOR:** P. Hill

This resolution proposes a constitutional amendment to grant the supreme court and the court of criminal appeals jurisdiction to answer questions of state law certified from federal appellate courts and to adopt rules of procedure to effectively review these questions.

This resolution shall be submitted to the voters on November 5, 1985, and, if passed, a temporary provision provides for it to take effect on January 1, 1986.

SENATE BILL 131 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Cain

This act allows the judges of 13 specified district courts, as well as any other district courts in Dallas County that are required to give preference to civil cases, the authority to appoint a master to hear tax suits and other matters. The act also sets forth the qualifications, compensation, fees, powers, matters that may be referred, and all other matters incident to the administration of the master's court.

SENATE BILL 142 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 5-17-85 **HOUSE SPONSOR:** C. Evans

Currently, each criminal district judge in Tarrant County is required to appoint one attorney as a public defender. Senate Bill 142 makes this appointment of a public defender an option of the judge rather than a requirement.

SENATE BILL 241 **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-86 **HOUSE SPONSOR:** O. Garcia

Senate Bill 241 provides that the Court of Appeals for the Fourth Supreme Judicial District may transact business at any one of the county seats of the counties composing the judicial district provided that all cases originating in Bexar County shall be heard and transacted in that county only. The court may not meet outside of Bexar County more than three times a year.

SENATE BILL 257 **SENATE AUTHOR:** Parker
EFFECTIVE: 4-30-85 **HOUSE SPONSOR:** Stiles

Previous law provided for the creation of the 344th District Court and the terms of the court were as provided by general law. Senate Bill 257 provides for the terms of court to begin on the first Mondays in June and December of each year. Each term continues until the next succeeding term begins.

SENATE BILL 286 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** C. Evans

Senate Bill 286 amends existing law to allow a court of appeals receiving a transferred case to hear oral argument at the place where it regularly sits, provided it is no more than 35 miles away from where the case originated.

SENATE BILL 309 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 5-3-85 **HOUSE SPONSOR:** Granoff

This act expands the jurisdiction of the County Courts of Dallas County at Law Nos. 1, 2, 3, 4, and 5. This jurisdiction shall include original and concurrent jurisdiction with the County Court of Dallas County, with district courts in all civil cases where the amount in controversy exceeds $500 but does not exceed $50,000, and in all appeals of final rulings and decisions of the Industrial Accident Board.

SENATE BILL 362 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Taylor

This act expands the jurisdiction of the county courts of Falls and Robertson counties to include the general jurisdiction of a probate court, juvenile jurisdiction, and original and appellate jurisdiction in all matters over which the county courts have jurisdiction.

SENATE BILL 426 **SENATE AUTHOR:** Caperton
EFFECTIVE: 6-7-85 **HOUSE SPONSOR:** Saunders

This act repeals Section 5 of Article 199-21, Revised Statutes, relating to when judgments become final in the district courts of the 21st Judicial District.

SENATE BILL 551 **SENATE AUTHOR:** Farabee
EFFECTIVE: 6-7-85 **HOUSE SPONSOR:** Finnell

Senate Bill 551 provides for the judge of the 97th Judicial District to appoint a bailiff for each county in the district. It further details the compensation, duties, and term of office of the bailiff.

SENATE BILL 552 **SENATE AUTHOR:** Farabee
EFFECTIVE: 7-1-85 **HOUSE SPONSOR:** Finnell

The counties of Archer, Clay, and Montague compose the 97th Judicial District. Currently, the terms of the courts in each of these counties begin at a different time. Senate Bill 552 amends current law to enable each of the courts in the 97th Judicial District to begin its term on the first Mondays in January and July of each year.

SENATE BILL 1270 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Cain

This act allows the judges of the district courts in Dallas County that are required by law to give preference to family law cases the authority to appoint a full- or part-time master to serve each of those courts. It further details the method of appointment, qualifications, compensation, type of referral that the master may receive, order of referral, and other practices and procedures relating to the use of the master.

In addition, the statute that provided for the appointment of masters subject to the approval of the commissioners court is repealed.

SENATE BILL 1321 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** A. Hill

A full- or part-time master, meeting the same requirements and qualifications as a district judge, may be appointed to preside over suits arising under Title 1, 2, or 4 of the Family Code. In the past, this jurisdiction was limited to those suits arising only under Title 2 of the Family Code.

In addition, this act authorizes the judges of counties that have an alternative dispute resolution system to refer a case to that system.

HOUSE BILL 339 **HOUSE AUTHOR:** Hury
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Brooks

This act amends existing law to broaden the jurisdiction of County Courts Nos. 1 and 2 of Galveston County by raising the jurisdictional amount in civil cases to matters where the amount in controversy is between $500 and $50,000 and expanding the subject matter that the courts may hear to include proceedings under Title 3 of the Family Code and appeals of final rulings and decisions of the Industrial Accident Board.

In addition, this act changes the amount of compensation paid to the county court judges from a sum that is not less than 90 percent of the total annual salary paid to the district judges of Galveston County to a sum that is at least equal to the amount that is $1,000 less than the salary of a district judge. These county court judges shall also assess the fees prescribed by law for county judges and district judges according to the nature of the matter brought before them.

HOUSE BILL 380 **HOUSE AUTHOR:** Hollowell
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Howard

Current law does not require that the judge of the county court in Upshur County be a licensed attorney. House Bill 380 provides the county court the general jurisdiction of a probate court and limited criminal jurisdiction, and provides jurisdictional limits depending on whether the judge of the court is a licensed attorney.

HOUSE BILL 448 **HOUSE AUTHOR:** Tejeda
EFFECTIVE: 3-28-85 **SENATE SPONSOR:** Krier

This act amends statutory provisions relating to the municipal courts of record in San Antonio. The bill gives the courts the jurisdiction provided by general law for municipal courts, provides by city charter for the appointment or election of a municipal judge, and provides for the appointment of a presiding municipal judge.

HOUSE BILL 744 **HOUSE AUTHOR:** Wright
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Brown

House Bill 744 amends existing law to provide for the appointment of certain staff members for Probate Courts Nos. 1, 2, and 3 of Harris County. It also provides these courts concurrent jurisdiction with the district courts in civil cases and provides for the appointment or election of special judges under certain circumstances.

HOUSE BILL 1098 **HOUSE AUTHOR:** R. Lewis
EFFECTIVE: 6-5-85 **SENATE SPONSOR:** Parker

This amendatory act changes the composition of the Orange County Juvenile Board to include the judges of the county and district courts having jurisdiction in Orange County and the judge of any statutory county court in the county.

HOUSE BILL 1110 **HOUSE AUTHOR:** Polumbo
EFFECTIVE: 5-24-85 **SENATE SPONSOR:** Whitmire

House Bill 1110 provides that the county civil courts at law of Harris County have concurrent jurisdiction with district courts in civil cases where the amount in controversy exceeds $500 but does not exceed $20,000 and have exclusive jurisdiction in all matters of eminent domain, regardless of the amount in controversy.

HOUSE BILL 1215 **HOUSE AUTHOR:** C. Johnson
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** Blake

House Bill 1215 broadens the jurisdiction of the County Court at Law of Anderson County to include concurrent jurisdiction with the district court in all probate matters and proceedings, including will contests, and concurrent jurisdiction with the county and district courts over all suits arising under the Family Code, including those involving juveniles and children.

HOUSE BILL 1478 **HOUSE AUTHOR:** Bush
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Mauzy

This amendatory act sets the terms of court of the 336th District Court as beginning on the first Mondays in January, April, July, and October of each year. As each term expires, the next term begins.

HOUSE BILL 1889 **HOUSE AUTHOR:** Willy
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Whitmire

House Bill 1889, aimed at certain counties in a supreme judicial district having a population of three million or more, establishes an appellate judicial system fund to assist in processing appeals and to defray the operating costs of the court of appeals. The commissioners court of each county within the supreme judicial district must set a $5 fee for each civil suit filed in a county court, county court at law, probate court, or district court in the county, except those suits collecting delinquent taxes. The commissioners court shall administer the fund, in conjunction with the chief justice of the courts of appeals, and annually collect and forward the funds to the courts of appeals for the supreme judicial district's judicial system.

HOUSE BILL 1985 **HOUSE AUTHOR:** Tejeda
EFFECTIVE: 1-1-86 **SENATE SPONSOR:** Krier

The 289th District Court is directed to give primary preference to cases and proceedings arising under Titles 2 and 3 of the Family Code and secondary preference to criminal cases.

Formerly, the 35th Judicial District was composed of Mills, Brown, and Coleman counties. This act removes Coleman County from the 35th Judicial District.

HOUSE BILL 2087 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 6-4-85 **SENATE SPONSOR:** Glasgow

This act provides that the judges of the county criminal courts of Tarrant County may adopt rules for their courts regarding the filing, numbering, and docketing of cases; the assignment of cases for trial; and the distribution of work of the courts.

It further provides that any action arising from this act must be by a majority vote of the judges voting on the issue and, in the case of a tie vote, the tie may be broken by the vote of the judge having the longest tenure in office.

HOUSE BILL 2376 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Sims

This act broadens the jurisdiction of the County Court of Mason County to include the general jurisdiction of a probate court, juvenile jurisdiction, and the original and appellate jurisdiction afforded to county courts by law.

The jurisdiction of the district court is limited to that provided for by law.

In addition, this act provides for the transfer of all cases and related documents that would fall under county court jurisdiction when the act becomes effective on August 26, 1985. Judgments rendered before the effective date of this act, however, remain under the purview of the court that issued them.

HOUSE BILL 2389 **HOUSE AUTHOR:** Hury
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Brooks

This amendatory act provides that the Probate and County Court of Galveston County has concurrent jurisdiction with district courts in eminent domain cases, proceedings brought under Title 3 of the Family Code, appeals of final rulings and decisions of the Industrial Accident Board, cases in which a party to a cause filed in the district court is a personal representative as defined in the Texas Probate Code, and civil cases where the amount in controversy exceeds $500 but does not exceed $50,000, increasing the current jurisdictional limit of $10,000.

The court may also enforce an order of the Family District Court for the 306th Judicial District relating to a family law matter. The court must, however, give preference to probate matters.

Further provisions are made to set the salary of the judge of the Probate and County Court of Galveston County at an amount at least equal to $1,000 less than the amount paid the district judges sitting in Galveston County.

This act also provides for the transfer of cases and certain filing procedures.

HOUSE BILL 2413 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Sharp

This act broadens the jurisdiction of the County Court of Fayette County to include jurisdiction over cases and proceedings under the Family Code; eminent domain jurisdiction; and concurrent civil jurisdiction with the district court if the amount in controversy exceeds $500 but does not exceed $20,000, provided that the county judge is both licensed to practice law in Texas and did so for at least two years prior to taking office.

HOUSE BILL 2427 **HOUSE AUTHOR:** Willis
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** Parmer

This amendatory act broadens the jurisdiction of the municipal courts of record in Fort Worth to include the jurisdiction provided by law for municipal courts. Further provisions outline the appointment of municipal judges by a governing body rather than by election of the voters; the appointment of an official court reporter and the methods and procedures the court reporter may follow; and the designation of the city marshal, or a designated officer or deputy, to act as a bailiff in the courtroom.

HOUSE BILL 2435 **HOUSE AUTHOR:** Givens
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Montford

Current law provides that the municipal courts of Lubbock have jurisdiction within the territorial limits of the city in all criminal cases arising from city ordinances and concurrent jurisdiction with any justice of the peace in any precinct in which the city is situated in criminal cases arising within the territorial limits under the criminal laws of this state in which punishment is only by a fine not to exceed $200.

This act amends existing law to change this jurisdiction to the jurisdiction provided by general law for municipal courts.

HOUSE BILL 2436 **HOUSE AUTHOR:** Hollowell
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Lyon

In the past, the County Court at Law of Smith County and the County Court at Law No. 2 of Smith County had jurisdiction in all civil, criminal, and probate matters, original and appellate, granted to the jurisdiction of county courts by the general laws of this state. The jurisdiction of the county courts at law is concurrent with that of the County Court of Smith County.

House Bill 2436 expands the jurisdiction of the county courts at law in Smith County to include jurisdiction with the district court in eminent domain cases, civil cases where the amount in controversy exceeds $500 and does not exceed $50,000, family law proceedings under Title 3 of the Family Code, and appeals of final rulings and decisions of the Industrial Accident Board.

The powers and duties of the judges of these courts is also provided.

HOUSE BILL 2506 **HOUSE AUTHOR:** McWilliams
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** Blake

House Bill 2506 broadens the jurisdiction of the County Court at Law of Rusk County to include family law matters; civil cases where the amount in controversy exceeds $500 but is less than $40,000; and, in addition to eminent domain cases previously covered, other proceedings, regardless of the amount in controversy.

The act also sets the salary that the county court at law judge is entitled to receive at an amount that is at least equal to 90 percent of the total annual salary, including supplements, received by a district judge in Rusk County.

New Courts

The acts that create new courts share common provisions relating to the jurisdiction, terms, writ power, practice and procedure, and other matters incident to the creation of a new court.

SENATE BILL 416 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 4-30-85 **HOUSE SPONSOR:** Gibson

This act creates the County Court at Law No. 1 of Johnson County; the court is created on July 1, 1985, or on an earlier date determined by the commissioners court. This act also repeals Article 1970-335, Vernon's Texas Civil Statutes, that deals with the diminishing of the County Court of Johnson County jurisdiction and with the jurisdiction of the district court.

SENATE BILL 418 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 6-1-85 **HOUSE SPONSOR:** Williamson

Senate Bill 418 creates the County Court at Law of Parker County to sit in Weatherford. The court is created on September 1, 1985, or on an earlier date to be determined by the commissioners court.

SENATE BILL 465 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Horn

This act creates the 361st Judicial District, composed of Brazos County, and the 362nd Judicial District, composed of Denton County. The jurisdiction of the 361st District Court shall include misdemeanor cases as well as other jurisdiction prescribed for district courts by the laws of this state.

SENATE BILL 649 **SENATE AUTHOR:** Traeger
EFFECTIVE: 5-22-85 **HOUSE SPONSOR:** Rangel

This act creates the County Court at Law of Starr County; the court is created on January 1, 1988, or on an earlier date to be determined by the commissioners court.

SENATE BILL 1115 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Buchanan

Senate Bill 1115 creates the County Court at Law of Moore County to sit in Dumas. The court is created on January 1, 1987, or on an earlier date to be determined by the commissioners court.

SENATE BILL 1242 **SENATE AUTHOR:** Glasgow
EFFECTIVE: see below **HOUSE SPONSOR:** Campbell

This act expands the jurisdiction and operation of County Courts at Law Nos. 1 and 2 of Denton County; renames the County Court at Law as the County Court at Law No. 1; and creates the County Court at Law No. 3. All three county courts at law are to have identical jurisdiction and operational provisions.

Provisions of this act relating to County Courts at Law Nos. 1 and 2 take effect on September 1, 1985. Provisions relating to County Court at Law No. 3 take effect on January 1, 1986.

SENATE BILL 1329 **SENATE AUTHOR:** Jones
EFFECTIVE: 6-11-85 **HOUSE SPONSOR:** Carriker

This act repeals former law relating to the County Court at Law of Nolan County. It creates a new County Court at Law of Nolan County with expanded jurisdiction in comparison to the former court. The act provides for all other matters incident to the creation of a new court.

HOUSE BILL 443 **HOUSE AUTHOR:** Tejeda
EFFECTIVE: 4-18-85 **SENATE SPONSOR:** Traeger

This act creates the County Courts at Law Nos. 7, 8, and 9 of Bexar County.

HOUSE BILL 710 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 5-9-85 **SENATE SPONSOR:** Sims

This act creates the County Court at Law No. 2 of Midland County; the court is created on January 1, 1986, or on an earlier date to be determined by the commissioners court. The judge of the County Court at Law No. 2 also serves as a member of the Midland County Juvenile Board.

HOUSE BILL 711 **HOUSE AUTHOR:** Green
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Whitmire

This act creates the Probate Court No. 4 of Harris County.

HOUSE BILL 733 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Sims

This act creates the County Court at Law of Kerr County on October 1, 1985, or on an earlier date to be determined by the commissioners court.

HOUSE BILL 1220 **HOUSE AUTHOR:** Green
EFFECTIVE: 1-1-86 **SENATE SPONSOR:** Whitmire

This act creates the County Criminal Courts at Law Nos. 13 and 14 of Harris County, Texas.

HOUSE BILL 1335 **HOUSE AUTHOR:** R. Smith
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Caperton

This act creates the County Court at Law No. 2 of Brazos County, effective January 1, 1986.

HOUSE BILL 1345 **HOUSE AUTHOR:** Hightower
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Blake

This act creates the County Court at Law of Polk County, effective September 1, 1985.

HOUSE BILL 1349 **HOUSE AUTHOR:** S. Johnson
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Harris

This act creates the County Court at Law No. 3 of Collin County; the court is created on January 1, 1987, or on an earlier date to be determined by the commissioners court. It also amends existing laws relating to the compensation of the judges of both the County Court at Law and the County Court at Law No. 2 of Collin County. The provisions relating to the compensation of judges take effect on October 1, 1985.

HOUSE BILL 2381 **HOUSE AUTHOR:** Waldrop
EFFECTIVE: 1-1-86 **SENATE SPONSOR:** Edwards

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

HOUSE BILL 2387 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Sharp

House Bill 2387 creates the County Court at Law of Bastrop County; the court is created on January 1, 1986, or on an earlier date to be determined by the commissioners court.

HOUSE BILL 2404 **HOUSE AUTHOR:** Tallas
EFFECTIVE: 6-11-85 **SENATE SPONSOR:** Brown

This act renames the County Court at Law of Fort Bend County as the County Court at Law No. 1 of Fort Bend County and creates the County Court at Law No. 2 of Fort Bend County. The County Court at Law No. 2 of Fort Bend County is created on January 1, 1987.

HOUSE BILL 2461 **HOUSE AUTHOR:** Willy
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Brown

This act creates the County Court at Law No. 3 and Probate Court of Brazoria County; the court is created on January 1, 1987. It also redesignates the County Courts at Law Nos. 1 and 2 of Brazoria County the County Court at Law No. 1 and Probate Court of Brazoria County and the County Court at Law No. 2 and Probate Court of Brazoria County, respectively.

HOUSE BILL 2473 **HOUSE AUTHOR:** Melton
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Jones

This act creates the County Court at Law of Coryell County; the court is created on January 1, 1992, or on an earlier date to be determined by the commissioners court. It also provides for the judge of the court to serve as a paid member of the Coryell County Juvenile Board.

HOUSE BILL 2474 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 1-1-86 **SENATE SPONSOR:** Caperton

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

Judges

SENATE BILL 80 **SENATE AUTHOR:** Jones
EFFECTIVE: 3-21-85 **HOUSE SPONSOR:** Gary Thompson

This act provides for the Commissioners Court of Taylor County to pay the judges of the district courts having jurisdiction in Taylor County a supplemental salary for services rendered to the county. It also validates any payments made to the judges for these purposes after June 1, 1983.

SENATE BILL 165 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** T. Smith

Previous law provided for the judges of the 53rd, 98th, and 126th Judicial Districts to receive additional compensation for providing services to the county. Senate Bill 165 amends this law to provide for the payment of additional compensation to district judges having jurisdiction in Travis County when they perform services for the county. This salary, to be set by the commissioners court, is limited so that the salary a district judge receives from state and county sources is $1,000 less than that received by an associate justice of the Court of Appeals of the Third Supreme Judicial District.

SENATE BILL 285 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** C. Evans

This act amends existing law to provide a seniority system for designating the offices and places of the justices of the Second Supreme Judicial District, a procedure for filling any office vacancies, and a procedure for designating the offices and places of any additional justices of the district.

SENATE BILL 1297 **SENATE AUTHOR:** Montford
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Rudd

This amendatory act provides that the judges of County Courts at Law Nos. 1 and 2 of Lubbock County receive an annual salary that is not less than 90 percent of the salary earned by the judge of the 99th Judicial District of Texas including all supplements other than the juvenile board supervision. Formerly, these salaries had been set at an amount that was not less than three-fourths of the salary paid to the judge of the 99th Judicial District.

In addition, the act provides for the official shorthand reporters of these courts to be paid the same fees and salaries and perform the same duties as the official reporters of the district courts in Lubbock County.

SENATE BILL 1298 **SENATE AUTHOR:** Montford
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Rudd

This act amends existing law to provide for the payment of supplemental salaries to the judges of the 99th, 137th, 140th, and 237th Judicial Districts of Lubbock County. The salary of the judge of the 99th Judicial District, having been previously set at the sum of $3,500 annually, and the salaries of the other judges are now to be determined by the commissioners court at a sum that is at least $3,500 annually.

The commissioners courts of Lubbock and Crosby counties shall also set the salary of the judge of the 72nd Judicial District at an amount that is at least $3,500 annually.

This act also repeals the old statute that set the salary of the judge of the 137th Judicial District at $3,500.

SENATE BILL 1309 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** C. Evans

Previously, the judges of the county criminal courts and the county courts at law of Tarrant County were paid annually a sum that was at least equal to $1,000 less than the amount paid annually to any district judge in Tarrant County.

This act provides that these judges be paid a sum equaling $1,000 less than the annual salary of a district judge. If the salary of any district judge is raised during the calendar year, the salary of the county court judges shall be increased by an equal amount.

HOUSE BILL 377 **HOUSE AUTHOR:** Bush
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Farabee

Under the Judicial Retirement System of Texas, a retired state district judge may elect to continue as a judicial officer by acting as a visiting judge. House Bill 377 confers the title of senior judge on district judges who choose to continue serving as judges after retirement.

HOUSE BILL 477 **HOUSE AUTHOR:** Wright
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Mauzy

Previous law provided for the appointment of presiding judges of statutory probate courts but did not provide for any supplemental compensation for their services.

This act provides for presiding judges of statutory probate courts to be paid $5,000 in supplemental compensation annually and reasonable expenses necessary to carry out the provisions of this act. Each county with statutory probate courts shall pay a proportionate share of the judges' compensation based on the number of statutory probate courts in the county.

HOUSE BILL 478 **HOUSE AUTHOR:** Wright
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Mauzy

This amendatory act provides that judges of statutory probate courts in counties with populations of 500,000 or more may hire, with the approval of the commissioners court, a court coordinator, an administrative assistant, and an auditor for the court.

The salaries for these positions shall be set by the commissioners court. Court personnel shall be paid in the same manner and shall be entitled to the same benefits as other county employees.

HOUSE BILL 712 **HOUSE AUTHOR:** Willis
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Glasgow

This amendatory act provides for the Texas Judicial Council to raise the compensation of presiding judges of administrative judicial districts from an amount not to exceed $5,000 to an amount that is at least $5,000 but not more than $7,500 a year, in addition to the amount already paid to them as district judges.

HOUSE BILL 870 **HOUSE AUTHOR:** Denton
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Edwards

Previous law set a $5,000 limit on the supplemental salaries that could be paid to district judges in McLennan County. House Bill 870 removes this limit and imposes a new restriction to provide that the combined annual salary received by each district judge from state and county sources does not exceed an amount equal to $1,000 less than the combined annual salary received from state and county sources received by each associate justice of the Tenth Supreme Judicial District.

HOUSE BILL 994 **HOUSE AUTHOR:** Delco
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Barrientos

This act provides for the other counties in the Third Supreme Judicial District to annually reimburse Travis County for costs of supplemental salaries and fringe benefits for the justices of the court of appeals located in Travis County.

Each county must pay, no later than the 60th day of its fiscal year, a share based on a comparison of the county's population to the total population of all the counties composing the Third Supreme Judicial District. Subject to the approval of the chief justice of the court of appeals, the commissioners court of Travis County must provide each county with a statement of the amount that the county owes.

HOUSE BILL 1214 **HOUSE AUTHOR:** C. Johnson
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Blake

House Bill 1214 repeals the law authorizing the county judge of Anderson County to employ a probation officer.

Bailiffs

SENATE BILL 466 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** C. Evans

This act provides for the appointment of two bailiffs and one grand jury bailiff by the judge of the 297th District Court of Tarrant County. This act further details the evidence of their appointment, their qualifications, the oath to be sworn to, their terms of office, their duties, and the compensation of the bailiffs and grand jury bailiff.

In addition, the county sheriff may also appoint one bailiff. The sheriff is also responsible for deputizing the bailiffs.

SENATE BILL 1009 **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Jones

In the past, there has not been the statutory authority necessary to appoint bailiffs for all the district and county courts at law in El Paso County. This act authorizes the judges of the district courts, including family district courts, and the judges of the county courts at law in El Paso County to appoint bailiffs to assist them in their courts. Also noted are the qualifications, duties, terms of office, and compensation of the bailiffs.

SENATE BILL 1265 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Gary Thompson

Senate Bill 1265 authorizes the judges of the district courts in Taylor County to each appoint a person to serve as bailiff. It further outlines the duties, qualifications, and terms of the bailiff's employment.

SENATE BILL 1275 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Gary Thompson

Senate Bill 1275 allows the judges of the county courts at law in Taylor County to appoint bailiffs. It also provides for the qualifications, duties, compensation, terms, evidence of appointment, and the oath to be sworn to by the appointed bailiff.

HOUSE BILL 2325 **HOUSE AUTHOR:** L. Evans
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Whitmire

House Bill 2325 authorizes the judges of certain family district courts in Harris County to appoint a bailiff to serve their courts. It also outlines the duties, qualifications, terms of office, and compensation of the bailiffs.

Jurors

SENATE BILL 88 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 4-11-85 **HOUSE SPONSOR:** Watson

Under previous law, those persons serving as jurors who are federal or military personnel had to turn their per diem payments over to the federal treasury because, due to the Federal Dual Pay and Dual Employment Act, federal employees are not permitted to accept additional compensation from secondary employment.

This act deletes references to "payments," instead referring to "reimbursements for travel and other expenses," which all jurors would be entitled to keep.

SENATE BILL 78 **SENATE AUTHOR:** Jones
EFFECTIVE: 4-3-85 **HOUSE SPONSOR:** Parker

Previous law provided that the county attorney of Callahan County represent the State of Texas in all matters pending before the district court in Callahan County and shall, on request, be assisted by the criminal district attorney; and, if there is no county attorney of Callahan County, the criminal district attorney of the 42nd and 104th Judicial Districts shall represent the state in all matters pending before the district court in Callahan County.

Senate Bill 78 amends existing law by adding that the county attorney of Coleman County may perform those duties required of district and county attorneys by general law and shall, on request, be assisted by the criminal district attorney of the 42nd and 104th Judicial Districts. In addition, if there is no county attorney of Coleman County, then the criminal district attorney of these two judicial districts represents the state in matters pending before the 42nd District Court in Coleman County.

SENATE BILL 281 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Gavin

Senate Bill 281 amends existing law to abolish the offices of county attorney of Wichita County and district attorney of the 30th Judicial District. The act creates the office of criminal district attorney of Wichita County and provides for the qualifications, duties, election, and initial appointment of the criminal district attorney.

SENATE BILL 564 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Rudd

Senate Bill 564 creates the constitutional office of criminal district attorney of Yoakum County and abolishes the office of county attorney of Yoakum County. Under this act, voters will elect a criminal district attorney at the next general election. The powers and duties of the criminal district attorney are defined, and provisions for compensation for service as criminal district attorney are included. The governor appoints a criminal district attorney to serve in Yoakum County until the next general election.

SENATE BILL 622 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 5-17-85 **HOUSE SPONSOR:** Buchanan

Current law provides for the compensation of the district attorney of the 69th Judicial District and the appointment of assistants, investigators, and stenographers; the compensation of these personnel; expenses; the payment of salaries; and their power of arrest. Senate Bill 622 amends existing law to provide that the commissioners court may supplement the state salary of the district attorney in an amount to be set by the commissioners court. A commissioners court may also compensate the district attorney for the prosecution of misdemeanors in the manner and amount determined by the commissioners court.

In addition, this act repeals the sections of Article 326k-66, Vernon's Texas Civil Statutes, relating to the application and compensation of assistants, investigators, or stenographers; expenses of those personnel; payment of their salaries; and the powers of arrest and process.

SENATE BILL 630 **SENATE AUTHOR:** Blake
EFFECTIVE: 1-1-86 **HOUSE SPONSOR:** C. Johnson

This act amends existing law to create the office of criminal district attorney of Anderson County and abolishes the offices of district attorney of the Third Judicial District and county attorney of Anderson County. In addition to detailing the qualifications, powers, duties, compensation, and other matters relevant to the office of criminal district attorney, this act also requires the criminal district attorney's membership on the Juvenile Board of Anderson County.

This act also repeals statutes relating to the employment of an assistant district attorney for the Third Judicial District.

SENATE BILL 1327 **SENATE AUTHOR:** Jones
EFFECTIVE: 5-24-85 **HOUSE SPONSOR:** Parker

Senate Bill 1327 provides that the district attorney of the 35th Judicial District shall assist the county attorney in Coleman County. If the county attorney of Coleman County performs the duties of the district

attorney, he is entitled to receive from the state a salary of $5,000 a year and is entitled to receive funds from the state for the payment of staff salaries and other office expenses.

HOUSE BILL 1164 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Sharp

Presently, the district attorney of the 21st Judicial District is elected from Washington, Lee, Bastrop, and Burleson counties. House Bill 1164 amends existing law to provide that the district attorney of the 21st Judicial District be elected from Burleson and Washington counties only and that the county attorney of Lee County will now represent the state in district court in that county. It further describes the powers and duties of that office.

HOUSE BILL 1825 **HOUSE AUTHOR:** Laney
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Montford

Under the open records law, information gathered or held by governmental entities is open to the public, with some exceptions. A recent attorney general's opinion ruled that a district attorney is a governmental entity and thus subject to the open records law. House Bill 1825 provides for the exemption of the records of a prosecutor relating to a criminal prosecution. The exemption shall remain in effect until the defendant has exhausted all appellate and postconviction remedies or until the applicable statute of limitations has expired.

HOUSE BILL 2458 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Sharp

In the past, the district attorney for the 155th Judicial District acted as district attorney for Austin, Fayette, and Waller counties.

This act provides that the county attorney of Fayette County performs the duties of district attorney in that county and that the district attorney of the 155th Judicial District acts as district attorney only in Austin and Waller counties.

Juvenile Boards

HOUSE BILL 1078 **HOUSE AUTHOR:** Gilley
EFFECTIVE: 6-4-85 **SENATE SPONSOR:** Lyon

House Bill 1078 amends existing law to change the membership of the Hunt County Juvenile Board and creates an advisory council to the juvenile board. It further outlines the composition of the advisory council and general provisions relating to the compensation, terms, and liabilities of its members.

HOUSE BILL 1287 **HOUSE AUTHOR:** Laney
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Sarpalius

Currently, judges on the juvenile board in Castro, Hale, and Swisher counties are being paid additional compensation out of the general funds of the counties at annual salaries not to exceed $1,200. House Bill 1287 amends existing law to provide that the additional salary of these judges be set at at least $1,200 a year. In addition, the members of the juvenile board are granted immunity from civil or criminal prosecution for any actions the board may take.

HOUSE BILL 2422 **HOUSE AUTHOR:** Russell
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** Howard

Previously, Cass County was a part of the Northeast Texas Juvenile Board. House Bill 2422 removes Cass County from the Northeast Texas Juvenile Board and establishes the Cass County Juvenile Board.

This act provides for the designation of the judge of the district court, which is designated as the Juvenile Court for Cass County, as chairman of the board and its chief administrative officer; that the board shall hold regular quarterly and special meetings; that the board appoint a fiscal officer; that the board has all powers conferred on it by general law; and that the board shall undertake other specified duties as listed.

HOUSE BILL 2428 **HOUSE AUTHOR:** Kuempel
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Traeger

Previous law set a $300 maximum for judges to be paid as compensation for serving as members of the Comal County Juvenile Board. House Bill 2428 removes this limitation on judges' compensation and further provides for the commissioners court to set the annual salary of members of the board.

Probation Offices

SENATE BILL 5 **SENATE AUTHOR:** Traeger
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Edge

Currently, in most counties, district judges who try criminal cases are responsible for the establishment and maintenance of a probation office for their judicial district. Senate Bill 5 provides that, in the event the judges of the district are unable to reach an agreement regarding the establishment of a probation office, the presiding judge of the district may appoint a special master to aid in the administration of such an office. The act further outlines the duties, qualifications, and compensation of a special master.

SENATE BILL 454 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** S. Hudson

Currently, in counties having populations in excess of two million, the district judges trying criminal cases and the judges of statutory county courts trying criminal cases are entitled to participate in the supervision and administration of the probation office serving those courts. This act amends existing law to pertain to counties having populations in excess of one million.

This act also provides for the appointment and terms of membership of certain county court judges on the Texas Adult Probation Commission. In the past, no county court judges served on the commission.

HOUSE BILL 1425 **HOUSE AUTHOR:** Criss
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Brooks

In the past, the judges of the County Courts at Law Nos. 1 and 2 of Galveston County did not participate in the management of the county's probation department.

This act amends existing law to provide that the judges of County Courts at Law Nos. 1 and 2 of Galveston County participate in the management of the probation department serving the county and, for that purpose, have the same duties and powers as the district judges trying criminal cases in the county.

Bail Bond Boards

SENATE BILL 469 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Parker

This act enlarges the composition of a county bail bond board, in counties having one, to include the district clerk and also the county clerk if the latter has criminal matters jurisdiction. A designee may substitute for either.

Public Defenders

SENATE BILL 405 **SENATE AUTHOR:** Edwards
EFFECTIVE: 4-25-85 **HOUSE SPONSOR:** Hammond

Under prior law, to be eligible for appointment as a public defender, a person has been required to: (1) be a member of the State Bar of Texas; (2) be experienced in the practice of criminal law; and (3) have practiced law at least three years. Senate Bill 405 reduces to one year the period for which a person must have practiced law to be eligible for appointment as a public defender.

CRIMINAL JUSTICE AND PROCEDURE

Criminal justice laws enacted in 1985 establish as criminal offenses three types of activities involving misuse of modern communications technology. House Bill 485 sets penalties for unauthorized interception of subscription or cable television services, exclusive of certain uses of satellite receiving antennae. Senate Bill 72 targets "hackers" who improperly breach security systems and gain access to confidential computer data. Finally, House Bill 220 establishes penalties for various misuses of debit cards at unmanned teller machines or other customer convenience terminals.

Drug laws include an eight-year extension, to 1993, of the wiretap act that was passed in 1981 to combat illegal trafficking in narcotics. The renewal measure, House Bill 10, includes certain restrictive amendments pertaining to wiretap installation. The 69th Legislature also passed several laws—Senate Bill 320, Senate Bill 346, and House Bill 1929—to address problems involving glue and paint sniffing.

Criminal investigations are strengthened, in the case of missing persons, by House Bill 248, which creates a clearinghouse in the Department of Public Safety for information on child or adult disappearances.

Parole laws are modified by an enactment, Senate Bill 37, allowing jury instruction as to sentence reductions that might result from paroles or accumulation of good conduct time credit. Probation laws are modified by House Bill 1569, making probation sometimes conditional on participation in a work program, and by House Bill 2053, making it sometimes conditional on required psychological counseling. Under another law, House Bill 1378, defendants free on parole, probation, supervision, or bail may be restrained by court orders prohibiting contact with children they are alleged to have abused.

Code of Criminal Procedure

SENATE BILL 854 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Rudd

Senate Bill 854 designates Chapters 1 through 100 of the Code of Criminal Procedure, 1965, as Title 1 of the code and adopts Title 2, a nonsubstantive revision of miscellaneous statutes relating to criminal procedure that were saved from repeal but not incorporated into the code as enacted in 1965. The general organization of Title 2 is:

TITLE 2. CODE OF CRIMINAL PROCEDURE
CHAPTER 101. GENERAL PROVISIONS
CHAPTER 102. COSTS PAID BY DEFENDANTS
SUBCHAPTER A. GENERAL COSTS
SUBCHAPTER B. CRIMINAL JUSTICE PLANNING FUND
CHAPTER 103. COLLECTION AND RECORDKEEPING
CHAPTER 104. CERTAIN EXPENSES PAID BY STATE OR COUNTY

Offenses and Penalties

SENATE BILL 30 **SENATE AUTHOR:** Parmer
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Williamson

This act amends provisions of the Penal Code relating to the offense of theft when a person appropriates property believing it to be stolen. Under the former provisions, it has been necessary to establish two elements in order to prove the offense. These elements have been: (1) the property is stolen; and (2) the actor appropriates the property knowing it was stolen by another. Senate Bill 30 eliminates the requirement that the property actually be stolen and further provides that it is sufficient for a successful prosecution that the actor appropriated property believing, rather than knowing, it was stolen by another.

Senate Bill 30 additionally declares that it is not a defense to prosecution that the offense occurred as a result of law enforcement deception, that the actor was provided by a law enforcement agency with a facility in which to commit the offense, or that the offense involved police solicitation. The act states that stolen property does not lose its character as stolen when recovered by any law enforcement agency.

SENATE BILL 72 **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Connelly

This measure seeks to bridge a gap between law and technology by establishing provisions for the prosecution of persons suspected of breaching computers' security systems. The measure creates offenses for breach of computer security and for harmful access, states definitions, and provides affirmative defenses. The measure also permits the attorney general to assist the prosecuting attorney in the investigation or prosecution of any offense involving the use of a computer.

SENATE BILL 185 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Keller

Senate Bill 185 creates a new offense by classifying the possession of a deadly weapon in a penal institution as a third-degree felony. The bill further states that being under the supervision of an employee of the penal institution at the time of the offense is an affirmative defense to prosecution.

SENATE BILL 477 **SENATE AUTHOR:** Lyon
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Keller

The Penal Code states that a person commits a third-degree felony if the person commits assault and uses a deadly weapon, causes serious bodily injury to another person, or causes bodily injury to certain persons. Included among those persons are peace officers, jailers, and guards. The Penal Code is amended to further declare that a person commits a second-degree felony if the person commits assault and uses a deadly weapon to threaten or cause bodily injury to a peace officer, jailer, or guard.

SENATE BILL 574 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Schoolcraft

Senate Bill 574 amends law relating to the punishment of first-degree felony offenders who are repeat felony offenders. Under prior law, the assessable punishment was limited to confinement in the Texas Department of Corrections for life or for any term of not more than 99 years or less than 15 years. Senate Bill 574 expands the assessable punishment to include a fine not to exceed $10,000.

SENATE BILL 596 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Lee

Various offenses pertaining to violations of vital statistics information are established under provisions of the vital statistics act. Senate Bill 596 repeals a section of the vital statistics act stating that the act's provisions do not apply if an offense under the vital statistics act also constitutes an offense under the Penal Code.

SENATE BILL 652 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Madla

Senate Bill 652 amends the Penal Code to authorize a peace officer or magistrate to release a person arrested for public intoxication if another adult will assume responsibility or if the person agrees to participate in an alcohol or drug treatment program approved by the Texas Commission on Alcoholism. However, release under this act may not be considered in a subsequent incident involving public intoxication, and the peace officer and the agency employing the peace officer are immune from liability for damages resulting from actions of an individual released under these provisions.

This act also states that the offense of public intoxication is not a lesser included offense under the offense of driving while intoxicated. Therefore, a DWI arrest may not be reduced to charges of public intoxication.

HOUSE BILL 8 **HOUSE AUTHOR:** Polumbo
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Harris

This act broadens the definition of capital murder to include the murder of more than one person during the same criminal transaction or during different criminal transactions but pursuant to the same scheme or course of conduct. The act also requires three specific issues to be considered by the jury at the sentencing hearing but only with regard to the conduct of the defendant in murdering the deceased individual first named in the indictment.

HOUSE BILL 51 **HOUSE AUTHOR:** T. Smith
EFFECTIVE: 3-28-85 **SENATE SPONSOR:** Sarpalius

During the 1983 legislative session, a wide-ranging measure was enacted that stiffened the penalties for drunken driving and that simultaneously made it easier to prosecute such cases. The measure changed the procedure, sentencing structure, and punishment alternatives that applied 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). Since its enactment in 1983, the measure has been under scrutiny by courts throughout Texas; two county courts at law in Travis County have held the measure's definition of "intoxicated" to be unconstitutionally vague. House Bill 51 revises the definition of "intoxicated" by deleting the word "percent" and thereby creating consistency with the definition of "intoxicated" under the Uniform Code of Traffic Laws and Ordinances.

HOUSE BILL 85 **HOUSE AUTHOR:** A. Hill
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Brown

This act amends a section of the Penal Code to declare that a person commits an offense if he intentionally or knowingly transfers or offers to transfer any club, illegal knife, or martial arts throwing star to a child younger than 18 years.

HOUSE BILL 95 **HOUSE AUTHOR:** D. Hudson
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Howard

This act amends law relating to the offense of criminal mischief. The act provides that when more than one item of tangible property, belonging to one or more owners, is damaged, destroyed, or tampered with pursuant to one scheme or continuing course of conduct, the conduct may be prosecuted as one offense and the amounts of pecuniary loss to property may be aggregated to elevate the grade of the offense.

HOUSE BILL 149 **HOUSE AUTHOR:** Burnett
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Montford

This act creates misdemeanor offenses involving the unauthorized manufacture or use of the insignia and name of the Department of Public Safety or of insignia deceptively similar to that of the department. The act defines "insignia of the Department" and provides that it is a defense to prosecution that the object was used or intended for use exclusively in an artistic or dramatic presentation.

HOUSE BILL 220 **HOUSE AUTHOR:** T. Smith
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Mauzy

The Penal Code is amended to provide that it is a felony offense to intentionally or knowingly commit any one of several enumerated debit card abuses. Definitions are provided for terms used to describe the possible abuses. In addition, it is declared to be presumed that a person who used a revoked, canceled, or expired debit card had knowledge that the card had been revoked, canceled, or expired if notice was received from the issuer. Under certain circumstances, notice is presumed to have been received.

HOUSE BILL 485 **HOUSE AUTHOR:** Uher
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Montford

This act creates offenses regarding the unauthorized interception, descrambling, or decoding of subscription television transmissions and cable television services. The act provides definitions, creates legal presumptions as to a person's intent or knowledge, and sets forth an exception for the manufacture, distribution, sale, or use of satellite receiving antennas that are otherwise permitted by state or federal law. The act additionally makes provisions for civil actions and remedies in connection with such offenses.

HOUSE BILL 788 **HOUSE AUTHOR:** Polumbo
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Montford

This act seeks to provide state and local law enforcement officials with greater power to deal with the problem of smuggling drugs in aircraft. Although the Federal Aviation Administration has established various regulations concerning aircraft identification, registration, and fuel tanks, there has been no provision for the enforcement of these regulations by state or local law enforcement agencies. House Bill 788 creates a felony offense for the failure to have aircraft identification numbers that comply with federal aviation regulations. The act also creates felony offenses for the operation or navigation of an aircraft that is not properly registered and

for the operation of an aircraft equipped with a fuel tank that does not conform to federal aviation regulations or approval. The act further declares that it is a misdemeanor offense for a person to operate an aircraft while under the influence of a controlled substance or any other drug, substance, or narcotic that impairs the person's physical and mental capacity.

HOUSE BILL 833 **HOUSE AUTHOR:** Roberts
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Sharp

The Penal Code previously stated that a person commits an offense if, with a firearm or a prohibited weapon, he intentionally or knowingly causes serious bodily injury to a peace officer, jailer, guard, or participant in a court proceeding. The Penal Code is amended to read that a person commits an offense if, with a deadly weapon, he intentionally or knowingly causes such injury. By using the word "deadly" to modify the word "weapon," this act expands the types of weapons that may be included in the offense.

HOUSE BILL 1055 **HOUSE AUTHOR:** Wolens
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Glasgow

The Penal Code is amended to declare that a person commits an offense if he escapes from custody when he is in custody pursuant to a lawful order of a court.

HOUSE BILL 1365 **HOUSE AUTHOR:** G. Luna
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Krier

Ordinarily, to prosecute a person for receipt of stolen property, it must be established that the person had knowledge of the property's stolen character at the time of receipt. This measure declares that a person engaged in the business of motor vehicle salvage is presumed to have knowledge of the vehicle's or part's stolen character if the person fails to maintain an accurate and legible inventory of vehicles and parts, fails to obtain a transfer document or certificate of title, or fails to remove and safely store an unexpired license plate. A person who purchases or receives a used or secondhand motor vehicle is presumed to have knowledge of the vehicle's stolen character if the person fails to report a vehicle delivered without certificate of title or fails to file with the county tax assessor-collector the registration license receipt and evidence of title received at the time the vehicle was delivered.

Definitions are provided for "certificate of title" and "used or secondhand motor vehicle." In addition, the Certificate of Title Act is amended to require title transfer at the time the motor vehicle is transferred.

HOUSE BILL 1912 **HOUSE AUTHOR:** C. Harris
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Parmer

The Penal Code is amended to declare that a person commits an offense if he intentionally or knowingly uses a live animal as a lure in dog race training or in dog coursing on a racetrack.

HOUSE BILL 2139 **HOUSE AUTHOR:** Danburg
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Washington

House Bill 2139 seeks to alleviate certain prosecution problems by amending the definition of the offense of sexual assault. The previous definition stated that a person commits an offense if the person intentionally or knowingly causes the penetration of the vagina of another person without that person's consent. The current definition reads that a person commits an offense if the person intentionally or knowingly causes the penetration of the female sexual organ of another person without that person's consent.

Law Enforcement

SENATE BILL 598 **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Ceverha

In 1983, the 68th Legislature passed legislation requiring counties with populations of 25,000 or more to have video equipment to tape those defendants arrested for driving while intoxicated or involuntary manslaughter due to driving while intoxicated.

This act amends existing law to impose a $15 fee for persons who were videotaped at the time they were arrested for these offenses. The fee shall be collected in addition to other court costs and is due whether or not the defendant receives probation.

SENATE BILL 1257 **SENATE AUTHOR:** McFarland
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** C. Evans

This act is designed to clarify the meaning of statutory language pertaining to the issuance and geographic extent of arrest warrants. The act addresses the issue of who has authority to issue warrants by deleting the term "recorder" from among its provisions.

HOUSE BILL 10 **HOUSE AUTHOR:** T. Smith
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Howard

House Bill 10 allows the wiretap act, which was enacted in 1981 by the 67th Legislature, to remain in effect, with amendments, until 1993. Included among the amendments made are the addition of definitions for the terms "residence" and "pen register," the addition of restrictions regarding authorization to make a covert entry into a residence or onto a premises for the purpose of intercepting a communication, and the creation of a complete article regarding the installation and use of a pen register to obtain information material to the investigation of a criminal offense. House Bill 10 also amends a chapter of the Penal Code by adding a section that makes it an offense, except under specific authorization or circumstances, to knowingly install or utilize a pen register to record telephone numbers dialed from a telephone instrument.

HOUSE BILL 740 **HOUSE AUTHOR:** Laney
EFFECTIVE: 6-12-85 **SENATE SPONSOR:** Montford

Texas railroad companies do not have the authority to appoint railroad peace officers to aid law enforcement agencies in the protection of railroad property, passengers, and employees. This measure authorizes the director of the Department of Public Safety to appoint up to 250 peace officers who are employed by a railroad company to aid in law enforcement protection. The measure provides for the certification of railroad peace officers, describes their duties and powers, defines the scope of their employment, and limits their liability.

HOUSE BILL 1344 **HOUSE AUTHOR:** Barton
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Brooks

The 68th Legislature enacted legislation allowing municipal police officers in a city of over 1.5 million population to enforce weight limit laws. House Bill 1344 extends this law enforcement authority to police officers in all cities with a population of 10,000 or more.

HOUSE BILL 1351 **HOUSE AUTHOR:** Burnett
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Lyon

The Code of Criminal Procedure is amended to include inspectors of the United States Postal Service among an enumeration of "special investigators." These investigators are not deemed peace officers but are granted the powers of arrest, search, and seizure as to felony offenses under the laws of Texas.

HOUSE BILL 1391 **HOUSE AUTHOR:** C. Smith
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Brown

The Code of Criminal Procedure is amended to provide that an offense of unauthorized use of a vehicle may be prosecuted in any county where the unauthorized use of the vehicle occurred or in the county in which the vehicle was originally reported stolen.

HOUSE BILL 1747 **HOUSE AUTHOR:** Blackwood
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Leedom

House Bill 1747 provides that money seized in connection with controlled substances or gambling violations may be deposited in an interest-bearing bank account until final judgment is rendered concerning the violation. The state or political subdivision of the state that employs the law enforcement agency may deposit the money in an account either in the jurisdiction of the agency that made seizure or in the county in which the money was seized. When a final judgment is rendered, any interest must be distributed according to applicable law in the same manner and for the same purpose as the principal.

Pretrial Procedure

SENATE JOINT RESOLUTION 16 **SENATE AUTHOR:** Brown
FOR ELECTION: 11-5-85 **HOUSE SPONSOR:** T. Smith

Article V, Section 12, of the Texas Constitution has been strictly construed to require certain language to be included in all writs, processes, and charging documents. If this language is not included, a subsequent conviction is subject to reversal on appeal. Senate Joint Resolution 16 seeks to avoid conviction reversals on technicalities by proposing a constitutional amendment that omits this language requirement from the provisions of Article V, Section 12.

The resolution also proposes the addition of new provisions to Article V, Section 12, of the Texas Constitution. These provisions define "indictment" and "information," stipulate that the practice and procedures relating to the use of indictments and informations are as provided by law, and state that the presentment of an indictment or information to a court invests the court with jurisdiction of the cause.

SENATE BILL 169 **SENATE AUTHOR:** Brown
EFFECTIVE: see below **HOUSE SPONSOR:** J. Harris

Senate Bill 169 requires the defendant in a criminal case to object to a defect, error, or irregularity of form or substance in an indictment or information before the date on which the trial on the merits commences. If the defendant fails to make a timely objection, he waives and forfeits the right to object and he may not raise the objection on appeal or in any other postconviction proceeding. Senate Bill 169 also establishes provisions to govern the amendment of an indictment or information. This act will take effect on December 1, 1985, but only if the constitutional amendment proposed by S.J.R. 16, 69th Leg., R.S., 1985, is approved by the voters.

Trial Procedure

SENATE BILL 37 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** A. Smith

This act creates provisions under the Code of Criminal Procedure for jury instructions on parole and good conduct time credit. The act establishes specific instructions for the court to give the jury, depending on the offense charged, regarding the effect of possible parole and good conduct time on the sentence imposed. The act stipulates that its provisions do not permit the introduction of evidence on the operation of parole and good conduct time laws.

SENATE BILL 148 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** T. Smith

Provisions of the Code of Criminal Procedure allow the defendant in a criminal case to elect to have the jury, rather than the judge, assess the punishment applicable to the offense. Under prior law, the defendant has been required to elect this alternative at the time he enters his plea in open court. Senate Bill 148 requires the defendant to elect this alternative before the commencement of the voir dire examination of the jury panel.

SENATE BILL 427 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Cain

This legislation permits the use of a photograph of stolen property in lieu of the property itself as evidence in a criminal case. The legislation seeks to avoid inconvenience and economic loss to merchants who are victimized by theft and subsequently denied use of their recovered property while it is being stored and shown to the magistrate. The legislation also seeks to avoid economic loss to the general public, as the property is stored at public expense.

Property is defined as tangible personal property offered for sale or lease by a person engaged in the business of selling goods or services to buyers. A photograph of property which a person is alleged to have unlawfully appropriated is admissible into evidence as the property itself. A requirement of bringing stolen property before a magistrate for examination is complied with if a photograph of the stolen property is brought before the magistrate. Also, the defendant's rights of discovery and inspection are satisfied if a photograph is made available to the defendant on court order.

SENATE BILL 1348 **SENATE AUTHOR:** Caperton
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** T. Smith

The Code of Criminal Procedure enumerates matters that the court must admonish the defendant of prior to accepting a plea of guilty or nolo contendere. This enumeration is expanded to require the court to admonish the defendant of the fact that if the defendant is not a citizen of the United States, a plea of guilty or nolo contendere may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law.

SENATE BILL 1349 **SENATE AUTHOR:** Caperton
EFFECTIVE: 6-11-85 **HOUSE SPONSOR:** T. Smith

This act addresses those situations where a jury assesses punishment and in the verdict assesses both punishment that is authorized by law and punishment that is not authorized by law for the offense. The act states that the court must reform the verdict to show the punishment authorized by law and to omit the punishment not authorized by law. If the trial court is required to reform a verdict and fails to do so, the appellate court must reform the verdict so as to show only the punishment authorized by law.

Posttrial Procedure and Probation

SENATE BILL 186 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Keller

Senate Bill 186 amends the Code of Criminal Procedure relating to the sentencing of a defendant convicted of two or more crimes. This act provides for an exception to the court's ability to deliver concurrent sentences if the defendant is an inmate in the Texas Department of Corrections at the time of the offense. The act requires that the subsequent sentence begin upon the completion of the original sentence.

SENATE BILL 589 **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Danburg

Senate Bill 589 provides for a nonsubstantive restructuring of felony and misdemeanor probation and parole laws. This act was designed to eliminate confusion in regard to the Code of Criminal Procedure by combining the two similar articles dealing with felony and misdemeanor probation laws into one article. A new article is created for the subject of parole, which was previously written in the same article as felony probation and mandatory supervision.

SENATE BILL 845 **SENATE AUTHOR:** Farabee
EFFECTIVE: see below **HOUSE SPONSOR:** Waldrop

Senate Bill 845 is designed to remedy any lack or disparity of information concerning prisoners in the Texas Department of Corrections. The act lengthens an enumeration of matters that should be included in a criminal court judgment and expresses that the sentence served shall be based on the information contained in the judgment. The act also requires counties transferring a defendant to the Texas Department of Corrections to deliver certain documents to the department's director. The department is prohibited from taking a defendant into custody until the director receives both a copy of the judgment and a copy of any order revoking probation and imposing sentence. These provisions of Senate Bill 845 take effect on January 1, 1986.

An additional provision of Senate Bill 845 took effect on June 10, 1985. This provision requires the Office of Court Administration of the Texas Judicial System to promulgate a standardized felony judgment form and to mail a copy of this form to all district courts hearing criminal cases.

SENATE BILL 1292 **SENATE AUTHOR:** Caperton
EFFECTIVE: 6-11-85 **HOUSE SPONSOR:** Danburg

Ordinarily, the judgment of a court of appeals in appeals under habeas corpus will be final and conclusive if discretionary review is not granted by the court of criminal appeals, but not until after a period of 45 days. This act seeks to assure compliance with the constitutional right to a preferential and speedy appellate review of habeas corpus cases involving an extradition or a setting of bail. The act states that if the court of appeals in a habeas corpus proceeding has either affirmed the judgment of a trial court by approving extradition or

reversed the trial court by granting or reducing bail, no motion for rehearing will be permitted and the judgment will become final on the 10th day after it is entered.

The losing party on appeal is entitled to file a petition for discretionary review but must do so before the 10th day after judgment is entered. If there is a finding of a substantial question, the court of criminal appeals may enter an order that defers the finality of the court of appeals' judgment for a period not exceeding 45 days. If the court of criminal appeals does not grant discretionary review within 45 days, the judgment becomes final. Also, if the court of criminal appeals refuses a petition for discretionary review, the judgment becomes final the day after the refusal.

HOUSE BILL 13 **HOUSE AUTHOR:** T. Smith
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Lyon

In the past, the rules of evidence and the rules of appellate and posttrial procedure in criminal cases were enacted and repealed by both the legislature and the courts and interpreted by the court of appeals and the court of criminal appeals.

This act affords the court of criminal appeals exclusive authority to develop and promulgate rules of evidence and rules of appellate and posttrial procedure in criminal cases. It also provides for the repeal of specific laws that conflict with newly amended or promulgated rules.

HOUSE BILL 44 **HOUSE AUTHOR:** T. Smith
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Lyon

Under previous law, when a conviction was reversed by a court of appeals and the state filed a petition for discretionary review or a motion for an extension of time in which to file a petition for discretionary review, the court of criminal appeals has been required to set a reasonable bail for the defendant pending the outcome of the state's petition. There has been no provision for release on bail during the period of time between the court of appeals' reversal and the state's filing a petition or a motion in the court of criminal appeals.

This act amends the law to provide that if a conviction is reversed by a decision of a court of appeals, the defendant has a right to immediate release on bail pending final determination of an appeal by the state or the defendant on a motion for discretionary review. If the defendant requests bail before a petition for discretionary review has been filed, the court of appeals must determine the amount of bail. If the defendant requests bail after a petition for discretionary review has been filed, the court of criminal appeals must determine the amount of bail.

HOUSE BILL 1569 **HOUSE AUTHOR:** Granoff
EFFECTIVE: 1-1-86 **SENATE SPONSOR:** Farabee

House Bill 1569 permits a court granting probation to a convicted felon to require participation in a work program as a condition for probation. The amount of work required may not be less than 40 hours nor more than 1,000 hours. The act also requires that no more than eight hours are to be worked in any one week. It does not limit the court's authority to impose any other conditions on a defendant's probation in conjunction with the work program.

House Bill 1569 also allows probation departments the ability to enter into contracts with state agencies or political subdivisions for the purpose of instituting the work program. All proceeds received under this program will be used to offset the expenses incurred; any excess will be deposited in the general revenue fund. State agencies and political subdivisions entering into contracts for the purpose of this program may require liability and workers' compensation coverage to the maximum of their liability limits as a condition for entry into the contract.

HOUSE BILL 2053 **HOUSE AUTHOR:** Tejeda
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Krier

House Bill 2053 amends the Code of Criminal Procedure to provide that the terms and conditions of probation or parole may include required psychological counseling at the probationer's or parolee's own expense. Such counseling may be required of persons convicted of offenses under the following sections of the Penal Code: (1) 21.11, indecency with a child; (2) 22.011, sexual assault; (3) 22.021, aggravated sexual assault; and (4) 22.04, injury to a child or elderly individual.

SENATE BILL 320 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** A. Luna

The 68th Legislature in 1983 declared it to be a misdemeanor offense, except under certain circumstances, to deliver abusable glue or aerosol paint to a person under 17 years of age. Senate Bill 320 states that it is an affirmative defense to prosecution for this offense that the defendant was presented with an apparently valid Texas driver's license, or an identification card issued by the Department of Public Safety, that identified the person as being 17 years of age or older.

SENATE BILL 346 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** A. Luna

During the 1983 legislative session, various provisions were enacted to address problems involving abusable glue and aerosol paint. Included among those provisions was a definition for "abusable glue or aerosol paint." Senate Bill 346 deletes this definition and, by establishing new definitions, aims to clarify the products that are to be classified and restricted as "abusable glue" or "aerosol paint."

SENATE BILL 415 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** A. Luna

Senate Bill 415 amends law relating to the offense of selling or delivering a substance containing a volatile chemical to a person younger than 17 years of age. A section of the volatile chemicals act prohibits the sale or delivery to a person under 17 of volatile chemicals subject to special federal labeling requirements. Technically, no volatile chemicals are subject to such requirements. Only "substances" and "products" are subject to the requirements. Therefore, Senate Bill 415 replaces its reference to "volatile chemicals" subject to special federal labeling requirements with a reference to "substances" subject to such requirements.

Senate Bill 415 also declares that it is an affirmative defense to prosecution for this offense that the defendant was presented with an apparently valid Texas driver's license, or an identification card issued by the Department of Public Safety, that identified the person as being 17 years of age or older.

SENATE BILL 639 **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** T. Smith

Numerous provisions of the Texas Controlled Substances Act are amended in an effort to update, clarify, and streamline the act. Various definitions are revised, added to, or deleted from the act. Controlled substances schedules and penalty groups are updated and reorganized.

It is declared that a person commits a misdemeanor if he knowingly or intentionally manufactures, delivers, or possesses a controlled substance that is listed in a schedule but is not listed in a penalty group. Provisions pertaining to commercial and fraud offenses are amended, as are provisions pertaining to the forfeiture of substances and property.

It is stated that a registration to manufacture, distribute, analyze, or dispense a controlled substance may be suspended, denied, or revoked on a finding that the registrant has violated a provision of the Texas Controlled Substances Act or a rule adopted under the act. Registrants are required to retain records and inventories for a period of not less than two years, and certain other rules are promulgated for pharmacists.

The attorney general is selected to share responsibility with the state attorney in filing and prosecuting suspension or revocation proceedings. A proceeding may be maintained in Travis County. Certain provisions of the Texas Controlled Substances Act that were to expire on December 31, 1985, are continued in effect. Additional provisions of the act are also amended.

HOUSE BILL 1929 **HOUSE AUTHOR:** A. Luna
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Barrientos

This act amends law relating to the offenses of possession and use of an abusable glue, aerosol paint, or substance containing a volatile chemical. The act reorganizes language found in the volatile chemicals act regarding possession and use of volatile chemicals and upgrades these offenses from Class C to Class B misdemeanors. The act also amends the Texas Controlled Substances Act to establish similar language and a Class B misdemeanor penalty for possession and use of abusable glue or aerosol paint.

SENATE BILL 175 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Schoolcraft

This act creates offenses for abandonment that exposes a child younger than 15 years to an unreasonable risk of harm or places a child younger than 15 years in imminent danger of death, bodily injury, or physical or mental impairment. In addition, the act allows a husband or wife to voluntarily testify against the other in a case where either is charged with one of these offenses.

HOUSE BILL 248 **HOUSE AUTHOR:** Collazo
EFFECTIVE: 5-22-85 **SENATE SPONSOR:** Parker

In 1983, the 68th Legislature enacted a law that required the Department of Public Safety and other state law enforcement agencies to communicate with and rely upon information provided from the Federal Bureau of Investigation regarding missing children. This law is repealed and a missing children and missing persons clearinghouse is now established within the Department of Public Safety.

Among other things, House Bill 248 describes the functions of the clearinghouse, requires the Department of Public Safety to distribute missing children and missing persons report forms, authorizes the release of dental records, and provides pertinent definitions. The clearinghouse is required to print and distribute posters, flyers, and other forms of information containing descriptions of missing children. The clearinghouse is additionally required to exchange information with the Central Education Agency about missing children who may be located in the school systems. The Central Education Agency must develop and administer a program for the location of missing children who may be enrolled in the Texas school system.

Texas law enforcement agencies, on receiving a report of a missing child or missing person, must immediately enter the name of the child or person into the clearinghouse with all available identifying features such as dental records, fingerprints, and other physical characteristics. Texas law enforcement agencies must also enter information about all unidentified bodies into the clearinghouse. On the written request of certain persons, including a child's guardian, a law enforcement agency must seek information from the clearinghouse and report on the results of its inquiry within a period of 14 days. The attorney general is given the responsibility of ensuring that Texas law enforcement agencies fulfill these duties.

Finally, it is declared that, on the request of any law enforcement agency, a city or state agency must furnish the law enforcement agency with any information about a missing child or missing person that will assist in completing the investigation.

HOUSE BILL 579 **HOUSE AUTHOR:** Morales
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Krier

Generally, out-of-court statements are considered to be hearsay and are inadmissible when offered at trial as proof of the matter asserted. Various exceptions to the hearsay rule exist when circumstances indicate that the out-of-court statements are reliable. House Bill 579 provides exceptions to the hearsay rule for statements made by children who are 12 years of age or younger and who are victims of certain crimes. Included among these crimes are certain assault offenses and various sex-related offenses.

HOUSE BILL 626 **HOUSE AUTHOR:** Schoolcraft
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Brown

This act amends provisions of the Penal Code relating to offenses involving sexual conduct or sexual performance by a child. The act revises definitions and sets forth certain affirmative defenses to a prosecution for sexual performance by a child. In addition, the act adds a section to the Penal Code to create a misdemeanor offense for possession of child pornography. In regard to this offense, the act provides definitions, sets forth affirmative defenses, and states the method for determining whether a child who engaged in sexual conduct was underage.

HOUSE BILL 1149 **HOUSE AUTHOR:** Blanton
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Leedom

This act extends from three to five years the period of limitation applicable to a prosecution for indecency with a child. The act also deletes a section of the Code of Criminal Procedure that has provided statutes of

limitation for rape, aggravated rape, sexual abuse, aggravated sexual abuse, rape of a child, and sexual abuse of a child. These offenses are included in the offense of sexual assault and will continue to have a five-year period of limitation.

HOUSE BILL 1378 **HOUSE AUTHOR:** Morales
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Krier

House Bill 1378 amends the law by allowing courts to issue "no contact" orders as a condition of bail, probation, mandatory supervision, or parole to defendants who have been charged or convicted with abusing children 12 years of age or younger.

The court in jurisdiction of the case may require that the defendant not directly communicate with the victim or appear any place frequented by the victim. If the imposed condition conflicts with an existing court order giving the defendant access to the abused child, the imposed condition will prevail for a period set by the Board of Pardons and Paroles but not to exceed 90 days.

Restitution and Victims' Compensation and Rights

SENATE BILL 76 **SENATE AUTHOR:** McFarland
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Millsap

This measure amends various provisions of the Crime Victims Compensation Act. The measure defines "personal injury," redefines "crime of violence," and broadens the definition of "victim" to include persons who are not Texas residents but are in Texas at the time of the crime. Victims who are accomplices of the offender or who reside in the same household as the offender are prohibited from receiving compensation for certain pecuniary losses. An award of compensation is also prohibited if such an award would benefit either the offender or his accomplice or if the victim was incarcerated in a penal institution at the time the offense was committed.

The measure also requires the court to assess and make a reasonable effort to collect costs due under the Crime Victims Compensation Act. Sanctions are prescribed for the court's failure to fulfill this requirement.

HOUSE BILL 235 **HOUSE AUTHOR:** Tejeda
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Montford

This act amends law relating to the rights of crime victims. The act provides that a victim, guardian of a victim, or close relative of a deceased victim is entitled to several specified rights within the criminal justice system. Included among these rights are the right to receive protection against harm or threats of harm, the right to be informed of court proceedings and procedures in the criminal justice system, the right to receive information regarding compensation to victims of crime, and the right to provide information to a probation department or to the Board of Pardons and Paroles for use in presentencing investigations and parole reports. Judges, prosecutors, and law enforcement personnel are not liable for a failure or inability to provide an enumerated right. However, the Board of Pardons and Paroles must make a reasonable effort to notify victims regarding parole hearings and to allow victims to provide statements for consideration at those hearings.

The Texas Adult Probation Commission is required to develop, produce, and distribute forms that will be used by law enforcement agencies, prosecutors, and other participants in the criminal justice system to record the impact of an offense on a victim, guardian of a victim, or close relative of a deceased victim. The act enumerates information to be included in the Victim Impact Statement and describes how the statement is to be utilized in court.

Additionally, it is required that a victim assistance coordinator be designated for each judicial district having a population of 150,000 or more. The specific duties of the coordinator are enumerated.

HOUSE BILL 309 **HOUSE AUTHOR:** Criss
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Mauzy

House Bill 309 amends law relating to court costs imposed to generate funds for victims of crime. Previous law required a person to pay $12.50 as a court cost, in addition to other court costs, on conviction of a misdemeanor punishable by a fine of not more than $200. This cost has specifically not been required to be paid for any conviction arising under certain statutory provisions. House Bill 309 changes the $12.50 court cost to a $3 court cost and imposes this cost on all misdemeanors punishable by a fine of not more than $200 other

than those misdemeanors designed to regulate pedestrians or the parking of motor vehicles. In addition, a specified sum is appropriated from the compensation to victims of crime fund to the governor's office for the funding of local crime stoppers programs.

House Bill 309 also makes provisions for the continuing legal education of judges and court personnel. A judicial and court personnel training fund is created in the state treasury to be administered by the supreme court. House Bill 309 provides for the administration of the judicial and court personnel training fund as well as for the collection of court costs, the transfer of certain unexpended funds, the keeping of records, and the filing of reports in connection with the fund.

HOUSE BILL 560 **HOUSE AUTHOR:** Staniswalis
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Barrientos

This legislation extends, for victims of physically injurious conduct, the limitations period for filing an application for compensation under the Crime Victims Compensation Act. The legislation provides that if a claimant presents medically documented evidence of a physical incapacity that reasonably prevented the claimant from filing within the limitations period, the period of incapacity is not included in the limitations period.

HOUSE BILL 655 **HOUSE AUTHOR:** Finnell
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Farabee

This amendatory act requires any firm, corporation, or legal entity that contracts with an accused or convicted person regarding the reenactment of a crime to submit a copy of the contract to the Industrial Accident Board before the terms of the contract may be executed. Contract proceeds are to be paid to the board and the board will deposit the money in an escrow account for crime victims' compensation. Any actions to defeat the purpose of this act are void.

HOUSE BILL 826 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 6-4-85 **SENATE SPONSOR:** McFarland

This act expands the restitution center program by making defendants with a history of drug and alcohol abuse and defendants sentenced for a felony offense under the Texas Controlled Substances Act eligible for participation in a restitution center program as an alternative to confinement. It does not, however, exempt these defendants from meeting the other requirements necessary for such participation.

Employee Background Investigation

SENATE BILL 48 **SENATE AUTHOR:** Lyon
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Barton

The Texas Department of Human Services is the state agency that regulates child-care facilities and under current law may investigate the criminal backgrounds of persons applying for or holding a license. Senate Bill 48 enables the department to obtain criminal history information to assist child-care facilities in screening employees and job applicants and to aid its own investigations of persons providing child-care and protective services.

The act authorizes the department to obtain criminal information from certain law enforcement agencies for the purposes of investigating the following: owners and employees of licensed, registered, or certified child-care facilities, as well as applicants for employment; residents of a registered family home, except for children in care and their parents; persons providing or applying to provide adoptive or foster care for children in the department's custody; employees of the department engaged in the direct delivery of child protective services on the date the department implements the act; and persons applying for employment with the department whose position would involve direct delivery of child protective services.

The information obtained is privileged information but may be released to the person being investigated and a child-care facility that employs or is considering employing a person covered by provisions of the act. The department is directed to establish rules to prevent use of its authority or obtained information for harassment and to establish a uniform method for requesting and using the information. The act creates an offense for the unauthorized disclosure of information obtained under the authority of the act.

SENATE BILL 303 **SENATE AUTHOR:** Truan
EFFECTIVE: 10-1-85 **HOUSE SPONSOR:** Berlanga

The Bingo Enabling Act is amended to entitle the comptroller of public accounts to obtain certain criminal history information maintained by the Department of Public Safety, the Federal Bureau of Investigation, or another law enforcement agency. The comptroller may obtain this information to investigate various persons, including applicants or holders of licenses and persons who work at bingo games. The comptroller must establish a uniform method of obtaining the information and this method must require the comptroller to submit to the law enforcement agency either a complete set of fingerprints or the complete name of each person being investigated.

A law enforcement agency may not provide to the comptroller the criminal history records of a person being investigated unless the record information relates to a felony, a gambling or gambling-related offense, criminal fraud, or a crime of moral turpitude. Information received by the comptroller is privileged and may not be released except on court order or with the written consent of the person being investigated. A misdemeanor offense is created for the release or disclosure of information but the comptroller is not barred from informing an applicant of the reason for the denial of his application.

SENATE BILL 358 **SENATE AUTHOR:** Brown
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Willy

Senate Bill 358 authorizes the Texas Department of Health to obtain criminal conviction records from the Department of Public Safety or the Federal Bureau of Investigation for the purpose of investigating an employee or prospective employee of a nursing home or custodial care home, at the request of the employing institution. The only records which may be revealed to an employing institution are those relating to offenses classified as a felony or misdemeanor offense against a person or family and certain other offenses. The department of health may charge a reasonable fee to cover the costs of the investigation. The information obtained from the investigation is considered privileged and may not be released except on court order or with the written consent of the person under investigation. Unauthorized release of the information is punishable as a second degree felony.

SENATE BILL 523 **SENATE AUTHOR:** Lyon
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Barton

This measure authorizes the governing board of the Texas School for the Deaf to obtain criminal history information from the Department of Public Safety, the Federal Bureau of Investigation, or another law enforcement agency for purposes of investigating an employee of the school or an applicant for employment whose duties involve direct child care. Records are available to the board only if they relate to a felony or misdemeanor classified as an offense against the person or family or classified as public indecency or relate to a felony conviction involving controlled substances. The information may be released by the board only to the person being investigated and the school's superintendent, unless authorized by court order or by the person being investigated. This authority may not be used to harass employees, and unauthorized disclosure of this criminal history information is punishable as a Class A misdemeanor.

EDUCATION—HIGHER

Higher education legislation in 1985 was highlighted by tuition increases in House Bill 1147 that triple rates per semester hour for most undergraduates for autumn 1985, with additional increases to come in future years. Professional programs, including law and medicine and related fields, experience differential rate increases. Another piece of major legislation, Senate Bill 578, provides for the formula allocation of funds dedicated to institutions of higher education outside the state's permanent university fund system. This legislation results from a constitutional amendment approved by Texas voters in 1984.

There were several initiatives relating to promotion of technological research and development. Two in particular, Senate Bill 1169 and House Bill 1911, deal with Texas' bid for a superconducting super collider research facility planned by the federal government. Two others, Senate Bill 840 and Senate Bill 1296, authorize new state research institutions.

Tuition Increase

HOUSE BILL 1147 **HOUSE AUTHOR:** Delco
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Jones

House Bill 1147 raises tuition for students at public institutions, provides an option for paying tuition by installment, increases funding for student financial aid programs, and requires institutions to establish emergency loan programs with provisions for deferred repayment.

Tuition is set as follows:

		RESIDENT*	NONRESIDENT
General academic teaching institutions and Nursing and allied health programs (per semester hour)	1985-86	$ 12	$ 120
	1986-87	16	120
	1987-88	16	cost of education
	1988-89	16	"
	1989-90	18	"
	1990-91	18	"
	1991-92	20	"
	1992-93	20	"
	1993-94	22	"
	1994-95	22	"
	1995-	24	"

*minimum tuition for a resident student is $100 for each semester or 12-week summer session or $50 for a 6-week summer term

*tuition for resident student registered only for thesis or dissertation is to be determined by boards of institutions

M.D. or D.O. program (per academic year)	1985-86	$1,219	four times resident rate
	1986-87	2,400	"
	1987-88	3,600	"
	1988-89	4,800	"
	1989-	5,463	"
D.D.S. program (per academic year)	1985-86	$ 900	four times resident rate
	1986-87	1,600	"
	1987-88	2,500	"

	1988-89	3,500	"
	1989-	4,511	"
D.V.M. program (per academic year)	1985-86	$ 800	four times resident rate
	1986-87	1,200	"
	1987-88	2,400	"
	1988-89	3,600	"
	1989-	4,800	"
Law school programs (per semester hour)	1985-86	$ 24	$ 150
	1986-87	36	"
	1987-88	48	"
	1988-	60	"
Texas State Technical Institute (set by board of institute)	1985-	greater of $50 or $8/semester hour minimum	minimum of $80/semester hour
Junior college program (set by board)	1985-	not less than $4/semester	not less than $200/semester hour or $25/semester

The act removes the maximum limit for fees charged students registered for courses in which individual coaching is the usual method of instruction and provides that tuition for foreign students is the same as the tuition for other nonresident students.

House Bill 1147 also does the following:

(1) directs the Coordinating Board, Texas College and University System, to calculate the average cost of education of a student at general academic teaching institutions and to calculate tuition based on the cost of education (nonresident tuition, see above); the cost of education is the average amount appropriated for the biennium from the general revenue fund and the estimated education and general income for the biennium, as stated in the appropriations act, for each semester credit hour, excluding appropriations for special items and construction;

(2) requires oath of residency of students paying resident tuition rates;

(3) removes a provision allowing nonresidents who marry Texas residents to pay resident tuition;

(4) removes a provision allowing members of the Texas State Guard and their families to pay resident tuition, regardless of their actual period of residency;

(5) removes provisions allowing nonresident staff members and student employees who are not teaching or research assistants to pay resident tuition;

(6) limits the provision that allows scholarship recipients to pay resident tuition to only recipients of academic scholarships;

(7) directs the boards of institutions of higher education other than junior colleges to provide for the payment of tuition and fees by installment and allows for fees for handling installment payments;

(8) changes administrative authority concerning a program relating to students from other nations from the State Board of Education to the coordinating board;

(9) directs institutions to set aside a percentage of student tuition for the Texas Public Educational Grants and emergency student loans programs and includes specific provisions for the 1985-1987 school years; excess funds are to be transferred to the coordinating board for the use of students at other institutions of higher education;

(10) directs each institution of higher education, other than junior colleges, to establish an emergency loan program under which students are to be loaned money for tuition and fees; the act sets the length of loans, sets the maximum interest rate at five percent, and provides that the maximum amount available to students cannot be less than their tuition and required fees;

(11) provides for deferred repayment of loans and for forgiving loans in cases of extreme financial hardship and other instances in which the public interest is served if a loan is forgiven;

(12) directs the governing boards of each medical unit of institutions of higher education to set aside two percent of resident tuition for repayment or cancellation of student loans of physicians serving in designated state agencies or economically depressed areas (see Senate Bill 1341, education chapter);

(13) directs the comptroller to provide a means by which people who collect sales, excise, and use taxes may contribute any part of the reimbursements that they are allowed for collecting the taxes for student financial assistance grants and appropriates those funds to the coordinating board; and

(14) directs the coordinating board to study the operation of the Texas Public Educational Grant Program in conjunction with other student financial aid programs to ensure that the programs meet the needs of students.

Allocations to Non-PUF Universities

SENATE BILL 578 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-3-85 **HOUSE SPONSOR:** Delco

In 1984, voters approved an amendment to the Texas Constitution to dedicate $100 million a year for the purposes of acquiring land, constructing and equipping buildings or other permanent improvements, making major repairs or rehabilitations of buildings or other permanent improvements, and acquiring capital equipment, library books, and library materials for public institutions of higher education that do not receive funds from the permanent university fund. Senate Bill 578 allocates these funds to the appropriate institutions in accordance with an equitable formula consisting of the following elements: space deficit, facilities condition, institutional complexity, separate allocation for medical units, and additional allocation for compliance with the Texas Desegregation Plan. The act authorizes the institutions to expend the funds without limitation except that new construction, repair, and rehabilitation projects in excess of $300,000 and land acquisitions must be approved either by the legislature or by the Coordinating Board, Texas College and University System. The act also provides for adjustments in the allocation formula and includes a section clarifying the effective dates of tuition raises at institutions of higher education.

Colleges and Universities, Administration

SENATE BILL 104 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 1-1-86 **HOUSE SPONSOR:** Wolens

Senate Bill 104 requires the governing boards of institutions of higher education to file disclosure statements with the secretary of state regarding any gift that is received from a foreign person and that either has a value of more than $50,000 or is subject to a condition imposed by the donor regarding the use of the gift.

SENATE BILL 141 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Horn

Senate Bill 141 removes the maximum statutory limits on student union fees at North Texas State University and provides that student body approval is needed for increases of more than $3 per student for each fiscal year. Previously, student approval was needed for increases of more than $1 during the long semesters and 50 cents during the summer terms.

SENATE BILL 216 **SENATE AUTHOR:** Montford
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Armbrister

Senate Bill 216 authorizes governing boards of institutions of higher education to fix the rate of incidental student fees and to make rules for the collection of the fees and the distribution of the funds. The fees must reasonably reflect the actual cost to the university of the materials or services for which the fee is collected. The act directs the boards to publish the fee amounts in the general university catalogs and repeals a statute that had granted this type of authority specifically to the board of regents of The University of Texas System.

SENATE BILL 265 **SENATE AUTHOR:** Montford
EFFECTIVE: 1985 Fall Semester **HOUSE SPONSOR:** Shaw

Senate Bill 265 changes provisions relating to the rate of nonresident tuition at the Southwest Collegiate Institute for the Deaf.

SENATE BILL 325 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Gary Thompson

The engineering excellence fund was created in 1983 to help colleges and universities buy engineering laboratory equipment by providing state matching money for grants received by the institutions. The formula for distributing the matching money, however, left the possibility that large schools could raise more money through their own solicitation efforts and gave the schools little incentive to participate in the program.

Senate Bill 325 changes the distribution formula and clarifies and expands the responsibilities of the Coordinating Board, Texas College and University System, in administering the program.

SENATE BILL 1293 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Hury

Senate Bill 1293 establishes The University of Texas Medical Branch at Galveston Special School to provide for the education of school-age persons who are inpatients and outpatients at the medical branch. The school is part of and under the direction of the Moody State School for Cerebral Palsied Children.

The act also directs the State Board of Education to adopt a formula for the allocation of state special education funds for both the special school and the Moody State School.

HOUSE BILL 934 **HOUSE AUTHOR:** Delco
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Edwards

House Bill 934 changes provisions concerning the regulation of certain private institutions of higher education by the Coordinating Board, Texas College and University System, and prohibits educational or training establishments that do not provide courses or credits that are applicable to a degree from using the term "college" or "university" in their official names or titles. The act also provides that only institutions that have been in operation for two years or more may apply for a certificate of authority to grant a degree.

HOUSE BILL 1182 **HOUSE AUTHOR:** Colbert
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Parker

House Bill 1182 clarifies a law relating to the University of Houston System to provide that specific legislative authorization is necessary for suits against the system's board. The act also allows the board to delegate the authority to negotiate, approve, and execute contracts to the president or his representatives.

HOUSE BILL 1207 **HOUSE AUTHOR:** Armbrister
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Sharp

House Bill 1207 provides the board of regents of the University of Houston System with the power of eminent domain in Victoria County. The system includes an upper-level center in Victoria.

HOUSE BILL 1210 **HOUSE AUTHOR:** Cain
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Henderson

House Bill 1210 authorizes police departments of institutions of higher education to take possession of abandoned motor vehicles and, after certain conditions are met, to auction the vehicles.

HOUSE BILL 1525 **HOUSE AUTHOR:** Uher
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Sharp

House Bill 1525 directs the chief executive officers of institutions of higher education to make student enrollment reports for the fall and spring semesters at the end of each spring semester. Previously, reports had been required at the end of both the fall and the spring semesters.

HOUSE BILL 1837 **HOUSE AUTHOR:** Messer
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Harris

House Bill 1837 increases the flexibility of the board of regents of The University of Texas System concerning its authority relating to the issuance, sale, exchange, and redemption of bonds and notes. It

authorizes the board to use interim financing systems by entering into credit agreements in relation to any bonds or notes and to secure the obligations by pledging, encumbering, or granting liens on or security interests in any revenues, funds, or other property or security that may be pledged for those purposes.

Students and Faculty

SENATE BILL 738 **SENATE AUTHOR:** Uribe
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** P. Hill

Senate Bill 738 requires institutions of higher education to allow a student who is absent from classes for the observance of a religious holy day to take an examination or complete an assignment scheduled for that day within a reasonable time if the student gives proper notice to the instructor within 15 days after the beginning of the semester. The Coordinating Board, Texas College and University System, is directed to adopt and disseminate rules concerning this requirement.

SENATE BILL 1341 **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Delco

Previous law had authorized the Coordinating Board, Texas College and University System, to cancel the repayment of a Hinson-Hazelwood loan made to a medical student if the student was employed as a physician by the Texas Youth Commission, the Texas Department of Human Resources, the Texas Department of Corrections, or the Texas Department of Mental Health and Mental Retardation. Senate Bill 1341 limits the loan cancellation program to persons earning a doctorate of psychology degree.

The act creates a new program to provide assistance for the repayment of any student loan for medical education in an institution of higher education and makes changes in the service requirements. To be eligible for assistance under the new program, a physician must have completed at least one year of medical practice in private practice in an economically depressed or rural medically underserved area of the state or for the Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, the Texas Department of Corrections, or the Texas Youth Commission. The coordinating board is authorized to provide repayment assistance on a pro rata basis for physicians practicing part-time for one of these state agencies.

The act places the program under sunset review in 1997 and also includes other administrative provisions.

SENATE BILL 1342 **SENATE AUTHOR:** Jones
EFFECTIVE: 6-12-85 **HOUSE SPONSOR:** Uher

Senate Bill 1342 authorizes the Coordinating Board, Texas College and University System, to deposit money paid to the board by the federal Lender's Special Allowance Program in the Texas College Student Loan Bonds Interest and Sinking Fund or to use the money for the administration of student loan and grant programs, the Teacher Loan Program, the Future Teacher Loan Program, and other programs as specified by the legislature in the General Appropriations Act.

SENATE BILL 1442 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Colbert

Senate Bill 1442 prohibits institutions of higher education from discriminating against or penalizing faculty members for absence from work for the observance of a religious holy day if the faculty member gives proper notice and if the institution otherwise permits general personal absences of faculty members. The act provides that if personal absence is customarily penalized, the penalty for absence due to observance of a religious holy day is forfeiture of one day's pay equivalent for each day's absence.

HOUSE BILL 433 **HOUSE AUTHOR:** Delco
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Mauzy

House Bill 433 makes changes in procedures relating to the Texas guaranteed student loan program. It authorizes the Coordinating Board, Texas College and University System, to bring suits against persons who default on a loan; it provides for the appointment of masters in a suit on a default; and it makes changes in the requirements concerning the guarantee account of the Texas Guaranteed Student Loan Corporation and the corporation's annual audit.

HOUSE BILL 435 **HOUSE AUTHOR:** Heflin
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Edwards

House Bill 435 amends statutory provisions relating to teacher training programs to prohibit the abridgment of the right of any higher education student to join or refuse to join any association or organization. The State Board of Education is directed to establish related rules, to notify institutions of higher education, and to enforce the rules. The act also specifically prohibits institutions of higher education from requiring students enrolled in a teacher preparation program to join or indicate intent to join any association or organization.

HOUSE BILL 1026 **HOUSE AUTHOR:** Delco
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Mauzy

House Bill 1026 directs the Texas Guaranteed Student Loan Corporation to make loans to eligible students, as a lender of last resort, under certain conditions.

HOUSE BILL 1120 **HOUSE AUTHOR:** Delco
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Mauzy

House Bill 1120 changes the eligibility criteria for student loans through the Hinson-Hazelwood College Student Loan Program to allow loans to be made to students in proprietary schools and certain unaccredited institutions of higher education if the students are unable to obtain guaranteed student loans from commercial lenders.

Junior Colleges

SENATE BILL 640 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 1985 Fall Semester **HOUSE SPONSOR:** Rudd

Senate Bill 640 raises the maximum amount of laboratory fees that public junior colleges may charge. The fees had been limited to between $2 and $8. The act sets the maximum charge at $24 for any one semester or summer term and provides that the charge may not exceed the cost of actual materials and supplies used by the student.

SENATE BILL 675 **SENATE AUTHOR:** Farabee
EFFECTIVE: 6-7-85 **HOUSE SPONSOR:** Uher

Senate Bill 675 changes requirements concerning the establishment of junior college districts. Regarding union, county, or joint-county junior college districts, the act raises the tax base that a proposed district must have to $2.5 billion and raises the total scholastic population required to 15,000 students. Regarding independent school districts and city junior colleges, the act requires that elections to create new junior college districts include proposals concerning issuing bonds and levying bond taxes and levying maintenance taxes. The Coordinating Board, Texas College and University System, is required to develop criteria for determining the need for a certain type of public junior college and to determine whether programs in proposed institutions would create unnecessary duplication or harm programs in existing junior college districts.

SENATE BILL 923 **SENATE AUTHOR:** Traeger
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Hall

Senate Bill 923 authorizes the governing boards of public community/junior colleges and upper-level universities or centers that share a common campus to enter into partnership agreements designed to coordinate the management and operations of the institutions. The agreements must have the approval of the Coordinating Board, Texas College and University System, and they may cover such issues as joint use of personnel and the assignment of the operation of support services to one of the institutions.

HOUSE BILL 501 **HOUSE AUTHOR:** O. Garcia
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Krier

House Bill 501 authorizes certain junior college districts to annex territory in their counties that is not included in other junior college districts and includes provisions concerning procedures for the annexations. The act applies only to a junior college district located in part of a county with a population of more than 900,000 residents; currently, the act would apply only to a junior college district located in Bexar County.

HOUSE BILL 978 **HOUSE AUTHOR:** Hollowell
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Jones

House Bill 978 requires public junior colleges established on or after September 1, 1986, to levy and collect ad valorem taxes for their operation and maintenance in order to receive state appropriations.

Technical-Vocational Education

SENATE BILL 911 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Rudd

Senate Bill 911 transfers administrative responsibilities concerning postsecondary programs in technical-vocational education to the Coordinating Board, Texas College and University System, from the State Board of Education (acting as the State Board of Vocational Education). The act provides that the Texas State Technical Institute shall operate under the general control of the coordinating board, removing certain approval authorities of the State Board of Vocational Education, directs the institute to collect tuition as required by law, and authorizes the school to award associate of applied arts or associate of applied science degrees. A joint advisory committee is created to advise the coordinating board and the State Board of Education in coordinating postsecondary technical-vocational activities and technical-vocational teacher education programs, and the Select Committee on Higher Education is authorized to study issues relating to postsecondary technical-vocational education.

HOUSE BILL 374 **HOUSE AUTHOR:** Clark
EFFECTIVE: 4-3-85 **SENATE SPONSOR:** Sarpalius

House Bill 374 reduces the number of members of the Advisory Council for Technical-Vocational Education from 24 to 13 members and provides that seven members represent the private sector, five of whom represent business, industry, and agriculture, and that the remaining six represent vocational education institutions and career guidance and counseling organizations and have special knowledge relating to the needs of special populations. The act also provides that the chairman of the council is to be selected from the members representing the private sector and sets out additional factors concerning appointments to and membership and functions of the advisory council.

The changes are made to conform the state program with 1984 changes in the federal law.

HOUSE BILL 2414 **HOUSE AUTHOR:** Denton
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Edwards

House Bill 2414 amends the General Appropriations Act passed by the 68th Legislature to authorize the Texas State Technical Institute to use the purchased utility contingency fund of the Coordinating Board, Texas College and University System; the authorization allows TSTI to pay for utility costs expected to exceed previously appropriated funds.

High Technology, Research and Development

SENATE BILL 840 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Richardson

Senate Bill 840 authorizes the board of regents of The University of Texas System to establish and support a Center for Technology Development and Transfer for the purpose of promoting and expanding the development and growth of high technology industry.

The act also makes the following information confidential: information relating to products, devices, and processes and all technological and scientific information developed at state institutions of higher education that have a potential for being sold, traded, or licensed for a fee; and any information that is proprietary and has been disclosed to the institutions solely for the purposes of a written research contract or grant that contains a provision prohibiting the disclosure of the information.

SENATE BILL 1169 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** A. Luna

Senate Bill 1169 establishes the Texas National Research Laboratory Commission to serve as the coordinating unit and authority within the state for the formulation of the siting proposal on behalf of the state for the Superconducting Super Collider research facility sponsored by the federal government.

SENATE BILL 1296 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Pennington

Senate Bill 1296 creates the Geo-Technology Research Institute to be located at the Houston Area Research Center, a research consortium that includes The University of Texas, Texas A&M University, Rice University, and the University of Houston. The institute is directed to conduct basic and applied research in geophysics, geo-technology, and related fields leading to the discovery of new reserves and the development of technology to increase the production potential of oil and natural gas.

HOUSE BILL 553 **HOUSE AUTHOR:** Madla
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Krier

House Bill 553 directs the Central Education Agency to develop an industrial training program to enhance employment opportunities in existing businesses and industries and to encourage the location and development of new businesses and industries in this state. The act specifically allows the agency to provide training that would provide civilian employment opportunities with United States military reservations and includes provisions relating to the establishment of training courses at certain educational institutions.

The act also establishes the Technology Training Board and directs the board to collect and disseminate information, encourage technology training, conduct studies and issue reports relating to technology training, and develop a program of direct assistance to individual businesses seeking to aid or take advantage of technology training. The board is subject to sunset review in 1987.

HOUSE BILL 1911 **HOUSE AUTHOR:** Heflin
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Montford

House Bill 1911 authorizes the board of regents of The University of Texas System to select a site on permanent university fund lands for the Superconducting Super Collider Accelerator under certain circumstances and sets out requirements concerning the board's authority. The act also authorizes the board to acquire additional land through eminent domain for use for the site in conjunction with permanent university fund lands.

Southern Regional Education Compact

SENATE BILL 172 **SENATE AUTHOR:** Parker
EFFECTIVE: 3-28-85 **HOUSE SPONSOR:** Delco

The Board of Control for Southern Regional Education, of which Texas is a member, requires its member states to approve the application for membership of other states. Senate Bill 172 expresses the consent of the State of Texas for the membership of the State of Oklahoma in the Southern Regional Education Compact.

The chapter on public lands contains summaries of legislation relating to land transactions by colleges and universities.

EDUCATION—PUBLIC

In 1984, in a called session devoted mainly to issues of educational reform, the 68th Legislature enacted comprehensive legislation restructuring the State Board of Education, instituting the pass-play rule for participation in extracurricular activities, establishing testing and career ladder programs for teachers, and making other changes in public education policy. The 69th Legislature, in contrast, was relatively subdued. One measure of interest to teachers, however, is House Bill 505 guaranteeing them a duty-free daily lunch period of at least 30 minutes. Other noteworthy enactments include House Bill 1304, which seeks to improve classroom computer use and literacy, and House Bill 1393, which calls for a study of school-district programs for gifted and talented students.

Students and Education Programs

HOUSE BILL 157 **HOUSE AUTHOR:** Hammond
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Lyon

House Bill 157 directs the State Board of Education to approve and periodically review a program under which students enrolling in public schools are tested for dyslexia and related disorders; the board must approve both screening methods and treatment techniques by January 1, 1986. The act also requires school districts to implement dyslexia screening and treatment programs not later than the beginning of the 1986-1987 school year.

HOUSE BILL 832 **HOUSE AUTHOR:** McKinney
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Montford

House Bill 832 directs the Texas Department of Health, in cooperation with the Central Education Agency, to establish a program to detect abnormal spinal curvature in children and requires mandatory spinal screening of children in grades 6 and 9. The act includes provisions exempting children with religious conflicts, requiring notification of parents whose children may have abnormal spinal curvature, and relating to the qualifications of screening personnel. It directs the board of health to adopt rules to administer the program.

HOUSE BILL 1243 **HOUSE AUTHOR:** Denton
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Parker

In the 1984 revisions of public education law, the legislature moved Education Code sections relating to special education programs. House Bill 1243 changes a citation to reflect this move in a statute concerning children who are exempt from requirements of compulsory school attendance.

HOUSE BILL 1393 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Parker

House Bill 1393 removes the requirement that the Central Education Agency establish exemplary programs for gifted and talented students and authorizes school districts to establish programs for gifted and talented students. It requires the agency to approve programs operated by school districts, changes the method for funding the programs, and sets out requirements relating to funding.

The State Board of Education is directed to conduct a study of the implementation of gifted and talented programs and report to the 70th Legislature; the purpose of the study is to encourage districts to identify and implement programs for gifted and talented students. The board is also directed to include gifted and talented programs in the annual study of accountable costs to school districts.

HOUSE BILL 1731 **HOUSE AUTHOR:** Blanton
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Caperton

House Bill 1731 provides for the suspension of a special education student from participation in extracurricular activities if the student fails to meet the requirements of his or her individual education plan. Mentally retarded students had previously been exempted from the "no pass, no play" requirement.

HOUSE BILL 156 **HOUSE AUTHOR:** Hammond
EFFECTIVE: 6-11-85 **SENATE SPONSOR:** Edwards

House Bill 156 authorizes the future teacher loan fund to receive donated money and provides that teacher education loans may be paid from the donations.

HOUSE BILL 505 **HOUSE AUTHOR:** Messer
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Truan

House Bill 505 provides that teachers actively engaged in the instruction and supervision of students in public schools are entitled to a duty-free lunch period of at least 30 minutes. The provision, however, may not result in a lengthened school day, and a school district may require a teacher to supervise students during lunch one day a week if there are personnel shortages, extreme economic conditions, or unavoidable or unforeseen circumstances. The State Board of Education is directed to prescribe guidelines for those allowable exceptions to the duty-free period.

HOUSE BILL 927 **HOUSE AUTHOR:** Blanton
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Edwards

House Bill 927 authorizes boards of trustees of school districts to establish health care plans and funds for school district employees and their dependents and includes certain requirements for these plans. It specifically states that money for a local health care fund may not be deducted from an employee's salary without the employee's authorization.

HOUSE BILL 986 **HOUSE AUTHOR:** O. Garcia
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Krier

House Bill 986 requires training in recognizing and responding to signs of abuse or neglect in students to be included in teacher education programs and as a part of inservice training and preparation for all certified professional educators. It is to be a condition for accreditation for teacher education programs beginning with the fall semester, 1986, and it is required for inservice training programs beginning with the 1985-86 school year.

HOUSE BILL 1532 **HOUSE AUTHOR:** Denton
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Parker

In the 1984 changes made to laws relating to public education, the legislature removed inefficiency as a grounds for dismissal or demotion of teachers employed under a continuing contract. House Bill 1532 amends a law relating to hearings for teachers charged with inability or failure to perform assigned duties to reflect that change.

HOUSE BILL 1992 **HOUSE AUTHOR:** Colbert
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Caperton
and
SENATE BILL 1443 **SENATE AUTHOR:** Caperton
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Colbert

House Bill 1992 and Senate Bill 1443 prohibit school districts from denying a salary bonus or similar compensation given on the basis of teacher attendance or from denying a career ladder advancement because of a teacher's absence from school for the observance of a religious holy day. The State Board of Education is authorized to adopt rules to ensure uniform administration of the prohibition.

HOUSE BILL 2168 **HOUSE AUTHOR:** Haley
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Lyon

House Bill 2168 directs the Central Education Agency to develop an inservice program to train teachers to recognize and teach students with dyslexia and related disorders; the agency also is directed to distribute a program outline and materials to school districts and regional education service centers. The inservice training program qualifies as advanced academic training for purposes of the career ladder.

SENATE BILL 821 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Gavin

State law allows certain school districts with 3,500 or more students in average daily attendance to adopt a redistricting plan under which all trustees are elected from single-member trustee districts or under which not fewer than 70 percent of the members of the board of trustees are elected from single-member trustee districts with the remaining trustees elected from the district at large. Senate Bill 821 authorizes boards that adopt a redistricting plan under which five members of the board are to be elected from single-member trustee districts and two members to be elected at large to provide for trustees in office at the time of transition to single-member trustee districts to serve at large for the remainder of their terms and for the new positions to be filled as the staggered terms of the incumbent trustees expire.

SENATE BILL 1235 **SENATE AUTHOR:** Parker
EFFECTIVE: 4-11-85 **HOUSE SPONSOR:** Colbert

Senate Bill 1235 changes the composition of the State Textbook Committee. Previous law had required that one member be appointed from each congressional district in the state. The act provides that members be appointed from each State Board of Education district, thus reducing the size of the committee from 27 to 15 members; it does not affect the terms of office of committee members serving when the bill was enacted.

HOUSE BILL 922 **HOUSE AUTHOR:** Hackney
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Whitmire

House Bill 922 allows school districts and other local authorities to designate school crossing guards and school crossing zones and requires persons to comply with lawful orders and directions to stop and yield to pedestrians given by school crossing guards.

HOUSE BILL 973 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Sims

House Bill 973 authorizes school districts that do not offer each grade level from kindergarten through grade 12 to contract with other accredited districts for students to be educated at the grade levels not offered by the district of residence. The act also specifies a number of provisions and requirements relating to the contracts.

HOUSE BILL 1303 **HOUSE AUTHOR:** Oliver
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Edwards

State law requires that most public school contracts for the purchase of personal property that is valued at $5,000 or more be submitted to competitive bidding. House Bill 1303 exempts the purchase of computers and computer-related equipment, including software, from this requirement if the computer or equipment is on a list of approved equipment prepared by the State Purchasing and General Services Commission and if the school districts provide proper documentation. Computers suitable for use in public schools, based on recommendations of the Central Education Agency, are to be included on the commission's list. (See House Bill 1304.)

HOUSE BILL 1304 **HOUSE AUTHOR:** Oliver
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Edwards

House Bill 1304 establishes the computer software advisory group to continuously evaluate and make recommendations to the State Board of Education concerning computer software for use in public school classrooms. The advisory group will consist of one member from each State Board of Education district, all of whom must be classroom teachers or other school district employees with experience in using computers for instructional purposes in the classroom.

The State Board of Education is directed to develop a long-range plan for using technology-based systems in the classroom, acquiring software, and fostering computer literacy among public school students and to develop a list of approved software for public school use that is updated each year. School districts are not required to acquire only software approved by the board, but the board is directed to ensure that all school districts have equal access to approved software.

HOUSE BILL 1921 **HOUSE AUTHOR:** A. Moreno
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Uribe

House Bill 1921 changes procedures relating to the election of rehabilitation school district board members and reduces the number of members required to serve on the boards.

HOUSE BILL 2036 **HOUSE AUTHOR:** Campbell
EFFECTIVE: 6-12-85 **SENATE SPONSOR:** Glasgow

House Bill 2036 sets out conditions under which any two contiguous school districts may adjust common boundaries. It also authorizes small school districts to establish and operate under single-member trustee districts. The statute setting out requirements for electing school trustees from single-member districts had previously been limited to school districts with 3,500 or more students in average daily attendance.

HOUSE BILL 2437 **HOUSE AUTHOR:** Waldrop
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** Edwards

House Bill 2437 authorizes boards of trustees of school districts to invest gifts, devises, and bequests made to school districts for the purpose of providing college scholarships for graduates. This measure was introduced in response to a bequest and scholarship program of the Corsicana Independent School District.

State Funding

SENATE BILL 2 **SENATE AUTHOR:** Farabee
EFFECTIVE: 3-13-85 **HOUSE SPONSOR:** Haley

Senate Bill 2 clarifies existing law by specifying that the small district adjustment to the basic allotment for a school district is applicable to special allotments. It also provides that in determining the basic allotment for certain small districts, the district's average daily attendance does not include the time students spend in special education or vocational education programs. The act applies to allocations beginning with the 1984-85 school year, and the commissioner of education is directed to make necessary adjustments.

HOUSE BILL 1531 **HOUSE AUTHOR:** Denton
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Edwards

House Bill 1531 authorizes counties that operate school transportation systems to receive the state transportation allotment and sets the basis for determining the transportation allotment of a district that belongs to a county transportation system for the purpose of determining the district's foundation school program allocations.

Transportation

HOUSE BILL 267 **HOUSE AUTHOR:** C. Harris
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** McFarland

House Bill 267 allows school buses to be equipped with rooftop warning lamps to be operated only during inclement weather when the bus is being stopped or is stopped on a highway for the purpose of permitting school children to board or alight from the bus. It also allows the buses to be equipped with movable stop arms that may be operated only when the bus is stopped for permitting children to board or alight. The Department of Public Safety and the Central Education Agency are directed to adopt regulations concerning the stop arms by January 1, 1986.

HOUSE BILL 508 **HOUSE AUTHOR:** C. Harris
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** McFarland

House Bill 508 requires school bus drivers to activate all flashing warning signal lights or related equipment when the bus is stopping to load or unload children.

HOUSE BILL 1242 **HOUSE AUTHOR:** Denton
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Parker

House Bill 1242 amends a provision of the Education Code to conform one reference to an agency name change and to correct another reference to code provisions relating to special education.

ELECTIONS

Elections legislation in the 69th Legislature was highlighted by the failure of passage of numerous bills that sought to amend the state's presidential primary laws. On the other hand, a code providing for a substantive revision of election law cleared the legislature.

Election Code

SENATE BILL 616 **SENATE AUTHOR:** Edwards
EFFECTIVE: 1-1-86 **HOUSE SPONSOR:** Hackney

Senate Bill 616 adopts the Election Code, a substantive revision of the statutes relating to election law. The general organization of the Election Code is:

TITLE 1. INTRODUCTORY PROVISIONS
TITLE 2. VOTER QUALIFICATIONS AND REGISTRATION
TITLE 3. ELECTION OFFICERS AND OBSERVERS
TITLE 4. TIME AND PLACE OF ELECTIONS
TITLE 5. ELECTION SUPPLIES
TITLE 6. CONDUCT OF ELECTIONS
TITLE 7. ABSENTEE VOTING
SUBTITLE A. ABSENTEE VOTING
SUBTITLE B. SPECIAL FORMS OF ABSENTEE VOTI
SUBTITLE C. RESTRICTED BALLOT
TITLE 8. VOTING SYSTEMS
TITLE 9. CANDIDATES
TITLE 10. POLITICAL PARTIES
SUBTITLE A. INTRODUCTORY
SUBTITLE B. PARTIES NOMINA
SUBTITLE C. PARTIES NOMINAT
TITLE 11. PRESIDENTIAL ELECTIC
TITLE 12. ELECTIONS TO FILL VAC
TITLE 13. RECOUNTS
TITLE 14. ELECTION CONTESTS
SUBTITLE A. INTRODUCTORY PROVISI
SUBTITLE B. CONTESTS IN DISTRICT COURT
SUBTITLE C. CONTESTS IN OTHER TRIBUNALS
TITLE 15. (reserved)
TITLE 16. MISCELLANEOUS PROVISIONS

All of the old Texas Election Code except Chapter 14, regulating political funds and disclosure, is repealed by this act. A separate bill which would have recodified Chapter 14 as Title 15 of the new code did not pass.

The act provides that if a provision of the code conflicts with another act of the 69th Legislature, the other act prevails. If the other act makes the same substantive change but the text differs, the text in the new code prevails.

Objection to any provision of the new code by the U.S. Justice Department under the Voting Rights Act does not affect the validity of the rest of the act. The secretary of state is directed to identify the corresponding provision of prior law in the Texas Election Code, and that old provision shall continue in effect in place of the new provision.

The new Election Code, in addition to reorganizing election law, makes a number of substantive changes to eliminate inconsistencies, clarify ambiguous provisions, delete or replace obsolete or unworkable laws, standardize or improve procedures, or adopt new practices. Among the major substantive changes are the following:

(1) The current five-year waiting period for felons to become registered voters is replaced with a two-year waiting period from the date of discharge or completion of probation.

(2) A regulatory system for volunteer deputy registrars is provided that clarifies the roles of the voter registrar and the deputies in the registration system.

(3) The county executive committee of a political party is required to provide training programs for its election officers, and election judges in elections ordered by the governor or a county authority are required to complete a training program provided by the county clerk.

(4) Voting booths are required to be used at all polling places, rather than at each polling place in a city with a population of 10,000 or more.

(5) The requirements of the federal Overseas Citizens Voting Rights Act of 1975, currently being implemented by directive of the secretary of state, are implemented in the new Election Code.

(6) The primary ballot pledge of support for the party's nominees is replaced with a statement that the voter is a member of a particular party and understands that he is ineligible to vote or participate in another political party's primary election or convention during the current voting year.

(7) The biennial state party convention currently held in September is moved to June.

(8) A standard procedure for obtaining and conducting a recount in any election, regardless of method of voting, is provided.

Voting and Election Procedures

SENATE BILL 85 — **SENATE AUTHOR:** Mauzy
EFFECTIVE: 8-26-85 — **HOUSE SPONSOR:** Hackney

Senate Bill 85 provides that, at the discretion of the county clerk, in the general election for state and county officers in a county with a population of at least 500,000, a committee may be constituted to verify voters' signatures on absentee by mail balloting materials. The composition of the committee, the time and place of operation, the procedure for verifying signatures and other administrative details are delineated in the bill.

HOUSE BILL 123 — **HOUSE AUTHOR:** Buchanan
EFFECTIVE: 8-26-85 — **SENATE SPONSOR:** Montford

House Bill 123 changes the number of election clerks appointed by the presiding election judge of each precinct from two to the number he deems necessary to conduct the election, subject to the maximum number authorized by the commissioners court.

HOUSE BILL 276 — **HOUSE AUTHOR:** Jackson
EFFECTIVE: 8-26-85 — **SENATE SPONSOR:** Mauzy

House Bill 276 gives the commissioners court or other applicable political subdivision governing body in counties containing a city with a population of 900,000 or more and a city manager form of government the authority to restrict absentee voting at a branch absentee polling place to voters of particular election precincts. The act also permits voters of a particular election precinct or political subdivision to be served in a joint election by a common polling place located outside the boundary of the precinct or subdivision if that location can adequately serve the affected voters and facilitate the conduct of the election.

HOUSE BILL 569 — **HOUSE AUTHOR:** Willy
EFFECTIVE: 8-26-85 — **SENATE SPONSOR:** Brown

House Bill 569 requires the furnishing of indelible marking instruments, rather than ordinary pencils, to mark paper ballots in elections.

HOUSE BILL 2177 — **HOUSE AUTHOR:** Russell
EFFECTIVE: 8-26-85 — **SENATE SPONSOR:** Caperton

House Bill 2177 requires that a petition requesting the secretary of state to appoint election inspectors be received by that office not later than the fifth day before the election. The act also requires that, not later than the 20th day before the general primary election and the general election, each voter registrar must deliver to the secretary of state a report of the number of persons whose voter registrations will be effective in the county on election day. Finally, the act adds the offices of United States representative, state senator, and state representative to the list of offices voted on in the primaries and the general election for which a report of the results must be submitted to the secretary of state.

HOUSE BILL 2261 **HOUSE AUTHOR:** Carter
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Caperton

House Bill 2261 increases the period of time during which the State Board of Canvassers is required to open and count election returns by changing it from a period between 15 and 21 days after election day to a period between 15 and 30 days after election day.

HOUSE BILL 2331 **HOUSE AUTHOR:** S. Thompson
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Mauzy

House Bill 2331 requires the voter registrar to keep his office open during polling hours on all uniform election dates. Previously, the registrar was only required to keep his office open during elections in which a statewide office appeared on the ballot.

HOUSE BILL 2344 **HOUSE AUTHOR:** Hackney
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Caperton

An affidavit of residence must be filled out by any voter whose last voter registration certificate was returned undelivered by postal authorities before he is allowed to vote in an election. House Bill 2344 provides that, for persons with returned certificates who apply to vote absentee by mail, the absentee voting clerk shall mail with the ballot a form and instructions for submitting an affidavit of residence.

The act also provides that, after the canvass of ballots voted by mail, the papers accompanying these ballots shall be returned to the county clerk in a container separate from the voted ballots. Rejected ballots must also be returned separate from the box containing the voted ballots.

HOUSE BILL 2346 **HOUSE AUTHOR:** Hackney
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Caperton

House Bill 2346 changes the period allowed for inspecting and sealing voting machines prior to an election. Previously, election officers were required to begin the procedure within five days of the date of the election; the change requires them to begin not earlier than the 30th or later than the fifth day before the election.

The act also requires that notice of the time and place of inspection and sealing of the machines be posted continuously for the 48-hour period preceding the beginning of the procedure.

Judicial Elections

SENATE JOINT RESOLUTION 14 **SENATE AUTHOR:** Caperton
FOR ELECTION: 11-5-85 **HOUSE SPONSOR:** C. Evans

Senate Joint Resolution 14 proposes a constitutional amendment to create the Judicial Districts Board and provide for the reapportionment of judicial districts and to amend constitutional provisions relating to court administration and jurisdiction. This proposed constitutional amendment will be submitted to the voters at an election to be held on November 5, 1985.

SENATE BILL 290 **SENATE AUTHOR:** Caperton
EFFECTIVE: see below **HOUSE SPONSOR:** C. Evans

Senate Bill 290 provides for the reapportionment of the judicial districts of the state in order to equalize judicial burdens. The rules and conditions for reapportionment are specified, as well as the procedure to be followed by the Judicial Districts Board in accomplishing this task. No district may be smaller than an entire county unless the voters of that county have adopted a proposition allowing the division of the county into separate districts. The act also provides for the transfer of cases, equalization of dockets, concurrent jurisdiction, terms of courts, court officers' jurisdiction, and quarters for courts when these are affected by a reapportionment.

This bill becomes effective only on adoption by the voters of the constitutional amendment proposed by S.J.R. 14.

HOUSE BILL 2509 **HOUSE AUTHOR:** Wright
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Henderson

House Bill 2509 increases the filing fees to $2,000 for the following offices: (1) chief justice or associate justice of a court of appeals serving a supreme judicial district in which a county with a population of more

than 2,400,000 is wholly or partially situated; (2) district or criminal district judge in a judicial district wholly contained in a county with a population of more than 2,400,000; and (3) judge of a statutory county court in a county with a population of more than 2,400,000. In addition, the act requires that a candidate for one of these offices must either pay the filing fee and file a petition containing the signatures of at least 250 voters eligible to vote for that office or comply with alternative filing requirements provided in the Texas Election Code.

Miscellaneous

SENATE BILL 688 **SENATE AUTHOR:** Montford
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Rudd

Senate Bill 688 exempts county election precincts from compliance with certain provisions of the Texas Election Code specifying how a commissioners court must draw these precincts if the commissioners court determines that compliance is impracticable because of the requirements of a federal court order and if the voter registrar furnishes to each political subdivision affected by the federal court order a list of registered voters in each election precinct used in that political subdivision's elections.

SENATE BILL 1120 **SENATE AUTHOR:** Lyon
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Patterson

Senate Bill 1120 changes a requirement for holding the office of mayor from being a qualified elector to being a registered voter. The act also provides that a person must be a registered voter to be eligible for the office of alderman.

SENATE BILL 1470 **SENATE AUTHOR:** Jones
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Patronella

Senate Bill 1470 amends current provisions of the Texas Election Code relating to preparation, distribution, and custody of lists of registered voters. In addition, political parties must now submit estimates and reports of the actual costs of conducting primary elections to the secretary of state regardless of whether state funds are to be requested to cover a portion of these costs. Estimates of the cost of the first primary election must be filed 45, rather than 30, days prior to the election. The secretary of state is allowed to pay the party chairmen either three-fifths or three-fourths of the estimated cost of these elections. Filing fees for elective offices are increased to help cover the increasing costs to the state of primary elections.

HOUSE BILL 318 **HOUSE AUTHOR:** Gibson
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Farabee

House Bill 318 exempts unopposed candidates for the state house or senate from the requirement to report certain contributions made between the ninth and second day before the election within 48 hours of accepting them.

HOUSE BILL 753 **HOUSE AUTHOR:** Edwards
EFFECTIVE: see below **SENATE SPONSOR:** Washington

This act modifies state representative districts 131 and 146, located in Harris County, by transferring block 507 of census tract 327.01 from district 131 to district 146. Precinct 239 in district 146 is without a proper polling place. By transferring block 507 to district 146, voters in precinct 239 will gain a proper polling place, and the precinct losing block 507 is only minimally altered.

HOUSE BILL 1216 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** McFarland

House Bill 1216 specifies that, for a signature on a voter's petition to be valid, the petition must contain, in addition to the signature, (1) the signer's printed name; (2) his voter registration number, and, if applicable, the county of registration; (3) his residence address; and (4) the date of signing. The petition must also comply with any other requirements of applicable state law. The act allows the use of a statistical sampling method for verifying signatures on a petition that contains more than 1,000 signatures. The act does not apply to a petition for a local option election under the Alcoholic Beverage Code.

HOUSE BILL 1485 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 6-11-85 **SENATE SPONSOR:** Blake

House Bill 1485 amends state law regarding legislative computer records, access to election information, and confidential communication. The Texas Legislative Council is granted authority to regulate access and use of computer information under its control. An offense, punishable as a Class A misdemeanor, is created for tampering with computers under the control of the legislative council.

The act also provides for legislative council access to election information. The secretary of state, a county clerk or county elections administrator, a city secretary, or a voter registrar is directed to comply with a written request from the legislative council for information relating to voter registration, election returns, and election precincts.

A communication between legislators or the lieutenant governor and state residents is made confidential and may not be disclosed unless authorized by the resident or legislator. A communication with a public official or public employee acting in an official capacity is not confidential.

HOUSE BILL 2162 **HOUSE AUTHOR:** Patronella
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Washington

House Bill 2162 revises the number of signatures required on an application for a place on the ballot in a municipal election. For citywide elections it shall be necessary for the application to be signed by qualified voters equaling at least one-half of one percent of the entire vote for mayor at the last election, or by 25 qualified voters, whichever is the greater. For a city office elected from a ward or district, the application must be signed by qualified voters of the district equaling at least one-half of one percent of the total vote for mayor in the district or by 25 qualified voters of the district, whichever is the greater.

ENERGY

Energy legislation enacted in 1985 was limited to the Texas oil and gas industry. One measure of importance to the public school and certain state university revenue is Senate Bill 1018 which attempts to close a loophole in the law that enabled lucrative subleases on public land to escape payments of royalties or bonuses to the state. Monthly allowable rules for gas producers (House Bill 1866) are made more flexible. Under one law (House Bill 2431) useful geological data will be preserved with the railroad commission, though without encroaching on confidentiality protections. New royalty reporting requirements (House Bill 1462) are enacted. Energy users, including farmers, are affected by measures that assure fair negotiation of agricultural gas supply contracts (House Bill 1823) and simplify regulatory review of gas contract rate reductions (House Bills 1509 and 1865). Finally, reference should be made to a measure summarized in the education chapter (Senate Bill 1296) that creates a Geo-Technology Research Institute to enhance discovery of oil and gas reserves and to increase the production potential of existing reserves.

Oil and Gas Leases on Public Lands

SENATE BILL 1018 **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Whaley

Subchapter F, Chapter 52, Natural Resources Code, commonly known as the relinquishment act, designates the surface owner of property as agent of the state for purposes of negotiating and executing oil and gas leases if the state is the mineral owner. Under the relinquishment act, royalties or bonuses are split equally between the state and the surface owner. Senate Bill 1018 discourages abuses that have arisen under this system, whereby a surface owner could reacquire control from the person with whom he executed an oil and gas lease and then sublease the property for mineral development purposes for higher amounts without sharing the proceeds from the second lease with the state. The new measure prohibits the surface owner, either directly or indirectly, from leasing to himself or herself, to an associate or partner, or to any corporation or subsidiary of which he or she is a principal stockholder. Corporate and partnership surface owners may not lease to a principal stockholder or partner, respectively. Senate Bill 1018 requires of the surface owner certain good-faith and common-law duties to protect the interests of the state and provides that, in the event of any breach of these obligations, the land commissioner may seek remedial legal action through the attorney general including possible forfeiture by the surface owner of his or her role as the state's leasing agent.

HOUSE BILL 918 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 6-8-85 **SENATE SPONSOR:** Sharp

Texas law provides for mineral leases, including oil and gas leases, on land owned by most state agencies. Leases executed before changes adopted in 1985 were executed by three-member boards composed of the land commissioner, the head of the relevant agency, and a gubernatorial appointee.

In 1981, the legislature enacted a prohibition on oil and gas leasing on land acquired for roads and highways and on other land under the control of the State Department of Highways and Public Transportation. House Bill 918 partially lifts this prohibition, reinstating such leasing except where a parcel of highway land is within 2,500 feet of certain producing oil or gas wells. It grants the owner of mineral rights on adjacent land the first chance at the highway land mineral lease and establishes procedures by which such owner may exercise that prerogative. House Bill 918 also establishes certain pooling provisions. Royalties, bonuses, and rentals are set according to the same procedures as are used on most lands owned by state agencies generally, except that lease terms and payments to the state may be no less generous than the most generous of those in effect on adjacent tracts. Should an owner of mineral rights on adjacent land, having exercised the prerogative to lease the highway land, begin producing oil or gas on the adjacent land while withholding production on the highway land, he or she must either pay shut-in royalties in accordance with the lease or otherwise pay the state compensatory royalties. House Bill 918 is influenced by passage of Senate Bill 493 (chapter on sunset legislation), which assigns leasing of highway lands to the School Land Board.

HOUSE BILL 1376 **HOUSE AUTHOR:** Leonard
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Brown

House Bill 1376 exempts from the requirement to obtain a water rights permit withdrawals of water by a petroleum driller or producer, taken from the Gulf of Mexico or from coastal bays, in amounts not exceeding one acre-foot per 24 hours.

Oil and Gas Wells

HOUSE BILL 948 **HOUSE AUTHOR:** Emmett
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Montford

This act allows oil and gas well casings to be made of materials other than wrought iron and steel, provided that the material—particularly in cases where the well might be subjected to corrosive elements or to high pressures or temperatures—meets standards set by the Railroad Commission of Texas.

HOUSE BILL 1346 **HOUSE AUTHOR:** Williamson
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Sarpalius

The Railroad Commission of Texas uses a dedicated well plugging fund, derived mainly from penalties and drilling permit fees, for expenses incurred in plugging or replugging abandoned oil and gas wells. This act allows the confiscation by an agent of the commission, as full or partial compensation, for plugging or replugging a well, of any salvageable production-related equipment at the site that is abandoned as defined by commission rules. The commission is directed in adopting such rules to establish means for establishing the value of this equipment for purposes of compensation.

HOUSE BILL 1462 **HOUSE AUTHOR:** Emmett
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Sims

For oil and gas royalties paid beginning January 1, 1986, the payor must give royalty owners specified, standardized data on sales of oil and gas subject to the royalty owners' interests. Required data include the amount of certain taxes paid on the oil and gas and any other deductions from or adjustments to the amount paid. The information must be provided on check stubs or on attachments to royalty payment forms, unless it is provided on a monthly basis in some other manner. Should payment deductions or adjustments not be reported, the payor must provide an explanation on the request of the royalty interest owner. Any inquiries by a royalty owner made by certified mail must have a response, also by certified mail, within 30 days of receipt by the payor.

HOUSE BILL 1866 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Jones

This act affects the monthly allowables set by the Railroad Commission of Texas for gas wells within a common gas reservoir. Current law authorizes seasonal surplus or deficit production, above or below the allowable, under certain restrictions applicable to sequential six-month periods beginning in September or March, with the surplus or deficit in one period being offset by a compensating deficit or surplus in the next. The act modifies this scheme somewhat, applying it to mere fluctuations in demand rather than just to emergency situations. One of two alternatives for monthly maximum production, equivalent to one-fourth the well's productive capacity, is eliminated in favor of sole reliance on a maximum equivalent to twice the well's monthly allowable. As before, though with certain exceptions, production may exceed this maximum only two months within a September or March six-month period. For purposes of a compensating deficit in the succeeding period, the act allows the well to produce at a fraction of the monthly allowable rather than to be completely shut down until the allowable average is in balance. Credit for cumulative deficit production can now be carried forward consecutively to succeeding periods, and compensating production can proceed without the restraint of applicable monthly maximums, until such time as the deficit is erased. Minimum production limits based on the natural flow of a well are replaced by provisions that allow a well to produce at least its actual daily deliverability (i.e., the amount pipelines can accommodate) if that deliverability is 100,000 cubic feet or less. The act repeals the law relating to maximum production of wells that produce both sweet and sour gas.

HOUSE BILL 2431 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Brown

As a means to ensure retention of valuable geologic information, House Bill 2431 requires persons filing completion reports and applications to plug wells also to file with the Railroad Commission of Texas electric logs made in connection with the drilling of a completed well or dry hole. These logs eventually become public information subject to the state's open records act, except for a temporary period of confidentiality extending from one to five years. The person making the filing may request in writing, at the time of filing, a single one-year term of confidentiality, and prior to that term's expiration, an additional two-year confidentiality extension. If the well has been drilled in submerged state lands, the person may request in writing prior to the expiration of the first extension a second extension of another two years. The person making the filing may also retain possession of the logs during the period of confidentiality; alternatively, should the commission retain them, the logs are excluded from inspection during the period except by certain authorized persons or commission officials. The commission may contract with other persons for log management and storage. A person who holds a log during the period of confidentiality must surrender it to the commission within 30 days after expiration of the appropriate term or extension. Failure to do so, or failure to file a log in connection with the original drilling, is grounds for a refusal by the commission to assign or to change the well's production allowable. Well completion reports, dry hole plugging applications, and logs or log copies predating September 1, 1985, are governed by prior law.

Gas Utility Rates

HOUSE BILL 1509 **HOUSE AUTHOR:** Emmett
EFFECTIVE: 6-11-85 **SENATE SPONSOR:** McFarland

This act clarifies an amendment enacted in 1981 that sought to exempt from full regulatory review gas rates charged by a gas utility to large volume contract customers. With the clarification, direct sales from a supplier utility to a distribution utility continues subject to review. Indirect sales through an intermediate customer, for resale to a distribution utility, are exempt on condition that (1) neither party has an unfair negotiating advantage, (2) the negotiated rates are similar to those charged to other customers under similar service conditions, (3) a competitive situation exists with regard to alternative gas or energy suppliers, and with the proviso that (4) gas purchase costs experienced by the intermediary may be examined for reasonableness at the time that the resale rates to the distributing facility undergo regulatory review. However, sales from a supplier utility to an affiliated pipeline utility need not meet condition (1). A separate provision, independent of the 1981 amendment clarification, is that regulatory notice and approval applies to proposed rate increases rather than to proposed rate changes as was the case before.

HOUSE BILL 1718 **HOUSE AUTHOR:** Yost
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Howard

House Bill 1718 increases from 120 to 185 days the period the Railroad Commission of Texas has to enter a final order in an appeal of a municipality's decision on a gas utility rate case. Also, interim rate orders that are designed to assist a utility to avoid confiscation are given a defined period of applicability.

HOUSE BILL 1823 **HOUSE AUTHOR:** Laney
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Sarpalius

Titled the Agriculture Gas Users Act of 1985, House Bill 1823 provides farmers the opportunity to negotiate with suppliers a fair contract for the delivery of natural gas. The maximum price to be charged the farmer under any such contract is the price charged a majority of the supplier's commercial or other large-volume users. Suppliers who do not furnish gas to municipal users are exempted from the act's provisions, unless that exemption is overridden by agreement of both parties in the negotiated contract.

HOUSE BILL 1865 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** McFarland

This act provides that a proposed gas utility rate decrease proposed by the rate applicant, if agreed on by all affected parties, can be approved administratively by the regulatory authority provided that the decrease does not work against the public interest.

SENATE BILL 67 **SENATE AUTHOR:** Jones
EFFECTIVE: 1-1-86 **HOUSE SPONSOR:** Schlueter

This act directs that a property tax appraiser, on receiving a taxpayer report claiming a decrease in the appraisal value of oil and gas property, must review and verify the appraisal and note his or her determination regarding it on the back of the report. The appraiser no longer has to physically visit the property, however.

HOUSE BILL 1695 **HOUSE AUTHOR:** McWilliams
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Howard

This act makes certain changes relating to the regulation by the Railroad Commission of Texas of liquefied petroleum gas (LPG). Commission employees, who have authority to conduct safety inspections of LPG licensees' premises, are given additional safety inspection authority to enter any other private premises with the consent of the owner or owner's agent. To investigate LPG accidents, they may enter all premises unconditionally and request appropriate accident response measures by state or local authorities. Another change exempts from LPG licensing mobile home park operators who lease tanks and service from LPG licensees to supply mobile home tenants.

HOUSE BILL 1942 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Sims

State law requires members of the oil and gas industry to file certain basic information with the Railroad Commission of Texas in the form of an organization report. This act extends that requirement to others (e.g., the surface mining, trucking, and busing industries) regulated by the commission and provides for the filing of unique identifying numbers such as the number on a driver's license. Foreign or out-of-state persons and entities must maintain a resident agent to whom the commission can serve certain types of notice. Failure to maintain such agent, or noncompliance with served notice by a regulated person or entity, renders the organization report invalid.

ENVIRONMENT

Twice in the last decade, in 1976 and again in 1981, Texas voters have rejected water packages that have been passed by the legislature contingent on the electorate's approval of associated constitutional amendments. House Joint Resolution 6 proposing two constitutional amendments, and accompanying House Bill 2 that takes effect only if Amendment No. 1 is approved, represent a new water package proposal. Together they: (1) propose increases in state funding for water development and other water purposes; (2) propose measures aimed at enhancing water conservation, particularly of underground water; and (3) propose measures aimed at the ecological health of coastal bays and estuaries. Other water legislation establishes a commission to assess regional interstate water needs and provides for public access to water quality inspection reports. Senate Bill 249, a major bill restructuring state water agencies, is found in the chapter on government—sunset legislation, while legislation pertaining to water districts is found in the chapter on government—special districts.

A large portion of the 69th Legislature's environmental enactments pertain to waste and chemical management. Hazardous waste, defined to include certain highly dangerous but nonradioactive chemical waste, is the subject of House Bill 2359 enacting associated fees and House Bill 2358 enacting various recommendations of a governor's task force and interim legislative committee. Hazardous waste management is also affected by regulatory jurisdictional changes in Senate Bill 249 referred to above. Other major legislation in the area of waste and chemicals amends state law concerning low-level radioactive waste (House Bill 449) and enacts the Hazard Communication Act popularly referred to as "right-to-know" legislation (House Bill 1112). Several additional measures affect hazardous and solid waste, oil and gas waste, and spills of toxic chemicals.

New litter laws increase fines and make motor vehicle and boat operators liable for litter thrown out by passengers. Another piece of environmental legislation enacts more stringent enforcement provisions relating to illegal traffic in endangered plants, and yet another enhances local-government protection of coastal sand dunes.

Major Water Legislation

HOUSE JOINT RESOLUTION 6 **HOUSE AUTHOR:** Craddick
FOR ELECTION: 11-5-85 **SENATE SPONSOR:** Santiesteban

House Joint Resolution 6 proposes two constitutional amendments, each to be voted on in a statewide election scheduled for November 5, 1985. The first amendment would authorize an additional $980 million in Texas Water Development Bonds for various water-related purposes. This amount would supplement an aggregate $400 million in bonds for water development and $200 million in bonds for water quality enhancement that have been authorized by previous constitutional amendments and largely exhausted by associated bond issues to date. Projects supported by the present $600 million in bond authorizations consist largely of reservoir construction, associated local water supply facilities, and sewage treatment plants.

Under the current program, the state does two things with the proceeds from its bond sales. First, it makes low-interest loans to certain cities, counties, water districts, and political subdivisions. Repayments from these entities, based ultimately on charges to water utility customers, are used to service the state debt created by the bonds. Second, since a 1962 constitutional amendment, the state has participated in water storage acquisition whereby it invests as part owner of local reservoir projects and associated water systems. State revenue derived from this ownership, again based on charges to water utility customers, is channeled to debt service on the state's bonds.

The first constitutional amendment proposed by House Joint Resolution 6 would expand the list of eligible projects for state participatory investment. State participation would extend to (1) reservoirs and other storage facilities and to (2) systems (targeting particularly regional systems involving numerous local-governmental entities) for the filtration, treatment, transmission, and transportation of water or wastewater. One major change would be that the state could invest in type (2) projects as described above, even where the state had not invested in affiliated reservoir projects. Of the $980 million in newly authorized bonds, $400 million would be allocated to state participatory investments, $190 million to new water development loans, another $190 million to new water quality enhancement loans, and the remaining $200 million exclusively to loans for purposes of flood control. Nonprofit water supply corporations, in addition to political subdivisions, would be

authorized to share in state participatory projects and to obtain water development and water quality enhancement loans.

By law the legislature could create various types of special funds in the state treasury for water-related financial assistance, with the restriction that assistance from the funds could not be used for projects involving water exportation outside the river basin of origin in excess of the basin's reasonably foreseeable 50-year water needs.

The first of the two amendments would also authorize the state to pledge its credit, up to $250 million, to insure bonds issued by local entities (political subdivisions and private nonprofit water supply corporations) for purposes of water development, water quality enhancement, water conservation, flood control, drainage, recharge, chloride control, desalinization, or any combination of these purposes. The $250 million would represent the maximum state liability; however, the state could insure bonds up to an aggregate of twice that amount, or $500 million, with the restriction that bond coverage authorizations for any one fiscal year could not exceed $100 million. The amendment would provide for the designation by law of a state agency to administer the bond insurance program. By a vote of two-thirds of the entire membership of each legislative house (i.e., 21 senators and 100 representatives), the administering agency could exceed the $500 million and $100 million insurance coverage limitations (though not the $250 million liability limitation). The bond insurance program would expire November 5, 1991, unless extended by a similar two-thirds vote of each legislative house.

The second constitutional amendment proposed by House Joint Resolution 6 would allow the Texas Water Development Board, on a vote of two-thirds of the entire membership of each legislative house, to issue agricultural water conservation bonds up to an aggregate of $200 million. The amendment would create an agricultural water conservation fund consisting of the proceeds from bond sales. The amendment would provide enactment of associated administrative procedures. The program would expire November 5, 1989, without provision for legislative extension.

HOUSE BILL 2 **HOUSE AUTHOR:** Craddick
EFFECTIVE: see below **SENATE SPONSOR:** Montford

House Bill 2, which takes effect if and when voters adopt Amendment No. 1 proposed by House Joint Resolution 6, would implement the new funding programs provided for by those amendments and would modify existing funding programs. Subsidence control, recharge, chloride control, and desalinization projects would be added to the list of projects eligible for certain financial assistance, and flood control projects including both structural control, such as stormwater retention basins and channel enlargements, and nonstructural control, such as acquisition of floodplains for recreational purposes and concomitant removal of buildings and residents would be included under the financial assistance programs. For certain projects, an applicant would be relieved of the need to prove hardship to receive state assistance. Such projects would include flood control projects, regional facilities serving several political subdivisions or consolidating several facilities of a single political subdivision, and projects involving a shift from reliance on underground water to reliance on surface water.

House Bill 2 would require the Texas Water Development Board, in cases where approved loan or storage acquisition applications exceeded available funding, to submit a report on the applications and associated projects as part of its biennial budget request to the Legislative Budget Board and legislative presiding officers.

The new bond insurance program would involve the allocation of insurance based on the public interest, degree of certainty of project solvency, availability of necessary water rights, and other factors.

Private water supply corporations receiving assistance would be subject to the state open records law.

In addition, the new legislation would make financial assistance conditional, in most cases, on the implementation by a political subdivision or water supply corporation of a water conservation program. House Bill 2 defines conservation, in this regard, to include not only water development (e.g., projects to retain and store runoff), but also measures to reduce water consumption and losses, improve water use efficiency, and increase water recycling. Specifically cited examples might include restrictions on lawn watering and other discretionary uses, plumbing code standards or retrofit measures for new or old buildings, water rate structures promoting conservation, drought contingency plans, and other measures. Financial assistance applications would be exempt from the conservation program requirement, however, if the Texas Water Development Board found that an emergency existed or that a program would not reasonably facilitate conservation, or if the

amount of assistance was $500,000 or less. If funds became available, the board would be directed to establish an educational and technical assistance program pertaining to water conservation.

Two major sections of House Bill 2 would implement measures relating to underground water consumption, which accounts for more than half of state usage. The first of these sections would create an agricultural trust fund endowed initially with $15 million. Of that sum, $5 million would be made available for loans to underground water conservation districts and to soil and water conservation districts under a new pilot program for agricultural water conservation equipment. The districts would relend the funds to farmers, in turn, for purposes associated with improved irrigation efficiency. The Texas Water Development Board would be required to report to the legislature in 1987 and 1989 on the progress of the pilot program and the potential for its expansion. The other $10 million of the initial endowment would be held in trust, along with half of resultant earned interest, while the other half of earned interest would go to an agricultural soil and water conservation fund to support future research, technical assistance, and other supportive projects.

The second section pertaining to underground water conservation would modify procedures for creating new underground water conservation districts, allowing the Texas Water Commission to initiate creation. The commission would be directed to monitor and identify areas of the state experiencing underground water problems, to establish for each area a regional management advisory committee to evaluate the problems and potential remedies, and after hearings and other specified administrative procedures to decide whether to officially designate the area as critical. A critical area, if so designated, would be subject to an election to confirm creation of an underground water conservation district. Failure to confirm would be final, unless the entire process were repeated. Other provisions would strengthen underground water conservation district powers. District authority to regulate water well production, confined currently to wells producing 100,000 gallons or more daily, would be extended to wells producing more than 20,000 gallons daily. Existing wells falling between these two thresholds, however, would automatically receive well permits.

A final portion of House Bill 2 would direct the Texas Water Commission to continue, in conjunction with the Parks and Wildlife Department and special bay and estuary advisory committees, studies of Texas' various bays and estuaries to collect data on associated water needs. Permits for new reservoirs within 200 river miles of the coast would be conditioned on terms, applicable except where suspended by the commission during emergencies, designed to maintain beneficial inflows of fresh water to affected bay and estuary systems. Beneficial inflows would include those adequate to maintain an ecologically sound environment necessary for the maintenance of productivity of certain fish and shellfish species and the estuarine life on which they depend. The commission would be directed also to consider existing instream water uses, issues of water quality, and other fish and wildlife habitat. The Parks and Wildlife Department would be authorized to join as a party to a permit hearing, and would be allocated five percent of the annual firm yield of each reservoir in which the state has an interest within the 200-mile range for purposes of managing freshwater releases to bays and estuaries.

Other Water Legislation

HOUSE BILL 536 **HOUSE AUTHOR:** Buchanan
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Montford

This act creates the Multi-State Water Resources Planning Commission, with a sunset date of 1997. The commission consists of six commissioners appointed by the governor with the advice and consent of the senate. Two commissioners are to be members of the general public, while the other four must have backgrounds in higher education, private business, agriculture, and energy, respectively. The commission is empowered to cooperate with neighboring states to study 21st-century regional water needs, to identify and develop means to augment regional water supplies, and to negotiate or contract toward the possible establishment of interstate compacts to address common groundwater problems relating to shared aquifers. The commission is empowered to confer with the government of Mexico as well. It is directed to designate water-deficient areas in Texas for which future water supplies, even with conservation, are insufficient, and to make recommendations to the governor and legislature on potential water sources to supply those areas with needed water.

HOUSE BILL 1959 **HOUSE AUTHOR:** Richardson
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Sims

House Bill 1959, as influenced by Senate Bill 249 (sunset chapter) giving water quality jurisdiction to the Texas Water Commission, directs the commission to publish or regularly release to the public: (1) the results of water quality inspections and investigations; and (2) other information routinely prepared relating to compliance with water quality laws and regulations. The commission is directed to establish procedures for regularly furnishing, on a request basis, copies of all inspection, investigation, and compliance reports pertaining to a particular facility or to facilities within a specified area. Information exempted as confidential under the state open records law, however, remains confidential.

SENATE BILL 823 **SENATE AUTHOR:** Montford
EFFECTIVE: 6-11-85 **HOUSE SPONSOR:** Agnich

Senate Bill 823 provides that the commissioner of health shall declare any public water within the jurisdiction of the state to be a prohibited area if it is found to contain aquatic life that is unfit for human consumption because of sanitary, chemical, or bacteriological contamination. Those prohibited areas are to be closed to the taking of aquatic life for a period considered advisable by the commissioner.

Taking, selling, or offering aquatic life from a prohibited area is a misdemeanor offense punishable by a fine of not less than $200 nor more than $500. Commissioned law enforcement officers of the Parks and Wildlife Department are charged with enforcing the act, and the commissioner of health and the commissioner's agents are charged with disposing of any illegally taken aquatic life that is seized under the act.

SENATE BILL 863 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Buchanan

Lake Meredith, situated on the Canadian River, is experiencing brine pollution due to highly saline artesian water that is infiltrating the river basin upstream in New Mexico. The lake serves municipal water needs for 11 cities including Amarillo and Lubbock. Senate Bill 863 authorizes, as a water quality maintenance or enhancement project eligible for state financial assistance, a project undertaken outside the state (i.e., in New Mexico) to drill into the artesian formation, extract the brine, and inject it into available disposal wells where it will no longer affect the river.

SENATE BILL 1185 **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Buchanan

This act places under the regulatory authority of the Texas Water Well Drillers Board miscellaneous types of injection wells including air conditioning return flow wells, cooling water return flow wells, drainage wells, aquifer recharge wells, saltwater intrusion barrier wells, sand backfill wells, subsidence control wells, and closed system geothermal wells. The act authorizes the board to set standards for completion of wells under its jurisdiction and clarifies the responsibility of a driller to plug a well where the driller encounters water of an injurious nature. The board is authorized to assess civil penalties of up to $2,500 per violation of drilling laws or regulations. Where the board seeks civil penalties through the judicial system, a court may assess penalties of $200 to $1,000 per day per violation.

The following enactments pertain to effluent discharges into waters of the state:

SENATE BILL 527 **SENATE AUTHOR:** Henderson
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Hilbert

This act directs the Texas Water Commission, in evaluating permit applications for the discharge of effluent comprised primarily of sewage or municipal waste, to consider the applicant's past record of compliance with regard to effluent requirements. The act applies to an application for issuance, amendment, or renewal of a permit pending on August 26, 1985, or filed on or after that date.

SENATE BILL 528 **SENATE AUTHOR:** Henderson
EFFECTIVE: 6-11-85 **HOUSE SPONSOR:** Hilbert

This act requires the Texas Water Commission, in evaluating permit applications for the discharge of effluent into waters within one mile of a park, playground, or schoolyard, to consider any unpleasant characteristics of the effluent, including odor, and to consider its potential for adverse effects on the recreational

value of the park, playground, or schoolyard. The act applies to pending and future permit applications as of June 11, 1985.

HOUSE BILL 2362 **HOUSE AUTHOR:** Schlueter
EFFECTIVE: 6-5-85 **SENATE SPONSOR:** Jones

This act establishes a moratorium until February 1987 on new permits for discharges of waste or pollutants into or adjacent to Salado Creek, a tributary of the Lampasas River, or any body of water flowing into the creek. The Texas Water Commission is directed, during the interval, to conduct a study of the effects that discharges are having and that additional discharges would have on the creek's water quality. The act does not apply to a permit granted before June 5, 1985.

Major Waste and Chemical Management Legislation

HOUSE BILL 449 **HOUSE AUTHOR:** Berlanga
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Traeger

In 1981 the 67th Legislature created the Texas Low-Level Radioactive Waste Disposal Authority to select a site and operate a facility, subject to regulation and licensing by the Texas Department of Health, for the disposal of low-level radioactive waste generated in Texas. That action was prompted by a federal act authorizing eventual closure of existing disposal facilities in other states to interstate low-level waste.

House Bill 449 amends the 1981 law, directing the authority to examine alternatives to waste burial including: (1) recycling of waste; (2) processing aimed at reduction of the waste volume; and (3) isolation of the waste above ground. Burial in shallow landfills is prohibited unless state or federal regulatory programs for low-level waste preclude or recommend against aboveground disposal or the authority determines that burial in a landfill is in fact safer. The measure postpones any licensing of a disposal facility until July 6, 1987, at the earliest, and requires as a condition of licensing that the authority demonstrate the reasonableness of its chosen waste management techniques. The facility may not be located within 20 miles upstream or up-drainage from the maximum elevation of existing or planned reservoirs and must have incorporated in its design safeguards against tornadoes, hurricanes, floods, earthquakes, and other natural threats.

Conditioned on: (1) the appropriation of requisite study and acquisition funds; and (2) equal technical suitability in comparison to sites located elsewhere, preference is given to sites located on permanent school fund or permanent university fund land. The authority is empowered to enter permanent school fund or permanent university fund land for investigative purposes and to enter into purchase, lease, or other agreements in order to arrange for a disposal site. Neither the commissioner of the General Land Office nor the board of regents of The University of Texas System, however, is required to consummate any agreement. Furthermore, a permanent school fund or permanent university fund agreement must not interfere with siting of the proposed Texas particle accelerator project (Senate Bill 1169 and House Bill 1911 in the chapter on education) and must not involve any relaxation of standards as would be applicable elsewhere. Should the authority's board of directors reject permanent school fund and permanent university fund sites as unsuitable, the board must submit a report to the governor and legislature on the grounds for that rejection.

HOUSE BILL 1112 **HOUSE AUTHOR:** Watson
EFFECTIVE: 1-1-86 **SENATE SPONSOR:** Whitmire

The Hazard Communication Act, House Bill 1112, mandates the provision of information on various kinds of hazardous chemicals that are manufactured and handled by Texas businesses to chemical purchasers and their employees, fire chiefs, and the commissioner of health. Certain businesses, including laboratories and most retail establishments are exempt, as are certain kinds of materials such as pesticides, hazardous waste, and radioactive waste. Hazardous chemical manufacturers and distributors, as well as companies that purchase and handle hazardous chemicals, are exempt from certain requirements of the act provided that they are in compliance with standards of the U.S. Occupational Safety and Health Administration (OSHA) scheduled for implementation in November 1985.

The act requires hazardous chemical manufacturers, distributors, or handlers to make available two kinds of hazard communication notices. The first is the material safety data sheet (MSDS), which chemical manufacturers and distributors without exception are required to provide to Texas companies that purchase

and handle hazardous chemicals. The MSDS documents chemical hazard and safe handling information, or other information as required by OSHA under the upcoming standards. The second type of notice is the workplace chemical list, which contains technical and common names of different chemicals and cites the work areas in which they are normally stored or handled.

The act targets certain nonmanufacturing employers, including state and local governments, volunteer emergency service organizations, and companies grouped within specific standard industrial classification codes. Those employers are required to make workplace chemical lists and MSDS's available to their employees or to employee representatives such as union officials. They must maintain the most current MSDS's received from the manufacturer or distributor and must update the workplace chemical lists as necessary or, at a minimum, annually. The same employers must conduct education and training programs for their employees with special attention to newly assigned employees and to handling or informational changes that modify the potential for routine chemical exposure. The program must include specified items of instruction, including instruction in safety measures.

All employees, irrespective of their employers, have specified rights pertaining to hazardous chemicals. These rights include: (1) notice of potential exposure; (2) related training; (3) access to applicable workplace chemical lists and MSDS's; and (4) provision of an MSDS copy on request. An employee also has the right to refuse to handle a hazardous chemical container whose label is missing or defaced in violation of the act. The rights apply without exception or exemption. Employers may not request employees to waive them, and any waiver, even when fully voluntary, is void. Employers may not discharge, discipline, or discriminate against an employee who files a complaint, assists state inspectors, lodges a suit for violations of the act, or otherwise exercises his rights.

All employers, without exception, must provide the commissioner of health and local fire chief with certain information. Workplace chemical lists are to be filed with the commissioner, provided to the fire chief on request, and maintained by the employer for 30 years, with all records to be turned over to the commissioner in the event the employer ceases business. MSDS copies are to be provided to the commissioner or fire chief, on request, and companies handling large amounts of hazardous chemicals must give to the fire chief the names and telephone numbers of knowledgeable company personnel to contact in the event of emergency. The fire chief or a designated agent may inspect a company's premises as part of emergency fire preparedness, and state officials designated by the health commissioner may inspect the premises at any time. Generally, in cases in which inspections or investigations result from employee complaints, OSHA has jurisdiction in the case of chemical manufacturers and the commissioner of health has jurisdiction in the case of other chemical handlers.

Trade secrets associated with hazardous chemicals are afforded protection under the act. Subject to the health commissioner's or court's substantiation of the trade secret claim if challenged, and subject to certain other qualifications including the provision of information to a physician treating an exposed employee, an employer may delete chemical trade secrets from an MSDS. Even without those deletions, local fire chiefs are prohibited from distributing a workplace chemical list or MSDS except to relevant fire fighters or to emergency planning officials. A fire chief may request from an employer general hazard information on the trade secret chemicals.

The commissioner of health is directed to develop an outreach program to inform affected employers of their obligations, to notify their employees of associated employee rights, and to publicize the Hazard Communication Act through distribution of informational leaflets. Also, as part of the outreach program, the commissioner is directed to develop an education and training assistance program for employer businesses whose small size or other limitations hinder implementation of required employee education and training. The commissioner may contract with other organizations or institutions to develop the outreach program and approve similar outreach efforts in the community by an employer.

HOUSE BILL 2358 **HOUSE AUTHOR:** Schlueter
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Farabee

House Bill 2358, which deals with various aspects of hazardous waste regulation, establishes as public policy a hierarchy of preferred hazardous waste management methods. In descending order of preference, these include minimization of waste generation, reuse or recycling of waste, treatment to destroy or reduce hazardous characteristics of waste, disposal of waste through underground injection, and other methods of land disposal (see House Bill 2359 summary) including landfills. Specific provisions expand on existing statutory restrictions

that influence siting of new or expanded hazardous waste facilities. The legislation requires adoption of rules that prohibit issuance of a permit for a new hazardous waste landfill in 100-year floodplains unless projected flood depths are less than three feet. It requires adoption of rules that: (1) prohibit land disposal facilities, exclusive of injection wells, in recharge zones of sole source aquifers; (2) prohibit landfills and land treatment facilities within 1,000 feet of established residences, churches, schools, or public parks; (3) prohibit any type of hazardous waste facility in a wetlands area; and (4) prohibit the issuance of a permit for a new, commercial hazardous waste unit in a floodplain of a perennial stream subject to not less than one percent chance of flooding in a year. Landfills generally are prohibited if a feasible and economic alternative exists, and injection wells are subject to a consideration by state regulatory officials of such alternatives.

Aside from the new prohibitions, existing law requires state regulators to examine various site types and characteristics that are potentially unfavorable to the placement of hazardous waste management facilities. House Bill 2358 augments the list to include sites draining into nearby lakes used for drinking water, areas of active geological processes, areas of coastal hazard such as storm surge or shoreline erosion, and critical habitat of endangered species. Injection wells drilled into a salt dome are subject to consideration by state regulators of nearby aquifers, sulfur mines, and oil or gas wells. Landfills and land treatment facilities likewise require consideration of potential aquifer effects, and, for landfills for which permit applications are filed beginning January 1986, consideration of the possibility of earthen construction above the surface.

Local governments may petition for regulations further restricting or prohibiting the siting of hazardous waste facilities, except that resulting regulations do not apply to a hazardous waste permit for which an application or notice of intent to file an application has been filed prior to a petition. Local governments may not require their own siting permits, unless specifically provided for by law, nor may they adopt ordinances that are inconsistent with state hazardous waste regulations. House Bill 2358 establishes procedures for determining the validity of local ordinances and places on the hazardous waste permit applicant the burden to demonstrate inconsistency.

The new law encourages prospective permit applicants planning a hazardous waste facility to file a notice of intent informing the local public in advance. Under House Bill 2358, that notice leads to a local review process by a committee of various participants. The function of the local review committee is to identify aspects of a proposed facility that are subject or not subject to controversy. The review process, which lasts about four months from the notice of intent to the filing of the permit application, is voluntary on the part of the applicant. Once initiated, however, it may involve payment by the applicant of up to $25,000 in expenses incurred by the local public to obtain relevant independent expertise.

House Bill 2358 streamlines the actual permit application process by reducing it to a single hearing examination. Senate Bill 249, summarized in the sunset legislation chapter, transfers to the Texas Water Commission general regulatory jurisdiction over industrial hazardous waste. Even so, other agencies may have related authority, as in the case of the Texas Air Control Board where hazardous waste is destroyed by incineration. Under the new hearing system, the Texas Water Commission, in the case of industrial hazardous waste, or the Texas Department of Health, in the case of municipal hazardous waste, acts as the lead agency for purposes of technical review of an application. Other agencies are empowered to comment on the resultant review, however, and if they consider it necessary, to appeal the lead agency's hazardous waste permit rulings. Simultaneously, House Bill 2358 seeks to minimize disagreement through the creation of an interagency coordination council to help resolve regulatory issues pertaining to solid waste.

One new amendment provides for preparation by the state agency of a compliance summary indicating the applicant's history of observance or violation of hazardous waste laws, regulations, and orders. The compliance summary may be offered into evidence at a hearing on a permit application by any party. Compliance on the part of hazardous facility operators is part also of a broader provision requiring an annual report to the governor and legislative presiding officers on the results of Texas Water Commission and Texas Department of Health inspections. House Bill 2358 directs that priority be given to the inspection of facilities, regardless of size, that are considered most likely to be noncompliant or to pose a potential threat to health or the environment. The annual inspection report is to itemize facilities by degree of compliance or violation. The commission's or department of health's authority is augmented, where it discovers violations that present an imminent and substantial danger to the public health and safety or the environment, to enable the issuance of administrative restraining orders. Other provisions clarify the respective liability of various parties responsible for a violation and for cost apportionment where expense is incurred in alleviating a violation.

House Bill 2358 directs the Texas Water Commission and Texas Department of Health to track also, through biennial reports to the governor and presiding officers, statewide hazardous waste volumes and disposal capacity and the progress made toward the waste management hierarchy described in the first paragraph. The report, to be gleaned from information required of hazardous waste facility operators, is to include a performance analysis of the hazardous waste fees authorized under House Bill 2359. Another provision relating to progress in waste management practices directs the commission and department to issue rules to promote the collection and disposal of household materials fitting the definition of hazardous waste.

A final report requirement calls for the commission's completion, in cooperation with the department of health, by July 1986 of a survey of hazardous waste sites that constitute imminent health or environmental dangers. The survey, which goes toward the compilation of a periodically updated registry, aims at the cleanup of these sites by responsible parties, by the federal government under its Superfund program, or in the last resort or case of emergency by the state using revenue derived from House Bill 2359. Various provisions of House Bill 2358 describe notice requirements pertaining to registry sites, counties where the sites are located, and parties held responsible for the sites. The legislation details, also, legal procedures to be undertaken in modifying the registry list, allocating site responsibility and cleanup liability, and sorting out cleanup costs. Where a party is liable for cleanup costs, the state is awarded a lien on associated real property.

HOUSE BILL 2359 **HOUSE AUTHOR:** Schlueter
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Farabee

House Bill 2359 assesses three types of fees related to hazardous waste and directs resultant revenue to: (1) hazardous waste regulation; and to (2) certain state costs associated with the cleanup of abandoned hazardous waste disposal sites. The latter include the state share of cleanup costs under the federal Superfund program and state costs associated with emergency remedial activity at sites for which cleanup funding is unavailable either from the federal government or from private parties. The new fees are assessed as of September 1, 1985.

The first type of fee, an annual fee assessed statutorily, is charged for the generation, or first production, of hazardous waste. Generators of more than 100 but less than 1,000 kilograms of hazardous waste a month are charged $50; generators of 1,000 or more but less than 10,000 kilograms of hazardous waste a month, $500; generators of 10,000 or more but less than one million kilograms of hazardous waste a month, $2,500; and generators of one million or more kilograms of hazardous waste a month, $5,000. The second type of fee, an annual fee assessed administratively with certain statutory restrictions, is charged to hazardous waste processing, storage, or disposal facilities. The facility fee may not be less than $250, may not be higher than $500 for a facility receiving less than 1,000 kilograms a month, and in no case may be higher than $20,000. Otherwise the fee must be set so that, when facility fee revenue is added to that from the generation fee, collections fall within a range of $3.5-$3.75 million annually. Collections go into the newly created hazardous waste generation and facility fees fund for hazardous waste monitoring and regulation by various state agencies.

The third type of fee, assessed statutorily with provision for administrative adjustment, is charged for the land disposal of hazardous waste, including disposal by means of landfills, injection wells, surface impoundments, waste piles, or land application, excluding agricultural chemical application. Resultant revenue goes toward cleanup costs as cited in the first paragraph, and in keeping with the stimulation of that cleanup, House Bill 2359 exempts from the fee waste that derives from cleanup operations and is redisposed of elsewhere. The base fee, collected quarterly on a tonnage basis from each operator of a land disposal facility, is $4 a dry weight ton of hazardous waste or $1 a ton for certain less toxic waste from metal processing. The fee legislation, however, as affected by the Senate Bill 249 jurisdictional changes, directs the Texas Water Commission to monitor resultant revenue collections. If it projects collections for the 1986-87 biennium to fall below $10.75 million, it may adjust the base disposal fee upward so as to collect up to $12 million, and if the state Superfund share necessitates additional revenue, it may adjust the base fee even higher so as to collect in excess of $12 million. Another adjustment range, besides the one applicable to the biennium, applies to each fiscal year. If after any one quarter cumulative collections for a fiscal year exceed $10 million, collections cease for the remainder of that year unless continuation is needed to provide a sufficient state Superfund share. In the meantime, prior to the September effective date for imposition of the three fees, House Bill 2359 authorizes the legislature through the 1985 General Appropriations Act to divert money currently available for state Superfund matching purposes and to transfer it to the general revenue fund.

The legislation directs the commission to devise means for calculating or estimating dry weight hazardous waste tonnage. Waste generators and disposers, for their part, are assigned certain certification and reporting requirements, respectively, relating to the disposal fee. Disposers are subject to a civil penalty of $100 a day for failure to file required reports. Failure by hazardous waste generators, disposers, or other operators to pay fees when due is subject to an interest penalty at an annual rate of 15 percent.

Other Waste and Chemical Management Legislation

HOUSE BILL 873 **HOUSE AUTHOR:** Tallas
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Brown

A state law enacted in 1983 provided for the development of local solid waste management plans by cities and counties through their participation in regional councils of government or other regional entities. Such plans, which must gain approval of the Texas Department of Health, were nowhere in effect as of 1985. House Bill 873 directs the department, should it receive a local plan that is not in conformity with state requirements, to notify the local government in writing of changes needed to ensure conformity, and to take action on the plan once those changes have been made. It further requires the department, in issuing any solid waste facility permit in a county having an approved plant, to consider the compatibility of the proposed facility site with that local plan.

HOUSE BILL 1105 **HOUSE AUTHOR:** Colbert
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Parmer

This act amends state law concerning the filing by a city of enforcement suits against violations of the state Solid Waste Disposal Act occurring within its extraterritorial jurisdiction. Under the new act, city filing authority is clarified to extend also to violations occurring within city limits.

HOUSE BILL 1306 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Brown

Congressional legislation enacted in 1984 amends the federal Resource Conservation and Recovery Act, which, in conjunction with state law, regulates hazardous and other solid waste. Included in the 1984 changes are stricter standards applicable to hazardous and solid waste management facilities. House Bill 1306 sets deadlines for an operator of a facility either to obtain permits under the new standards (second column below) or, failing that target date, to at least have applied for a final permit determination by regulatory authorities (third column below):

Land disposal facilities	November 8, 1985	November 8, 1985 (if in compliance with monitoring and financial standards)
Incinerator facilities	November 8, 1989	November 8, 1986
Other facilities	November 8, 1992	November 8, 1988

House Bill 1306 provides also for measures by which the Texas Department of Water Resources and the Texas Department of Health can order corrective actions where certain of those facilities spill or release hazardous waste into the environment. Orders may include suspension or revocation of authority to continue operation.

The measure clarifies language relating to criminal penalties for knowing about hazardous waste violations and applies those penalties to the illegal transport of waste without appropriate accompanying documentation. Criminal penalties for certain violations are increased to a maximum of $50,000 and two to five years' imprisonment, or $100,000 and four to 10 years' imprisonment for second convictions. For violations involving the knowing endangerment of other persons, the imprisonment portion of applicable penalties is increased to a maximum of 15 years.

HOUSE BILL 1867 **HOUSE AUTHOR:** Craddick
EFFECTIVE: see below **SENATE SPONSOR:** Santiesteban

This act clarifies the jurisdiction of the Railroad Commission of Texas with respect to certain waste discharges associated with oil, gas, and geothermal energy activities. Itemized waste-producing activities to be regulated by the commission include: (1) drilling of injection water source wells; (2) drilling of cathodic production holes; (3) underground natural gas storage; (4) underground hydrocarbon storage; and (5) oil and gas handling prior to its refining or use as fuel. The commission also has jurisdiction over waste, except hazardous waste, associated with activities of certain gasoline and natural gas plants. In the event that the U.S. Environmental Protection Agency delegates the commission appropriate regulatory authority under the federal Resource Conservation and Recovery Act, its jurisdiction with respect to activities of certain gasoline and natural gas plants extends also to hazardous waste.

Other amendments give the commission jurisdiction over waste from uranium exploration activities. For that purpose, the act authorizes the commission powers of entry, inspection, and investigation and powers to seek injunctions, restraining orders, or other remedies to halt or prevent waste violations. Civil and criminal penalties sought through the court system, as well as administrative penalties assessed by the commission, may range as high as $10,000 a day.

Other provisions, transferring to the commission regulatory authority over brine mining by injection well, have an effective date of September 1, 1985. Existing brine mining permits as of that date are to be renewed automatically, however.

HOUSE BILL 1941 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Sims

House Bill 1941 requires the Texas Water Commission, in the case of hazardous waste, and authorizes the Railroad Commission of Texas, in the case of oil and gas waste, to condition waste management permits on the maintenance by the applicant of a performance bond or other form of financial security tied to a guarantee of compliance with applicable legal requirements. Exempted are certain saltwater disposal and storage pits, collecting pits, and skimming pits used in conjunction with an individual oil or gas lease.

HOUSE BILL 2068 **HOUSE AUTHOR:** Oliveira
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Uribe

House Bill 2068 enacts recommendations of the Governor's Task Force on Offshore Oil and Chemical Responses, which was created in the aftermath of a 1984 British tanker accident offshore of Louisiana that fouled the upper Texas Gulf Coast. The measure amends the Texas Hazardous Substances Spill Prevention and Control Act, under which a party responsible for a spill is required to take certain remedial cleanup actions. Where the state itself incurs costs, it seeks reimbursement primarily from associated federal funds and secondarily from the responsible party if the federal funds are unavailable or insufficient.

House Bill 2068 establishes amounts for which a responsible party is liable in suits brought by the state. Liability extends to the amount of state expenditures plus costs that the responsible party would have incurred if the party had fully implemented cleanup actions as required by state law, up to a maximum of $5 million. In the case, though, of parties who have failed to carry out cleanup actions after notice of the law's requirements, liability extends to twice the costs incurred by the state. This liability is in addition to imposed civil penalties, except that parties who have taken reasonable precautions to minimize spill impacts are exempt from the penalties.

House Bill 2068 directs state water officials to develop a tentative list of spill cleanup experts to be consulted for assistance in the event of an accident. The experts are themselves immune from related legal liability.

The measure specifies that in the case of facilities permitted under the Solid Waste Disposal Act, spills are to be handled, if possible, solely according to alternative response provisions established under permits issued under that act.

Litter

SENATE BILL 858 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Whaley

Senate Bill 858 clarifies legal ambiguities in the Texas Litter Abatement Act by adjusting the list of prohibited types of litter to align with the list of litter definitions.

SENATE BILL 1302 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Roberts

This act, which pertains to littering of state waters or highways by an occupant of a boat or motor vehicle, makes the operator of the boat or motor vehicle, not just the occupant who is littering, liable for the offense. The act sets the littering fine applicable to a boat or motor vehicle operator at not less than $50 nor more than $200.

SENATE BILL 1303 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Roberts

This act increases the civil penalty range for certain littering from $15-$200 to $50-$200. Criminal fines, which previously were set at maximums of $50 for the first conviction, $200 for the second conviction, and $500 for third and subsequent convictions, are adjusted to ranges of $50-$100, $100-$200, and $200-$1,000, respectively. The act retains, as an alternative or in addition to a dollar fine for third and subsequent criminal convictions, a penalty of 60 days' confinement in county jail.

HOUSE BILL 1070 **HOUSE AUTHOR:** Madla
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Lyon

This act includes litter and vegetation violations of city health and sanitation ordinances as violations for which fines of up to $1,000 may be imposed, contradictory provisions in home-rule charters notwithstanding.

Miscellaneous

SENATE BILL 577 **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Danburg

Before amendment by Senate Bill 577, state law prohibited certain activities relating to the removal of endangered, threatened, or protected plants, unless one: (1) has a permit from the Parks and Wildlife Department, in the case of plants on public land; or (2) has the permission of the landowner, in the case of plants on private land. Senate Bill 577 amends this law to require a department permit in case (2) as well as case (1). Permit applications relating to plants on private land must contain the written consent of the landowner, and each plant authorized by the permit must have a tag, at a fee of $1 a plant, to be attached until its transplantation at the ultimate delivery site. The tagging fee is waived for plants that are planted and cultivated expressly for commercial harvest. Permit requirements, whether for public or private lands, are revised to apply also to persons who hire others for purposes of plant removal activities. Fines for illegal activities remain at $25-$200, except that each plant now constitutes a separate offense. Moreover, Senate Bill 577 authorizes higher penalties for those who hire others for illegal activities. The penalty for these hirers is a fine of $200-$1,000, or 180 days' confinement, or both, with each plant constituting a separate offense. Another amendment provides for the distribution by the department to law enforcement officials and to the public of pictures and other educational information concerning endangered, threatened, or protected plants.

SENATE BILL 699 **SENATE AUTHOR:** Lyon
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** McWilliams

This act affects the regulation by the Railroad Commission of Texas of iron ore and iron ore gravel mining and reclamation operations. In giving the commission that authority in 1983, the legislature exempted from regulation operations that were then in progress as well as operations that are confined to tracts of five acres or less. The new act extends the first exemption to operations in progress as of September 1, 1985. It changes the second exemption to exclude from regulation tracts of 20 acres or less where mining is at very shallow depths and is authorized by a landowner receiving compensating damages.

SENATE BILL 793 **SENATE AUTHOR:** Brown
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Willy

Current law allows the establishment of sand dune protection lines by county commissioners courts along barrier islands and mainland peninsulas fronting the Gulf of Mexico, except for (1) barrier islands and peninsulas lying south of the Mansfield Channel; (2) those inaccessible by road or ferry; or (3) segments of either within the boundaries of national or state parks. Senate Bill 793 extends that authority, with the same exceptions, to mainland shorelines fronting the gulf and not located on a barrier island or peninsula.

FAMILY LAW

Child abuse and family violence were the subjects of several legislative enactments in 1985. Senate Bill 371 establishes funding, supported by an increase in marriage license fees, for development of plans and programs to mitigate child abuse and neglect. House Bills 986 and 987 provide for inclusion in teacher and police training programs, respectively, of curricula dealing with child abuse and neglect recognition. Senate Bill 48 in the human services chapter enables screening mechanisms to help deter instances of child abuse at day-care facilities. Several measures in the criminal justice chapter also deal with child abuse.

Other measures enhance protections afforded the victims of family violence including child abuse and neglect. Senate Bill 869 gives law enforcement personnel greater authority in cases of family violence investigations to arrest or restrain abusers. It places a priority on the immediate protection of victims, deference to family relations notwithstanding. House Bill 2423 allows certain officials, in cases of emergency and prior to obtaining a court order, to take possession of children suspected to be victims of sexual abuse. It also enacts a mandatory requirement that professionals who suspect an incidence of child abuse or neglect promptly file a report on the matter.

The 69th Legislature passed legislation on other aspects of family law, as well. Senate Bill 1175 modifies child support laws that were the subject of recent state and federal legislation, and Senate Bill 553 authorizes volunteer advocates to represent children in family-related lawsuits.

Child Abuse

SENATE BILL 371 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Schlueter

Senate Bill 371 adds a new chapter to the Human Resources Code to establish the Council on Child Abuse and Neglect Prevention aimed at developing a plan for funding child abuse and neglect prevention programs, developing criteria and application procedures for grants to fund these programs, setting funding priorities, establishing guidelines and overseeing the distribution of grants, monitoring the expenditure of funds for these programs, submitting recommended grants for approval, and submitting an annual report to the governor, the legislature, and the Texas Board of Human Resources.

This act also establishes the children's trust fund and the council on child abuse and neglect prevention operating fund in the state treasury.

In addition, the marriage license fee and the fee for the declaration of an informal marriage are increased from $7.50 to $25. The county clerk is required to take half of the amount collected for these services monthly and send it to the comptroller of public accounts to be credited to the children's trust fund.

HOUSE BILL 986 **HOUSE AUTHOR:** O. Garcia
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Krier

House Bill 986 requires training in recognizing and responding to signs of abuse or neglect in students to be included in teacher education programs and as a part of inservice training and preparation for all certified professional educators. It is to be a condition for accreditation for teacher education programs beginning with the fall semester, 1986, and it is required for inservice training programs beginning with the 1985-86 school year.

HOUSE BILL 987 **HOUSE AUTHOR:** O. Garcia
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Krier

This act requires the Commission on Law Enforcement Officer Standards and Education to include in the curricula of training for law enforcement personnel additional courses and programs to aid in the identification of signs of child abuse or neglect in children and in the recognition of crimes involving child abuse or neglect.

HOUSE BILL 2423 **HOUSE AUTHOR:** Blackwood
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Parker

This act amends provisions of the Family Code to allow authorized officials who believe that a child is a victim of sexual abuse to take possession of the child without a court order only in situations in which there is no time to obtain a temporary restraining order. The agency taking possession of the child must provide the

parent or guardian, if he can be located, with a written notice detailing why the child has been taken, the name of a person whom the parent or guardian may contact for further information, a summary of the parent or guardian's legal rights and an explanation of the legal procedures involved, and a statement informing the parent or guardian of his right to counsel.

The act also requires that a professional who suspects a child may be abused or neglected file a report within 48 hours from the time of his first suspicion.

In addition, if a parent falsely alleges that the other parent has committed child abuse, the false report may be used as evidence in any suit affecting conservatorship.

Child Support

SENATE BILL 1175 **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Oliveira

Senate Bill 1175 brings Texas into compliance with recently enacted federal child support legislation. This act includes a requirement that the Supreme Court of Texas adopt standards for trial courts in setting child support amounts; outlines child support and custody order enforcement provisions and authorizes withholding from income in most child support cases; and enacts the Model Interstate Income Withholding Act, designed to create reciprocity and cooperation between states in cases where a support order is made in one state and the withholding income is derived in another state. The act also adds a Subtitle D to Title 3 of the Human Resources Code relating to child support collection services, parent locator services, and paternity determination services.

HOUSE BILL 335 **HOUSE AUTHOR:** D. Hudson
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** Lyon

This amendatory act permits the child support service fee in Smith County to be assessed at the court's discretion. In addition, this act expands the purposes of the fee to include the payment of expenses and costs for other family law and juvenile court services as well as the payment of salaries and expenses of the child support office.

Previous law provided exemptions for those individuals with incomes at or below poverty level. This act removes these exemptions and imposes new exemptions for members of the armed services if their military allotment payments exceed the amount of child support ordered by the court.

HOUSE BILL 1011 **HOUSE AUTHOR:** Adkisson
EFFECTIVE: 10-1-85 **SENATE SPONSOR:** Krier

This amendatory act relates to fees assessed for legal services and child support services by the Bexar County Child Support Services Department. Current law provides for the assessment of a $15 fee at the time a divorce suit or a suit affecting the parent-child relationship is originally filed. This act provides for an additional $15 charge to be assessed for any subsequent action in a suit affecting the parent-child relationship. The act removes the existing $3 monthly child support services fee and subsequent contempt of court action for those neglecting to make this payment and replaces it with a one-time $36 fee for related services.

HOUSE BILL 1059 **HOUSE AUTHOR:** Garfield Thompson
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Parmer

This act amends provisions of the Family Code relating to the period of time that parents are obligated to support their children and may be required to pay court-ordered child support. Previous law required a parent to provide child-support payments until a minor child reached the age of 18. This act permits a parent to be obligated for child support, for a child enrolled in an accredited primary or secondary school, until the child is graduated.

SENATE BILL 455 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Adkisson

This act amends provisions of the Family Code detailing who may file original suits affecting the parent-child relationship including original suits seeking managing conservatorship, possessory conservatorship, adoption, and the termination of the parent-child relationship together with a petition for adoption. The act further specifies who may bring a petition for further action and motions to modify. Any parties to a suit affecting the parent-child relationship are required to include their social security numbers in the decree. The child's social security number is required only if the child has one.

All courts transferring a suit affecting the parent-child relationship are required to keep a copy of the papers in the case after the transfer has occurred.

Any individual conducting a home study of a child is required to furnish his findings in a written report to the attorneys involved in the contested case within seven days of completion of the study or five days before the trial is scheduled to begin.

Further provision is made for the court to order extended support for a disabled child over the age of 18 if the request is made in the original suit, the petition for further action, or the motion to modify before the child reaches the age of 18.

In addition, nonsubstantive revisions are made concerning venue, the filing of court records, and serving notice.

SENATE BILL 553 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 6-8-85 **HOUSE SPONSOR:** Cain

This amendatory act provides for the court appointment of a certified volunteer advocate who may appear at a court hearing on behalf of a child in a suit that affects the parent-child relationship. The court may also appoint a group of volunteer advocates to act as an administrative review board in advising the court on child placement decisions.

SENATE BILL 638 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 5-17-85 **HOUSE SPONSOR:** Adkisson

This act amends the Family Code to allow a court in divorce proceedings and suits affecting the parent-child relationship to issue temporary orders for the preservation of property and the protection of parties involved when the case is on appeal.

SENATE BILL 1055 **SENATE AUTHOR:** Henderson
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Hilbert

This amendatory act makes provisions for the creation of supplemental birth and death certificates for a child who dies while in the process of being adopted. Upon the provision of certain information to the state registrar, the certificates shall be completed as though the adoption had been finalized before the child's death.

SENATE BILL 1122 **SENATE AUTHOR:** Lyon
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** D. Hudson

Prior law allowed minors to seek treatment without parental consent for infectious, contagious, or communicable diseases; conditions stemming from drug usage; and pregnancy.

This act broadens provisions of the Family Code to enable minors to receive counseling from physicians, psychologists, counselors, or social workers for the treatment of sexual or physical abuse and suicide prevention. A physician, psychologist, counselor, or social worker could not be held liable for treating a minor under these conditions and has the option to notify the minor's parents or guardian of the diagnosis or treatment needed with or without the consent of the minor. The parents or guardian of the minor child shall not be held responsible for any charges incurred by the minor if they did not consent to the treatment.

HOUSE BILL 256 **HOUSE AUTHOR:** Green
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Whitmire

This act amends the Family Code to allow counties having a population of more than two million to pay for the preparation of the statement of facts in appeals of suits affecting the parent-child relationship if the party involved is unable to pay.

Delinquency

HOUSE BILL 738 **HOUSE AUTHOR:** Granoff
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Farabee

House Bill 738 amends the Human Resources Code to raise the fee paid to counties by the Texas Youth Commission for the supervision of delinquent children to $3 a day per child with a maximum payment of $60 per month.

SENATE BILL 119 **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Waldrop

This act amends the Family Code to allow any adult responsible for the care of a minor under the jurisdiction of the juvenile court or committed by the juvenile court to the care of a state or county agency to provide consent for immediate medical treatment without the threat of liability when the person who has consensual power cannot be located and no notice to the contrary has been received from that person.

SENATE BILL 120 **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Waldrop

This act amends the Human Resources Code to extend the jurisdiction of the Texas Youth Commission over a delinquent child committed to the commission until the 21st birthday of the child.

SENATE BILL 253 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Valigura

This act amends the Family Code and the Human Resources Code to provide the Texas Juvenile Probation Commission the authority to prescribe minimum standards for juvenile detention facilities. The juvenile board of each county must provide annually to the Texas Juvenile Probation Commission a copy of the standards used in the inspection of local detention facilities.

SENATE BILL 625 **SENATE AUTHOR:** Uribe
EFFECTIVE: 6-11-85 **HOUSE SPONSOR:** Granoff

This amendatory act gives the Texas Youth Commission the authority to assist in the establishment of training facilities and programs in the private sector aimed at benefitting delinquent youth.

SENATE BILL 660 **SENATE AUTHOR:** Parmer
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Willis

In 1983, the 68th Legislature enacted provisions allowing the aural and visual recording of testimony of allegedly abused children 12 years of age or younger in suits affecting the parent-child relationship. Senate Bill 660 amends the Family Code to further allow this type of testimony in suits involving delinquent children and children in need of supervision under Title 3 of the Family Code.

Legislation relating to juvenile boards is summarized in the chapter on courts.

Family Violence

SENATE BILL 869 **SENATE AUTHOR:** Krier
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Morales

Senate Bill 869 creates a new chapter in the Code of Criminal Procedure, 1965, that addresses the problem of family violence and that emphasizes the need for law enforcement officials, prosecuting attorneys, and the courts to enforce the law without consideration of the relationship between the abuser and the victim and by keeping foremost in their minds the protection of the victim. When summoned to a family violence situation, law enforcement officials are given greater authority to arrest abusers and individuals violating protective orders. In addition, the officers must present the victims with written notice of available legal remedies and community services available to them. Officers must make written reports of any family violence situations and designate them with a family violence code for easy access. Law enforcement departments shall ensure easy access to all information relating to the existence and terms of protective orders.

HOUSE BILL 2160 **HOUSE AUTHOR:** Patronella
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Washington

The Family Code provides for the protection of families through protective orders prohibiting persons from engaging in family violence, communicating with a family member, and visiting a family member.

This amendatory act allows individuals who are under protective orders to have their phone numbers and addresses excluded from public court records relating to the orders.

Marriage

SENATE BILL 342 **SENATE AUTHOR:** Uribe
EFFECTIVE: 4-11-85 **HOUSE SPONSOR:** Kubiak

In 1983, the 68th Legislature repealed provisions of the Family Code that required a medical examination prior to the issuance of a marriage license. Prior law held marriage licenses to expire 21 days after the medical examination. Senate Bill 342 amends existing law to provide for the expiration of marriage licenses 30 days after the issuance of the license.

SENATE BILL 371 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Schlueter

In addition to creating the Council on Child Abuse and Neglect Prevention and the children's trust fund, the act increases the marriage license fee and the fee for the declaration of an informal marriage from $7.50 to $25. The county clerk is required to take half of the amount collected for these services monthly and send it to the comptroller of public accounts to be credited to the children's trust fund.

SENATE BILL 491 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 4-30-85 **HOUSE SPONSOR:** Perez

Previous law did not provide for the appointment of receivers in divorce cases making the courts reluctant to appoint receivers over marital property. This act amends state law to specifically provide for the appointment of receivers over marital property.

SENATE BILL 723 **SENATE AUTHOR:** Williams
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Polumbo

This amendatory act authorizes the Commissioners Court of Harris County to provide fee schedules for applicants requesting services of the domestic relations office. These fee schedules may provide for different fees for different services and may be graduated according to an applicant's income and number of dependents.

SENATE BILL 831 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** S. Thompson

This amendatory act provides for a waiver by court order in certain instances of the 30-day waiting period for remarriage after a divorce.

Language relating to medical examinations prior to marriage is removed.

GOVERNMENT—CITY

This chapter describes legislation concerning city government, except for legislation applicable also to other levels of government, which is placed in the chapter on general government, and except for legislation applicable to city personnel, which is placed in the chapter on public officials and employees. Significant legislation in this chapter includes a proposed constitutional amendment and enabling law relating to water laterals on private property (House Joint Resolution 54 and House Bill 260), a law relating to firearm ordinances that prohibits municipal gun control (Senate Bill 1187), a law allowing use of street right-of-way for cultural or enhancement purposes (Senate Bill 641), and a law authorizing creation of municipal parking authorities (House Bill 2371). Legislation in the general government chapter includes a law strengthening city regulation of sexually oriented businesses (Senate Bill 35).

Firearm Regulation

SENATE BILL 1187 **SENATE AUTHOR:** Brown
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Leonard

Senate Bill 1187 creates new law prohibiting municipalities from adopting any regulations regarding firearm sales, ownership, and transportation. Cities and towns may, however, require citizens to be armed for lawful purposes, regulate the discharge of firearms, enforce zoning ordinances, regulate use of firearms, and regulate storage and transportation of explosives.

Annexation

SENATE BILL 1487 **SENATE AUTHOR:** Harris
EFFECTIVE: 6-12-85 **HOUSE SPONSOR:** Ceverha

Senate Bill 1487 gives authority to any city with a population of 70,000 or more but not more than 90,000 located in a county with a population greater than one million to extend its boundary by annexing a general law city with a population of less than 600 if the smaller city is entirely surrounded by the larger city. This act calls for an election by the smaller city to consent to annexation by the larger city and gives the procedure for completing the annexation if the results of the election favor annexation. Senate Bill 1487 also requires the larger city to maintain existing zoning ordinances of the smaller city and assume all debts of and taxes due to the smaller city. The act is intended to apply to the cities of Richardson and Buckingham in Dallas County.

SENATE BILL 967 **SENATE AUTHOR:** Sims
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Geistweidt

Senate Bill 967 removes the requirement in the Municipal Annexation Act that a city have a population of 12,000 or less as a condition for annexing an area less than 500 feet wide when two sides of the area are contiguous with the boundaries of the city.

The Municipal Annexation Act is also amended to prohibit a city from revising its charter to permit limited purpose annexation and to provide that a city may not extend its extraterritorial jurisdiction by annexation except for full purposes. These latter provisions expire on June 1, 1987.

HOUSE BILL 289 **HOUSE AUTHOR:** Connelly
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Traeger

House Bill 289 requires that before the governing body of a municipality completes annexation that would entirely surround an unincorporated area it must first make findings showing that such an action would be in the public interest of the unincorporated area.

HOUSE BILL 2247 **HOUSE AUTHOR:** Tallas
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Sharp

Currently if a city wants to annex a territory within a municipal utility district (MUD), it must annex the entire district, taking on all of its debts and credits. This act would allow cities to annex portions of territory within a MUD without regard to certain regulations of the Municipal Annexation Act, as long as both the

MUD and the landowners in the territory consent to the annexation and if the annexed territory is not wider than 525 feet at any point.

Public Improvements and Economic Development

SENATE BILL 641 **SENATE AUTHOR:** Krier
EFFECTIVE: 4-30-85 **HOUSE SPONSOR:** Danburg

Senate Bill 641 is new law that allows any municipality to permit certain uses of the right-of-way property of its public streets. A municipal governing body is allowed to permit the use of right-of-way property for the establishment and maintenance of the following: trees and decorative landscaping; sidewalk cafes; decorative features of historic buildings; bus shelters and other public entities; and ornamental gates, columns, or other ornamental works of wood, iron, or masonry.

SENATE BILL 1330 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Collazo

Senate Bill 1330 permits certain municipalities to acquire, develop, or operate facilities and improvements for proper administration of island property owned by the municipality. The municipalities may issue bonds for those purposes payable from taxes, revenues, or both. Obligations payable from ad valorem taxes must be authorized by an election. The municipality may place control and management of the island under a board of trustees or commission.

HOUSE BILL 1173 **HOUSE AUTHOR:** Robinson
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Sharp

House Bill 1173 amends Texas law to provide cities and towns with the authority to lease streets, alleys, or town squares for oil, gas, and mineral development.

HOUSE BILL 2216 **HOUSE AUTHOR:** Berlanga
EFFECTIVE: 5-15-85 **SENATE SPONSOR:** Krier

Current law affords the governing body of any city the authority to designate any portion of the area located within its extraterritorial jurisdiction an industrial district. House Bill 2216 amends this law to include tourist-related areas among those areas that may be designated industrial districts.

HOUSE BILL 2371 **HOUSE AUTHOR:** Delco
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Barrientos

House Bill 2371 will allow the governing body of a municipality to create a municipal parking authority for the purpose of planning, implementing, and maintaining public parking facilities. This act prescribes the rights, duties, and powers of such an authority and authorizes the acquisition, operation, construction, improvement, maintenance, and operation of parking facilities. The parking facilities may be financed by general revenue, general obligation bonds of the municipality, or revenue bonds issued by the authority and guaranteed by the municipality.

HOUSE BILL 2395 **HOUSE AUTHOR:** Messer
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Howard

The Development Corporation Act of 1979 was amended by the 68th Legislature with the intent of allowing commercial projects in "development areas" to be financed by industrial development bonds. Through an omission, the defined term "development area" was not used in the appropriate place to accomplish this intent. House Bill 2395 adds the term "development area" in the proper place to authorize the financing of commercial projects in those areas of a city designated as development areas by the city council after holding a public hearing.

HOUSE JOINT RESOLUTION 54 **HOUSE AUTHOR:** Wright
FOR ELECTION: 11-5-85 **SENATE SPONSOR:** Brown

The proposed amendment of Article XI, Section 12, of the Texas Constitution authorizes the legislature to enact laws under which a municipality could spend public money to pay for the replacement or relocation of water lines, known as water laterals, that are located on private property but that are connected to the main lines, known as water mains, of a municipality's water delivery system. The municipality could take this action

only if the replacement or relocation of the water laterals were done in conjunction with or immediately following the replacement or relocation of the water main serving the property. The owner of the property on which the water laterals are located would be required to repay the municipality, with interest, for the cost of the replacement or relocation. The repayment would be made over a period not to exceed five years. By attaching a lien on the property, the municipality could protect itself if the property owner defaults in the repayment.

HOUSE BILL 260 **HOUSE AUTHOR:** Wright
EFFECTIVE: see below **SENATE SPONSOR:** Brown

Part of House Bill 260 is the enabling legislation for House Joint Resolution 54, a proposed constitutional amendment to allow cities to replace water lines on the same basis as sewer lines under the Texas Constitution. This statutory change is contingent on approval by the voters of the constitutional amendment scheduled for election on November 5, 1985.

Also, under House Bill 260 property owners may waive their right to reject a contract under this bill. This will allow the city to sign a contract and begin replacing water lines immediately instead of having to wait the allotted amount of time for notification.

Budget, Finance, and Purchasing

SENATE BILL 270 **SENATE AUTHOR:** Leedom
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Hammond

Senate Bill 270 removes the competitive bidding requirements imposed by law when a city is making certain purchases for use in its public library. These exempted purchases include copyrighted material available from only one supplier, rare books, and material available only from persons holding exclusive distribution rights.

SENATE BILL 802 **SENATE AUTHOR:** Williams
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** A. Luna

The Bond and Warrant Law of 1931 required competitive bidding for procurements by cities and counties. Senate Bill 802 amends the statute to apply it only to cities and revises provisions relating to advertising and accepting competitive bids. (Competitive bidding requirements and procedures for counties are set forth in Senate Bill 807, enacted during the regular session.) For cities with a population of 50,000 or more, an expenditure requiring competitive bidding is increased from $5,000 to $10,000. For other cities, an expenditure of more than $5,000 requires competitive bidding. Competitive bidding procedures for high technology procurements is specified. A city official or employee who knowingly or intentionally makes or authorizes purchases in order to avoid the competitive bidding requirements commits an offense that is a Class C misdemeanor.

Exemptions from competitive bidding under The Certificate of Obligation Act of 1971 are also amended to include procurements exempt under the Bond and Warrant Law of 1931.

SENATE BILL 1282 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-11-85 **HOUSE SPONSOR:** Price

The city of Beaumont lost $20 million it had invested with a private investment corporation which failed. The loss totaled 20 percent of the city's current fiscal budget. Senate Bill 1282 will allow certain cities (Beaumont) to issue bonds to finance operating expenses for the fiscal year but not in excess of certain recent losses. The bonds issued under this act may be issued without election and are secured and payable from ad valorem taxes. This act also provides for the attorney general to review the proceedings authorizing the sale of bonds.

HOUSE BILL 1204 **HOUSE AUTHOR:** Pierce
EFFECTIVE: 5-24-85 **SENATE SPONSOR:** Traeger

House Bill 1204 relates to the financing of street construction and improvements by cities with a population of more than 1,000. It provides that the rate of interest on late payment of the special tax levied upon street railways for improvements of the area occupied by the railways shall not exceed the greater of eight percent per annum or the rate payable by the city on its most recently issued general obligation bonds.

The same tax assessment provision shall also apply to abutting property, and the act further stipulates that abutting property is subject to assessment irrespective of subdivision or partial sale after the date of mailing of the notice if the city has complied with certain notice requirements.

HOUSE BILL 2010 — **HOUSE AUTHOR:** Colbert
EFFECTIVE: 6-14-85 — **SENATE SPONSOR:** Whitmire

State law imposes certain requirements on the form or content of proposed municipal budgets. House Bill 2010 changes one of the requirements to provide that the proposed budget show as definitely as possible each of the various projects for which expenditures, rather than appropriations, are set up in the budget.

State law also provides specific requirements for public hearings on proposed municipal budgets. This act amends a provision to ensure that the statutory requirements prevail over different charter requirements.

Miscellaneous Legislation

SENATE BILL 133 — **SENATE AUTHOR:** Henderson
EFFECTIVE: 9-1-85 — **HOUSE SPONSOR:** Connelly

This act provides that in a city of more than 1,500,000 population (Houston) 25 percent of the members of the city planning commission may be persons who reside in an area outside city boundaries in which the city exercises authority to approve subdivision plats.

SENATE BILL 716 — **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-85 — **HOUSE SPONSOR:** Collazo

Under Senate Bill 716 a political subdivision may not be created within the area of any industrial district designated by a city without the prior written consent of the city. After a written request is filed, a city has 60 days to grant or deny consent; failure to act within this period is equivalent to cities having consented.

If the consent to initiate the creation of such political subdivision is granted, proceedings to create the political subdivision must be initiated within six months and completed within 18 months. Failure to initiate and complete the proceedings within the allotted period terminates the authorization.

SENATE BILL 885 — **SENATE AUTHOR:** Montford
EFFECTIVE: 6-10-85 — **HOUSE SPONSOR:** Robnett

State law required a landowner who subdivides a tract of land in a city or within five miles of its limits to make a plat describing the location of the subdivision by referencing the original corner of the original survey. In some cases the original corner is unavailable as a reference point because of buildings or other obstructions. Senate Bill 885 allows the use of either the original corner of the survey or a corner of the survey to be subdivided as a reference point for the plat.

HOUSE BILL 192 — **HOUSE AUTHOR:** Hury
EFFECTIVE: 9-1-85 — **SENATE SPONSOR:** Brooks

House Bill 192 permits the park board of trustees of a home-rule city bordering the Gulf of Mexico with a population less than 80,000 (e.g., Galveston) to employ armed peace officers licensed by the Texas Commission on Law Enforcement Officer Standards and Education as well as unarmed security guards and parking attendants.

This act also gives the park board the authority to acquire or purchase, improve, and manage lands or buildings or other facilities that serve as tourist attractions. The board also is empowered to enforce regulations and to establish rules to enforce existing rules applicable to the uses of facilities under board control.

House Bill 192 requires Galveston (or any other coastal home-rule city of less than 80,000) that establishes a park board and collects a seven percent occupancy tax to pledge at least one percent of the occupancy tax to either or both of two purposes: (1) payment of revenue bonds; or (2) maintenance or operation of facilities designated to attract visitors to the city.

HOUSE BILL 557 — **HOUSE AUTHOR:** Danburg
EFFECTIVE: 9-1-85 — **SENATE SPONSOR:** Whitmire

In 1977, the Texas Legislature gave municipalities the authority to maintain neglected and unkempt cemeteries located within their boundaries or extraterritorial jurisdiction. House Bill 557 grants a district judge

the authority to authorize a nonprofit corporation to maintain a cemetery in the event a municipality fails or refuses to do so. Under this act a nonprofit organization shall adhere to the same procedures and charges required of a municipality that operates and maintains a cemetery.

HOUSE BILL 783 **HOUSE AUTHOR:** Adkisson
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Krier

Previous law allowed a home-rule city to bring criminal action against property owners who were violating certain health and safety ordinances. These criminal actions were pursued at the municipal court level and could result in a fine being assessed. House Bill 783 allows a home-rule city to bring a civil action against violators of building codes, fire-safety codes, zoning ordinances, ordinances establishing criteria for land subdivision, ordinances relating to deteriorating buildings, and ordinances implementing civil penalties for conduct subject to Class C misdemeanor punishment. This act allows these cases to be pursued at the district or county-court level. On the showing of a potential hazard, the city may obtain an injunction requiring the property owner to take immediate action to remedy the situation. The city could recover a civil penalty of up to $1,000 a day for each day that the property owner fails to remedy the violation or commits further acts in violation of the ordinance. Provisions are also made to compel the repair or demolition of unsafe structures and to allow the city to file a notice of pending litigation with the county clerk to inform prospective purchasers of the current proceedings in the event the property owner tries to sell the property.

HOUSE BILL 1205 **HOUSE AUTHOR:** Patrick
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Traeger

House Bill 1205 provides additional optional notice procedures for home-rule cities if the city council of the municipality conducts a public hearing that grants zoning authority, creates districts, makes regulations with regard to congestion in streets, and regulates or changes boundaries of districts. In addition to any notice currently required for public hearings conducted for these purposes, the city council of a city may, by two-thirds vote, prescribe the type of notice to be given of the time and place of the hearing. Under this act, a two-thirds vote of the city council may also prescribe additional notice to be given of the time and place of a public hearing held jointly between the city council and zoning commission for the purpose of zoning.

HOUSE BILL 1528 **HOUSE AUTHOR:** P. Hill
EFFECTIVE: 10-1-85 **SENATE SPONSOR:** Brown

House Bill 1528 will allow general law cities with a population greater than 20,000 to establish a municipal drainage utility system. Under this act these cities may, by ordinance, set up and operate a drainage system within their corporate limits. This act also provides rules for the use, operation, maintenance, and financing of the system. Procedures for the discontinuance of the municipal utility system are also included in this act.

HOUSE BILL 2092 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** McFarland

House Bill 2092 is new law that provides for a certification process for city secretaries and allows for a private association of city secretaries to contract with a college or university to provide a program of instruction to certify city secretaries. The association will issue to a person who successfully completes the program a certificate, which must be renewed not less than five years after issuance. Certification is optional and is not required for a person to hold the position.

HOUSE BILL 2370 **HOUSE AUTHOR:** A. Luna
EFFECTIVE: 6-12-85 **SENATE SPONSOR:** Whitmire

Under House Bill 2370, any person who wishes to develop a tract of land within a city with a population of 1,500,000 or more (Houston) or within its extraterritorial jurisdiction must prepare a development plat. This plat must conform to the general plans, rules, regulations, and ordinances of the city and be submitted to the city planning commission for approval before the tract of land can be developed. This act also includes provisions for violations of these requirements.

SENATE BILL 830 **SENATE AUTHOR:** Traeger
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Messer

A validating act is a form of retrospective legislation designed to remedy defects and irregularities in past proceedings and to make valid an action that would otherwise be invalid for the purposes intended.

Senate Bill 830 validates the adoption of a home-rule charter and subsequent acts, validates the incorporation proceedings of all general-law cities and subsequent acts, validates acts relating to annexation or attempted annexation occurring before March 15, 1985, and validates acts relating to the issuance of notes and deeds of trust to finance municipal airport improvements.

HOUSE BILL 871 **HOUSE AUTHOR:** Cain
EFFECTIVE: 5-24-85 **SENATE SPONSOR:** Harris

House Bill 871 validates any acquisitions or operations of railroad property by a home-rule city that occurred between January 1, 1984, and the effective date of this act. The act also declares that the administration of railroad facilities by public agencies are governmental functions. This designation gives public agencies operating railroads immunity from tort liability.

HOUSE BILL 2478 **HOUSE AUTHOR:** Lee
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Uribe

House Bill 2478 is new law validating all acts and proceedings of cities, towns, and municipal airport boards occurring before the effective date of this act relating to the authorization and issuance of notes and deeds of trust for municipal airport improvements. This act does not apply to any matter that on the effective date is involved in litigation, if it is ultimately judged invalid or has been held invalid.

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. Significant legislation includes a new County Purchasing Act (Senate Bill 807), two proposed constitutional amendments affecting selected county offices (Senate Joint Resolution 27 and House Joint Resolution 27), the abolition of mandatory county government retirement rules (House Bill 1240), an authorization of county law enforcement contracts with nongovernmental groups (Senate Bill 245), and a measure allowing county participation in federally funded community and economic development projects (Senate Bill 446). 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. Legislation affecting county personnel is discussed in the chapter on public officials and employees.

Officials and Employees

SENATE JOINT RESOLUTION 27 **SENATE AUTHOR:** Montford
FOR ELECTION: 11-5-85 **HOUSE SPONSOR:** Rudd

The proposed amendment of Article XVI, Section 44, of the Texas Constitution would provide for: (1) the abolition of the office of county treasurer in Andrews County and the transfer of the functions of the office to the county auditor; (2) the abolition of the office of county treasurer in El Paso County and the transfer of the functions of the office to a county officer whom the commissioners court of the county may designate, to a person whom the court may employ, or to a person with whom the court may contract; and (3) the abolition of the office of county surveyor in Collin, Dallas, Denton, El Paso, Henderson, and Randall counties and the transfer of the functions of the office to a person whom the commissioners court of the county may employ or to a person with whom the court may contract. The maps, field notes, and other records of an abolished county surveyor's office would be transferred to the county clerk of the county.

The abolition of the county treasurer's office in Andrews County takes effect, if the proposed constitutional amendment is adopted, at the statewide election on the amendment. The abolition would take effect on the date of the adoption of the amendment or, more precisely, on the date of the official canvass of returns showing adoption.

The abolition of the county treasurer's office in El Paso County takes effect if the proposed constitutional amendment is adopted at the statewide election and if a majority of the votes cast in El Paso County at the statewide election favor the amendment. The abolition would take effect on January 1, 1986.

The county surveyor's office in a county covered by the proposed constitutional amendment takes effect if the amendment is adopted at the statewide election and if the abolition is approved by the voters in the counties. A separate election will be necessary in each of the affected counties at which the local voters will be permitted to make a final decision on the matter. The abolition would take effect on the approval of the abolition at the local election.

HOUSE JOINT RESOLUTION 27 **HOUSE AUTHOR:** Stiles
FOR ELECTION: 11-5-85 **SENATE SPONSOR:** Parker

The Texas Constitution was amended in 1983 to prescribe certain numbers of justice of the peace precincts for all Texas counties, depending on the population. In Chambers County, the number of justice precincts as warranted by the population is from two to five. Chambers County is a coastal county that has a large amount of tourist traffic and short-term visitors in the beach communities, and the justice courts therefore handle a greater than usual number of minor traffic violation cases.

House Joint Resolution 27 would amend the constitution to let Chambers County have from two to six justice precincts, regardless of the county's population. The amendment, if approved, would take effect January 1, 1986.

SENATE BILL 251 **SENATE AUTHOR:** Williams
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Gary Thompson

This act will allow a justice of the peace with a monthly caseload of 50 cases or more to request that the commissioners court provide suitable office space and necessary telephones. The commissioners court would be required to provide office space and telephones beginning with the next fiscal year. The commissioners court may also provide a suitable courtroom on request.

SENATE BILL 862 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 6-10-85 **HOUSE SPONSOR:** Smithee

Senate Bill 862 will allow the voters of a county that has elected an inspector of hides and animals to petition the commissioners court to call an election to abolish the office. The records of the abolished office would be transferred to the county clerk.

HOUSE BILL 1240 **HOUSE AUTHOR:** Willis
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Parmer

In the past the civil service commissions of certain counties were restricted from making or enforcing a rule that would require retirement at any age below 70. This act prohibits the making of a rule requiring retirement at any age and grants a commission rulemaking authority to establish a system where an employee, on reaching an age set by the commission, must submit an annual physician's affidavit that certifies to sound physical and mental health.

House Bill 1240 also grants authority to the voters of a county having a population in excess of 800,000 to determine whether to dissolve the system or to expand the existing county civil service system to cover employees not previously covered, such as employees of the district attorney's office, juvenile probation office, or county auditor's office.

In addition, a department head covered by a county civil service system is made responsible for the hiring of all employees within the department. These employees are subject to a six-month initial probationary period at the end of which they shall either be terminated or hired as permanent employees and, as such, they shall then be entitled to coverage by the county civil service system.

Law Enforcement and Fire Protection

SENATE BILL 245 **SENATE AUTHOR:** Henderson
EFFECTIVE: 5-31-85 **HOUSE SPONSOR:** Eckels

This act will allow a county commissioners court to contract with nongovernmental associations such as private homeowners' associations and civic clubs for the provision of law enforcement services (i.e., contract deputy agreements). These contract deputy services will be paid for on a fee basis determined by the county commissioners court, and fees collected shall be deposited in the general fund of the county.

Either the sheriff, or with the sheriff's consent, a constable, could provide the service on request by the county commissioners court. A deputy performing under a contract will remain a county employee subject to the same benefits and restrictions as any other deputy.

If such a contract for law enforcement includes any area within a municipality, the county must provide a copy of the pending contract to the municipality. The municipality may approve or disapprove the contract. The county may not enter the contract if the municipality disapproves the contract.

SENATE BILL 443 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 4-30-85 **HOUSE SPONSOR:** Hury

Presently, the law relating to counties contracting with incorporated volunteer fire departments for fire protection services requires that the volunteer fire department be located outside the corporate limits of a city or town. Senate Bill 443 amends current law to allow the commissioners court of any county to contract with any incorporated volunteer fire department located within the county for the purpose of furnishing fire protection services to areas not within the corporate limits of a city or town.

SENATE BILL 1075 **SENATE AUTHOR:** Williams
EFFECTIVE: 5-24-85 **HOUSE SPONSOR:** Heflin

In 1983 the 68th Legislature passed a bill that allows a county commissioners court to donate $25,000 annually to a crime stoppers organization. Senate Bill 1075 permits a county commissioners court to donate money to one or more crime stoppers organizations but retains the provision that the total not exceed $25,000 annually.

HOUSE BILL 104 **HOUSE AUTHOR:** Polumbo
EFFECTIVE: 6-11-85 **SENATE SPONSOR:** Brooks

House Bill 104 permits two or more businesses whose activities require maintaining fire-fighting equipment to form a mutual aid organization in which the businesses that are members agree to assist each other during emergencies by supplying fire-fighting equipment and services. The organization must submit a list of its members' fire-fighting vehicles to the county fire marshal or commissioners court for approval. When on a call for an emergency, the driver of an approved vehicle has the rights and restrictions of a driver of an authorized emergency vehicle. A county is not liable for the actions of the drivers of an approved vehicle.

HOUSE BILL 128 **HOUSE AUTHOR:** Hury
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Barrientos

House Bill 128 amends existing law to allow the commissioners court of any county to contract with any incorporated volunteer fire department located within the county for the purpose of furnishing fire protection services to areas of the county that are not within the corporate limits of a city or town. The commissioners court may also contract to supply surplus or salvage property to a volunteer fire department already under contract for services.

This act also provides that all fire-fighting equipment furnished be purchased on the basis of competitive bids as required for other purchases by a county.

Roads

SENATE BILL 513 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Buchanan

Senate Bill 513 authorizes a county to spend funds to finance the construction, improvement, maintenance, or repair of a street or alley located within the city limits, provided that the city gives its consent. The work may be done by the county using county equipment, by an independent contractor or by the county as contractor for the city, or by the city with the county to provide reimbursement. A county may not spend bond funds for new road construction within city limits, however, unless the expenditure has been specifically approved by an election.

SENATE BILL 608 **SENATE AUTHOR:** Henderson
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Hilbert

In 1983 counties with a population of over two million were granted the authority to assess the costs of street or highway improvements against the owners of property that abuts the street or highway improved. This act places restrictions on that authority by providing that the assessment may not be used to finance routine road maintenance, by removing the county's authority to sell or transfer certificates of assessment, and by providing that assessments are made against property, not property owners. The act also specifies that assessments may not be made against homesteads and against appraised agricultural land, timberland, open-space or recreational use land, and public access airport land, unless the land is converted to nonexempt use. The required vote by the governing body of the county to alter improvements and thereby affect assessments is changed from two-thirds to three-fifths majority.

SENATE BILL 966 **SENATE AUTHOR:** Sims
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Geistweidt

State law allows a commissioners court in counties with a population of 50,000 or less to establish a public interest in private roads under certain conditions, including through adverse possession. Senate Bill 966 modifies this provision to require that an interest acquired in this manner must be preceded by a final judgment

of adverse possession in a court of competent jurisdiction. A commissioners court seeking to establish public interest in a private road is required to state in its records the date and circumstances of the acquisition, and written notice concerning this action must be given to affected landowners. The act also changes law relating to the statute of limitations for landowners wishing to contest such an action by a commissioners court.

SENATE BILL 1421 **SENATE AUTHOR:** Sharp
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Messer

This act empowers a county road district, in addition to its existing authority to construct and maintain roads, to purchase other roads built prior to creation of the district. The act authorizes purchase of a private road at its replacement cost. Any other purchased roads not meeting this condition must have been constructed in substantial conformity with county road standards and bid procedures. The county commissioners court must approve contracts for subsequent improvements to the purchased roads.

SENATE BILL 1426 **SENATE AUTHOR:** Sharp
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Messer

Current law provides for the establishment of road districts encompassing the whole of two or more counties. Senate Bill 1426 amends the law to allow road districts to encompass either whole contiguous counties or portions of contiguous counties.

HOUSE BILL 2412 **HOUSE AUTHOR:** Eckels
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Brown

House Bill 2412 authorizes Harris County to erect markers designating the site of traffic fatalities in the rights-of-way of roads under the jurisdiction of the county. The markers may also be located in the rights-of-way of certain other public roads if consent to do so has been given by the governmental entities responsible for maintaining the roads.

Finance and Purchasing

SENATE BILL 402 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 6-11-85 **HOUSE SPONSOR:** Delco

In 1971 the legislature passed the Certificate of Obligation Act, which authorized each incorporated municipality and county under 350,000 in population to issue certificates of obligation. In 1979 the legislature removed the 350,000 population bracket requirement. Currently, the attorney general's office is not approving certificate of obligation bonds for counties of 350,000 or more due to conflicting language. Senate Bill 402 clarifies the language by redefining the term "county" for purposes of the act and thereby providing that all counties have the authority to issue certificates of obligation.

SENATE BILL 449 **SENATE AUTHOR:** Leedom
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Barton

Senate Bill 449 requires a county officer to deposit funds with the county treasurer within seven business days of receipt. This time limit can be extended up to 30 days by the commissioners court in counties with a population less than 50,000. This act permits the county treasurer to issue a duplicate to replace a lost or destroyed check, provided that the owner of the original check has filed an affidavit with the county treasurer stating that the check was lost.

County commissioners of counties with a population of 200,000 or more will be permitted to enter into a new contract with a local bank for the deposit of county funds annually and will be required to enter into a new contract at least biannually.

This act authorizes county treasurers to invest in security repurchase agreements involving securities of specified U.S. government entities, and allows a county treasurer to collect a fee of $15 for a returned check, a fee of $15 for placing a stop-payment order on a county check, and a fee of $1 a page for making copies of records.

SENATE BILL 549 **SENATE AUTHOR:** Caperton
EFFECTIVE: see below **HOUSE SPONSOR:** Kubiak

Senate Bill 549 amends various statutes relating to taking bids for the purchase of equipment, materials, and supplies for the construction and maintenance of county roads. The statutes are amended to increase the purchase amount exempt from competitive bidding from $1,000 to $5,000.

The amendment of the County Road and Bridge Act is effective September 1, 1985. Other provisions of Senate Bill 549 are effective August 26, 1985.

SENATE BILL 807 **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Saunders

Senate Bill 807 enacts the County Purchasing Act to clarify, consolidate, and repeal various Texas laws regarding county purchasing. This act sets forth procedures that all Texas counties must follow in making contracts for the purchase of any service, equipment, goods, or tangible or intangible property for which payment will be made from current funds or bond funds or through the issuance of time warrants. This act consolidates statutes relating to competitive bidding requirements for county purchases on items that exceed $5,000 in value. The county commissioners court is allowed to make exceptions to the competitive bidding requirement to protect public health or property, as well as for any personal or professional service, any right-of-way, or any item available from only one source. County commissioners courts may use an alternative competitive bidding procedure for purchases of insurance or high-technology items. The competitive bidding requirements of this act also include notice procedures, opening of bids, contract awards, pricing, time warrant elections, changes in specifications, injunctive relief for taxpayers, and a criminal penalty for a violation.

Other Legislation

SENATE BILL 108 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Buchanan

Under the provisions of Senate Bill 108, the proceeds from the sale of a county hospital and the interest accrued on the proceeds may be deposited into a special fund that shall be used for the sole purpose of providing health care services to the residents of the county, including those citizens who are indigent. Any sale proceeds or interest not deposited in the special fund shall be deposited into the county's general fund.

SENATE BILL 446 **SENATE AUTHOR:** Howard
EFFECTIVE: 5-22-85 **HOUSE SPONSOR:** Gary Thompson

The Texas Department of Community Affairs administers federal grant funds under the Housing and Community Development Act of 1974 to assist local governments wishing to engage in community and economic development projects. Legal questions have arisen regarding the authority of county governments to enter into various community and economic projects. Senate Bill 446 gives statutory authority to a commissioners court to engage in a community and economic development project as authorized under the Housing and Community Development Act of 1974 and other similar federal laws. This act does not authorize a commissioners court to exercise any ordinance-making authority not otherwise authorized by state law.

SENATE BILL 615 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 6-11-85 **HOUSE SPONSOR:** Richardson

Currently, regular meetings of the commissioners courts are held on the second Monday of each month. At these meetings, certain items of business may be discussed that may not be broached at any other meeting of the court. In reality, the commissioners courts routinely meet as often as once a week. This act amends provisions of the law relating to regular terms of commissioners courts to permit any business of the court that is required by law to be conducted at any meeting of the court that is held routinely and periodically.

SENATE BILL 620 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 6-6-85 **HOUSE SPONSOR:** A. Moreno

Senate Bill 620 sets out provisions under which a county or group of counties may contract with public or private alcoholism prevention, intervention, or treatment programs or centers to provide public health services for persons suffering from alcoholism or at risk of becoming alcoholics.

SENATE BILL 764 **SENATE AUTHOR:** Sims
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Burnett

Current Texas law requires that when a county official picks up an estray, the sheriff must publish two advertisements in a locally circulated newspaper and make a concerted effort to locate the owner. Fifteen days after the appearance of the second advertisement, the county has title to the animal and the sheriff must sell the animal in a public auction that has been licensed by the U.S. Department of Agriculture.

This act shortens the period the county must wait to take title over the animal to three days and permits such stray animals to be sold at a sheriff's sale as well as at a public auction.

SENATE BILL 1378 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 6-12-85 **HOUSE SPONSOR:** Whaley

Senate Bill 1378 permits a county clerk, county recorder, or clerk of a county court to consolidate, index, and cross-index certain records not on microfilm.

HOUSE BILL 46 **HOUSE AUTHOR:** Waldrop
EFFECTIVE: 6-12-85 **SENATE SPONSOR:** Edwards

House Bill 46 provides for local option elections, on petition, to allow counties to adopt zoning and building construction ordinances for areas around lakes that have a storage capacity of more than one million acre-feet and that are owned by a political subdivision of the state. The act does not apply to reservoirs formed by impoundment of salt water or brackish water, or to lakes in existence before the adoption of this act. The measure was introduced in response to a lake currently being constructed in Navarro and Freestone counties.

HOUSE BILL 556 **HOUSE AUTHOR:** A. Hill
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Lyon

House Bill 556 provides authority for county, precinct, and municipal officers to accept credit card payments for fees, fines, court costs, and other charges; to collect fees for processing the credit card payments; and to assess service charges for payments not honored by credit card companies. The act also provides for contracts with credit card companies to allow the public officials to collect or seize unauthorized cards.

HOUSE BILL 895 **HOUSE AUTHOR:** Willis
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Williams

Under current law a county may establish and operate a veterans county service office only with the approval of the commissioners court. House Bill 895 mandates that a county with a population of 200,000 or more maintain and operate a veterans county service office. This office must be separate and distinct from other county offices and must be staffed by at least one full-time employee.

HOUSE BILL 1401 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Parker

This act allows a commissioners court, for the purpose of historical preservation or public health, safety, or welfare, to use public funds, county employees, and county equipment to provide maintenance and upkeep of a cemetery that has a grave marker more than 50 years old. This act does not apply to a perpetual care cemetery or a cemetery maintained by a religious or fraternal organization.

HOUSE BILL 2126 **HOUSE AUTHOR:** Morales
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Krier

Under this act, the Bexar County Commissioners Court may accept gifts and grants from any individual, partnership, corporation, trust, foundation, association, or governmental entity for the purpose of financing or assisting effective prosecution, crime prevention or suppression, rehabilitation of offenders, or crime victim's assistance within Bexar County.

HOUSE BILL 2151 **HOUSE AUTHOR:** L. Evans
EFFECTIVE: 6-12-85 **SENATE SPONSOR:** Brown

House Bill 2151 authorizes the commissioners court of a county with a population of 2.2 million or more (Harris County) to adopt an order changing the fiscal year of the county from one based on the calendar year to a one-year period that would begin on October 1 or March 1 of each year.

HOUSE BILL 2195 **HOUSE AUTHOR:** Perez
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Santiesteban

House Bill 2195 expands the authority of county historical commissions and of county commissioners courts regarding county historical matters. It directs county historical commissions to compile county registers of historical places and memorabilia and authorizes the commissions, with the approval of the county commissioners courts, to designate historical trails and special areas of historical interest. County commissioners courts are authorized to make agreements with governmental agencies and private organizations concerning historical preservation measures. County commissioners courts are also authorized to establish programs in which county historical commissions review and make recommendations concerning property tax exemptions for historical sites. Persons who receive exemptions under the programs must notify the county historical commissions of any plans to change the property.

HOUSE BILL 2302 **HOUSE AUTHOR:** Delco
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Barrientos

Current law does not allow counties to exchange real estate belonging to the county for real estate belonging to private entities or individuals. This act allows counties to make such exchanges provided the land is for public use and no county land could be exchanged for less than fair market value, as determined by an appraisal obtained by the county and that a county publish notice of a proposed exchange of land. An exchange transaction under this act may be partly for cash and partly for the trade or exchange of the real estate interest.

GOVERNMENT—GENERAL

This chapter summarizes legislation that affects more than one level of government. Legislation of note includes the Cultural Education Facilities Financing Act (Senate Bill 700), a law removing restrictions on the regulation of certain sexually oriented businesses (Senate Bill 106), and a law authorizing use of unmarked vehicles by specified city and county officials (House Bill 61).

Finance

SENATE BILL 700 — **SENATE AUTHOR:** McFarland
EFFECTIVE: 6-14-85 — **HOUSE SPONSOR:** Wallace

Senate Bill 700, the Cultural Education Facilities Finance Corporation Act, authorizes a city or county to establish a public corporation for the purpose of acquiring, constructing, improving, and financing cultural facilities for public purposes. These corporations are to be created and organized in the same manner and have the same powers with respect to cultural facilities as health facilities development corporations with respect to health facilities.

SENATE BILL 901 — **SENATE AUTHOR:** Brown
EFFECTIVE: 6-8-85 — **HOUSE SPONSOR:** Harrison

Under previous law, governmental entities were not allowed to refinance bond debts except in the case of revenue bonds. The advantages of refinancing are lower interest rates and more convenient schedules for repayment. Senate Bill 901 provides for the refinancing of tax-supported and other types of bonds. The act also specifies the procedures for the approval, issuance, and payment of refunding bonds.

SENATE BILL 903 — **SENATE AUTHOR:** Brown
EFFECTIVE: 8-26-85 — **HOUSE SPONSOR:** Robnett

Under previous law, the issuance of commercial paper or other short-term notes for public improvements were heavily restricted with regard to the types of governmental entities which could become issuers and the types of improvements for which the issued notes could be used. Senate Bill 903 reduces restrictions so that these notes may be used for any purpose for which an issuer may issue bonds.

SENATE BILL 1153 — **SENATE AUTHOR:** Uribe
EFFECTIVE: 6-14-85 — **HOUSE SPONSOR:** Laney

Senate Bill 1153 provides procedures for determining the net effective interest rate on compounding obligations on public securities.

HOUSE BILL 1936 — **HOUSE AUTHOR:** Ragsdale
EFFECTIVE: 6-10-85 — **SENATE SPONSOR:** Mauzy

The governmental agency that has title or property rights to land under the elevated portion of a freeway may lease the area for parking. House Bill 1936 directs that the revenue earned from the leases be used for general governmental purposes.

Law Enforcement

SENATE BILL 35 — **SENATE AUTHOR:** McFarland
EFFECTIVE: 4-16-85 — **HOUSE SPONSOR:** C. Evans

Senate Bill 35 allows a law enforcement agency of an airport operated by two municipalities and situated in two counties to enter into interlocal assistance agreements with any neighboring municipality or contiguous county to form a law enforcement task force. This act would apply to the Dallas-Fort Worth regional airport.

SENATE BILL 106 — **SENATE AUTHOR:** Henderson
EFFECTIVE: 4-3-85 — **HOUSE SPONSOR:** A. Smith

A sexually oriented business licensed to sell alcoholic beverages was previously exempt from certain provisions of city and county ordinances regulating the location of such a business. Instead, these businesses

were regulated under the Alcoholic Beverage Code. Senate Bill 106 authorizes a city or county to impose uniform restrictions on sexually oriented businesses regardless of whether they are licensed to sell alcoholic beverages. The act also amends the current law to ensure that the same penalty, a Class B misdemeanor, will apply to violations of city and county ordinances regulating the location of these businesses.

SENATE BILL 829 **SENATE AUTHOR:** Lyon
EFFECTIVE: 6-12-85 **HOUSE SPONSOR:** P. Hill

Senate Bill 829 allows a home-rule city of 380,000 or more to contract with the Department of Public Safety, the State Department of Highways and Public Transportation, and a county tax assessor-collector for assistance in reducing the number of outstanding warrants for traffic and parking violations. A city may arrange for a motorist's driver's license to be revoked or prohibit the registering of a vehicle in the subject's name through the use of these contracts. A city engaged in contracts under this act is required to issue a written warning of the ramifications of this act at the time of the issuance of the citation.

Bidding Procedures and Purchasing

HOUSE BILL 275 **HOUSE AUTHOR:** Jackson
EFFECTIVE: 7-1-86 **SENATE SPONSOR:** Sharp

House Bill 275 enacts new law requiring political subdivisions and state agencies to remit payments for goods and services within a specified time limit or face interest penalties of one percent per month on late payments. Vendors who receive payment from a governmental entity are also required to pay subcontractors and subcontractors are required to pay suppliers within a specified time limit or face interest penalties.

The act sets forth procedures for handling disputed payments and exemptions to the time limits. The State Purchasing and General Services Commission shall adopt rules to implement the act.

HOUSE BILL 620 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Montford

Various states have statutes that require an out-of-state contractor to submit a bid that is lower than a set percentage of the lowest resident contractor's bid in order to be considered for the contract. House Bill 620 authorizes government agencies of the state to require a nonresident contractor to underbid a resident contractor by the same percentage required of a nonresident contractor in the contractor's home state. A contractor whose ultimate parent company is located in Texas is exempt from this requirement.

HOUSE BILL 916 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Glasgow

House Bill 916 prohibits bids submitted on public works contracts from being altered in any fashion once opened.

HOUSE BILL 917 **HOUSE AUTHOR:** Roberts
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Truan

House Bill 917 exempts interests in land from bidding and publication requirements when being conveyed by a political subdivision to a governmental entity having the power of eminent domain.

Enterprise Zones

SENATE BILL 435 **SENATE AUTHOR:** Uribe
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Hinojosa

The Texas Enterprise Zone Act was passed by the 68th Legislature in 1983 to provide for the creation of enterprise zones and to enable the state to compete for federal enterprise zone awards. Senate Bill 435, in an attempt to clarify key terms, defines urban and rural areas and modifies the zone application process. The Enterprise Zone Board shall prescribe an application period and shall follow certain procedures for the processing of applications received. The requirement that one-third of the zone designations be rural is changed to two-fifths unless there are not enough qualified applications. Preference is to be given to high unemployment

areas and areas which have made the greatest efforts to encourage economic activity including the adoption of tax abatement or tax increment financing programs and the creation of foreign trade zones.

Senate Bill 435 also provides for the reimbursement to board members of traveling expenses incurred on official business. Conflict of interest provisions are added for board members who represent cities or have financial interests in proposed enterprise zones.

HOUSE BILL 1225 **HOUSE AUTHOR:** Blackwood
EFFECTIVE: 1-1-86 **SENATE SPONSOR:** Harris

House Bill 1225 provides for the continuation of procedures for the allocation of the state ceiling on certain housing bonds to the Texas Housing Agency and local housing finance corporations. The act amends previous law by replacing specific years for allocation with annual allocation. The method by which a reservation of local share lapses is changed from expiring 45 days from the date of the request to 90 days from the date of issuance of the certificate of reservation. The executive director of the Texas Department of Community Affairs shall certify all certificates and set fees.

Miscellaneous

HOUSE JOINT RESOLUTION 73 **HOUSE AUTHOR:** A. Smith
FOR ELECTION: 11-4-86 **SENATE SPONSOR:** Montford

House Joint Resolution 73 proposes a constitutional amendment to allow political subdivisions to purchase mutual insurance. The amendment will allow the use of public funds or credit for the payment of premiums on nonassessable life, health, or accident insurance policies and annuity contracts issued by a mutual insurance company authorized to do business in the state.

HOUSE BILL 61 **HOUSE AUTHOR:** Eckels
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Brown

House Bill 61 provides that governing bodies of cities and county commissioners courts may authorize certain city and county employees to use unmarked vehicles while performing official duties. The bill allows the use of unmarked vehicles by constables' departments, offices of criminal district attorneys and district attorneys, and juvenile probation departments which transport children.

HOUSE BILL 1241 **HOUSE AUTHOR:** Ceverha
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** Mauzy

Previous law required that original political subdivision records that have been duplicated photographically not be destroyed until they were at least five years old and then only with the consent of the state librarian. House Bill 1241 removes the five-year time limit.

GOVERNMENT—SPECIAL DISTRICTS

The 69th Legislature authorized 49 new special-law water districts and provided for the creation of a new type of general-law water district, the stormwater control district (House Bill 1702). Water districts were also affected by legislation summarized elsewhere in this publication. House Bill 1583 subjects river authorities to review under the Texas Sunset Act. Senate Bill 249 creates a Water District and River Authority Study Committee to evaluate the manner of district creation as well as the district role in overall state water management. It also modifies state law pertaining to the reclamation plans of levee improvement districts. House Bill 2, the major water bill of the session, extensively amends the Water Code with respect to districts for underground water conservation. House Bill 1583 and Senate Bill 249 are found in the chapter on government—sunset legislation, immediately following; House Bill 2, in the chapter on environment.

Among hospital district enactments, the major measure was a proposed constitutional amendment to allow the legislature greater discretion in defining districts' individual responsibilities (House Joint Resolution 89). The legislature amended a 1983 law pertaining to emergency communication districts, to allow their establishment in many more counties than before (Senate Bill 750). Amendments also affected transit authorities, road utility districts, and rural fire prevention districts.

Water Districts

Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution provide for the creation of various types of water districts. Many of these districts may be created under general law, on petition to the Texas Water Commission or a county commissioners court, followed by voter approval in a confirmation election. As of 1985, Texas statutes authorized 13 types of general-law water districts: water control and improvement districts, underground water conservation districts, freshwater supply districts, municipal utility districts, water improvement districts, drainage districts, levee improvement districts, irrigation districts, navigation districts, water import authorities, special utility districts, water power control districts, and water control and preservation districts.

Alternatively, the legislature may create water districts by special law, conferring on each district its own powers, sometimes including combinations of powers that are applicable to the different types of general-law districts. Creation by special law gives rise to additional varieties of water districts such as river authorities, flood control districts, utility and reclamation districts, and others. Collectively, special-law and general-law districts created under Article XVI, Section 59 (comprising the vast majority of newer districts), are often referred to as conservation and reclamation districts.

The following enactments amend general-law water district statutes:

SENATE BILL 90 — **SENATE AUTHOR:** Uribe
EFFECTIVE: 2-5-85 — **HOUSE SPONSOR:** Oliveira

This act temporarily suspends uniform election dates that are established by state law, for purposes of special-district elections that are held to confirm creation of navigation districts, authorize levy of maintenance taxes, and approve issuance of bonds. The intent of the suspension was to allow a timely election in Cameron County to finance dredging operations as part of Brownsville's bid for a new naval base that was proposed for the Gulf Coast. (See House Bill 955 in the chapter on appropriations.) The act expires September 1, 1985.

SENATE BILL 618 — **SENATE AUTHOR:** Sharp
EFFECTIVE: 9-1-85 — **HOUSE SPONSOR:** Riley

Enacted in response to a state appeals court decision denying related bond issuances, Senate Bill 618 reaffirms and amplifies the authority of a general-law municipal utility district to develop and maintain recreational facilities. While validating all prior actions of this nature undertaken by existing districts, the new legislation prohibits future bond issues for recreational facilities and provides instead that a district use other statutory financing mechanisms including the optional charging of fees to recreational facility users. A district board must by rule establish (1) standards for recreational facilities and for the allocation of funds for their

development and maintenance and (2) procedures to ensure that proposed recreational facilities are not duplicative of similar facilities offered by other governmental entities.

SENATE BILL 1272 **SENATE AUTHOR:** Henderson
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Pennington

This act authorizes regional districts, to be limited to Harris County or bordering counties, for the provision of water, sanitary sewer, and wastewater drainage services. It establishes procedures by which (1) a county, (2) a city, (3) two or more municipal-type districts (i.e., a municipal utility district, water control and improvement district, or freshwater supply district), or (4) certain landowners may petition the Texas Water Commission for creation of such a district. A city whose corporate limits or extraterritorial jurisdiction is included in a proposed district can veto the territory's inclusion unless, following its veto, the city is unable to reach an agreement with petitioners to provide to the petitioners the necessary water, sewer, and drainage services. The commission rules on creation of a proposed district, but any bond issues of a district must be approved at a confirmation election. Other provisions describe organizational and administrative matters pertaining to a regional district.

HOUSE BILL 181 **HOUSE AUTHOR:** Gibson
EFFECTIVE: 11-15-85 **SENATE SPONSOR:** Glasgow

In 1983 the legislature authorized creation of a new type of general-law water district, the special utility district, formed by the conversion of a private water supply corporation. House Bill 181 reenacts the special utility district law to correct some legal problems and allows the conversion of water supply corporations in operation on or before January 1, 1985. It also adds electric distribution lines to the list of facilities that a district must pay to relocate whenever relocation is forced by the district's exercise of its power of eminent domain.

HOUSE BILL 993 **HOUSE AUTHOR:** Hinojosa
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Uribe

This act permits the exclusion of certain urban property from a conservation and reclamation district with the principal purpose of supplying water for agricultural irrigation of property that is located within a city's corporate boundaries or extraterritorial jurisdiction and that has been subdivided for residential or other nonagricultural purposes. The act describes procedures for implementing an exclusion, which can be initiated either by the district board of directors or by the owners of the urban property. As a prerequisite to exclusion, urban property owners must pay any accrued taxes or other owed monetary amounts, as well as a proportionate share of the district's outstanding debt and a negotiated sum intended to compensate the district for loss of future revenue. Exclusions, moreover, must not deny necessary access or connective facilities required to provide water to properties remaining in the district. Once the property has been excluded, the city or other municipal water supplier can seek a proportionate share of the water rights that previously had been awarded to the district, but must pay all administrative expenses involved in the conversion of those water rights.

HOUSE BILL 1560 **HOUSE AUTHOR:** Shaw
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Santiesteban

House Bill 1560 allows a general-law water control and improvement district to issue refunding bonds provided that certain conditions are met. Refunding bonds must mature within 40 years of issuance and must be approved by the attorney general and registered by the comptroller of public accounts. In addition, the district must deposit for repayment of the original bonds (1) the proceeds from the sale of the refunding bonds and (2) other funds as are necessary to pay the principal of and interest on the original bonds. In lieu of the procedures specified in House Bill 1560, however, a district may refund its debts according to the general state laws on the subject.

HOUSE BILL 1572 **HOUSE AUTHOR:** Gibson
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Glasgow

This act makes changes relating to general-law freshwater supply districts. It eliminates interest limitations and other restrictions applicable to repayment of district obligations, providing merely that a district may repay borrowed money with water and sewer revenue. Also, the act raises from $2,400 to $10,000 the maximum salary for a district assessor and collector and dispenses with a fixed salary ceiling for a district engineer. Finally, the act raises from $1,000 to $2,000 the threshold for contracts requiring bid advertisements.

HOUSE BILL 1577 **HOUSE AUTHOR:** Shaw
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Sims

This act entitles a director of a water power control district to compensation at a rate not to exceed $50 per day of district service.

HOUSE BILL 1702 **HOUSE AUTHOR:** Eckels
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Brown

With the enactment of House Bill 1702, the legislature adds Chapter 66 to the Water Code authorizing a new type of general-law water district, the stormwater control district. Such a district, which may be created in contiguous or noncontiguous areas encompassing all or a portion of a watershed, has powers to construct regional stormwater retention and detention pond facilities, as well as drainage ditches and similar improvements, to prevent area and downstream flooding. When the regional retention and detention pond facilities are not holding water, a district may use the land on which they lie as parks and recreational areas.

Prior to land acquisition and facility construction, a district must submit a detailed plan for review and comment by the county commissioners courts in all counties in which all or part of the district is located. The Texas Water Commission thereupon exercises ultimate authority to order any modifications and to approve the plan. Public works undertaken by a district may be supported by an annual levy of taxes sufficient to repay bonds that have previously been approved by the district electorate. On completion of facilities described in its plan and retirement of all related debt, a district initiates proceedings to dissolve itself and to transfer jurisdiction over the facilities to the appropriate county or counties. Other organizational provisions are similar to those of other types of general-law water districts.

HOUSE BILL 2248 **HOUSE AUTHOR:** Tallas
EFFECTIVE: 6-11-85 **SENATE SPONSOR:** Sharp

House Bill 2248, in a manner similar to the previously noted House Bill 1560, allows a general-law levee improvement district to issue refunding bonds. The same conditions apply. Again, in lieu of the procedures established by the new legislation, a district may instead refund its debt under other procedures set by state law.

HOUSE BILL 2290 **HOUSE AUTHOR:** Guerrero
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Barrientos

Provisions of the Water Code applicable to general-law municipal utility districts require a city's consent to the inclusion within a district of any land within the city's extraterritorial jurisdiction (ETJ). A city, in granting its consent, may set certain restrictions on district activities relating to the ETJ. This one-time consent procedure has sometimes proven inflexible, however, and as an alternative House Bill 2290 authorizes the creation of a particular type of municipal utility district known as a regional plan implementation agency. Such an agency, which may be created only in connection with the planning efforts of a regional planning commission and then only at city request, is authorized to negotiate recurring contractual agreements with each city whose ETJ falls within agency boundaries. The agreements must be renegotiated each time the agency proposes a new bond issuance and must itemize agency facilities that are proposed to be funded via the bond issuance and specify which of those are part of the regional plan and which are not. The former, whose capacity may be larger than currently necessary to take into account anticipated growth, may be constructed by or ultimately conveyed to the city. The latter, whose financing is the responsibility of the agency, must not be inconsistent with the regional plan. House Bill 2290 describes procedures for petitioning to create a regional plan implementation agency. It grants to an agency the various powers of general-law municipal utility districts, except where its own provisions differ, and reaffirms that any bond issuances proposed by this type of district must be approved by voters.

The following enactments rename, reorganize, or modify the authority of individual existing districts, grouped alphabetically:

HOUSE BILL 2502 **HOUSE AUTHOR:** Smithee
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Sarpalius

This act changes the date for election of the Buffalo Lake Water District board of directors from the first Saturday in April to the first Saturday in November of each odd-numbered year. It validates all board actions occurring in the interval between the old and new 1985 election dates.

SENATE BILL 1377 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Eckels

This act changes the name of the Coastal Industrial Water Authority to the Coastal Water Authority and confers on the authority the general-law powers of a municipal utility district in addition to its existing powers as a water control and improvement district. The act requires the authority to advertise for bid contracts in excess of $25,000. For contracts between $5,000 and $25,000 or contracts of more than two years' duration, the authority need not advertise but must seek competitive bids from at least three bidders. The act allows the authority to lease its land, for a term of up to 40 years, to individuals and corporations. A restriction on the exercise of navigation powers is amended to allow management of navigation facilities that the authority leases.

SENATE BILL 1264 **SENATE AUTHOR:** Jones
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Melton

This act eliminates from a 1979 statute creating the Coryell City Water Supply District provisions requiring a confirmation election.

HOUSE BILL 2421 **HOUSE AUTHOR:** Blanton
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** McFarland

This act validates the reorganization of the Dallas County Municipal Utility District No. 1 into the Dallas County Utility and Reclamation District and authorizes the district to provide for roads and associated improvements within its boundaries. A road may not connect with the Irving street system, however, unless that city gives its consent. The district is authorized to expend funds, borrow money, issue bonds and bond anticipation notes, and levy taxes and issue tax anticipation notes with the condition that bonds and notes for road purposes may not exceed one-fourth of the district's assessed property valuation and may be issued only with a two-thirds approval from district voters.

HOUSE BILL 2394 **HOUSE AUTHOR:** Horn
EFFECTIVE: 6-11-85 **SENATE SPONSOR:** McFarland

This act validates the prior creation of a general-law district, the Denton County Levee Improvement District No. 1, and gives it additional powers. Specifically, the act approves the inclusion of compacted landfill as part of the district's plan of reclamation. It also establishes procedures for the annexation of new territory by landowner petition with provision for notification of cities within whose boundaries the annexed territory falls.

SENATE BILL 1253 **SENATE AUTHOR:** Traeger
EFFECTIVE: 6-11-85 **HOUSE SPONSOR:** Edge

This act provides for the expansion of the Evergreen Underground Water Conservation District, currently comprising all of Wilson and Atascosa counties, to include any other county that overlies the Carrizo-Wilcox Aquifer (e.g., Frio County) and that approves inclusion by vote of its electorate. The act decreases the district's maximum property tax rate from 35 cents to three cents per $100 assessed valuation, and it incorporates various changes relating to the composition, qualifications, election and appointment, and terms of office of the district's governing board.

HOUSE BILL 2469 **HOUSE AUTHOR:** Russell
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** Howard

This act increases the terms of the Franklin County Water District board of directors from two to four years, with elections for approximately half the directors to be held on the first Saturday in April of each odd-numbered year. The act shifts the deadline for filing a petition as a candidate for director from 10 days to 35 days before the election and requires vacant seats to be filled by appointment of the other directors. Compensation for directors is increased from $25 per day of service and a maximum of $50 per month to $50 per day with a monthly maximum of $200. The act also increases from $2,000 to $5,000 the threshold above which contracts must be advertised for bid.

HOUSE BILL 332 **HOUSE AUTHOR:** Whaley
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Sarpalius

This act increases from two to four years the terms of office for directors of the High Plains Underground Water Conservation District No. 1. It establishes a regular election date on the third Saturday in January of each even-numbered year and schedules the elections necessary to convert to the new system.

SENATE BILL 1437 **SENATE AUTHOR:** Jones
EFFECTIVE: 6-5-85 **HOUSE SPONSOR:** Riley

This act authorizes an existing general-law district, the Lake L.B.J. Municipal Utility District, to levy and issue bonds for construction of a district office building, a fire station, and a community center.

HOUSE BILL 665 **HOUSE AUTHOR:** Arnold
EFFECTIVE: 5-24-85 **SENATE SPONSOR:** Edwards

This act validates past actions of the Midlothian Water District, though without effect on pending litigation within the state to which the district is a party.

HOUSE BILL 967 **HOUSE AUTHOR:** Buchanan
EFFECTIVE: 4-30-85 **SENATE SPONSOR:** Sarpalius

This act validates prior elections, expenditures, and other actions of the North Plains Ground Water Conservation District No. Two. It changes the regular election date from the third Saturday in January to the first Saturday in April of each even-numbered year and makes amendments as to the director positions that are scheduled for election in converting the district to a system of staggered, four-year terms.

SENATE BILL 1245 **SENATE AUTHOR:** Truan
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Glossbrenner

Senate Bill 1245 amends the boundaries of the Nueces River Authority so as to include all of San Patricio, Nueces, and Jim Wells counties, plus specified portions of other counties—excluding Webb County—that lie within the Nueces River Basin. The river authority is required to adopt and implement a program of water conservation.

SENATE BILL 1420 **SENATE AUTHOR:** Truan
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Earley

This act increases the maximum annual compensation of the directors of the San Patricio County Drainage District from $1,800 to $2,400.

SENATE BILL 368 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** T. Smith

This act reorganizes an existing general-law district, the Travis County Municipal Utility District No. 1, as a special-law district with specific powers as spelled out in the act.

HOUSE BILL 2379 **HOUSE AUTHOR:** Parker
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Jones

This act increases from two to four years the terms of office of the Valley Creek Water Control District board of directors. Elections for half the directors are to be held the third Saturday in January of each even-numbered year.

SENATE BILL 1315 **SENATE AUTHOR:** Jones
EFFECTIVE: 5-24-85 **HOUSE SPONSOR:** Gary Thompson

This act expands the authority of the West Central Texas Municipal Water District, which includes the cities of Abilene, Anson, Albany, and Breckenridge and provides services to residents within a defined watershed area of Taylor, Jones, Shackelford, and Stephens counties. The new act confers powers relating to water supply and distribution, air and water pollution control, water treatment and waste disposal, drainage and flood control, provision of hydroelectric energy, and various other areas of water management. The district is also granted attendant financial and contractual powers.

HOUSE BILL 2459 **HOUSE AUTHOR:** Williamson
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Glasgow

This act validates prior elections and actions of the Wise County Water Control and Improvement District No. 1, a general-law water district. The act confirms the previous scheduling of a January 1986 district election, at which time two of the five directors are to be elected to terms of three years. Subsequently, beginning in 1987 with elections for the other three director positions, directors are to be elected on a staggered basis, to terms of four years, on the third Saturday in January of each odd-numbered year.

The following enactments authorize new special-law water districts, grouped alphabetically. Except in two cases, where the legislature itself creates the district without reference to a confirmation election (the Cinco Municipal Utility District No. 1 and the Sulphur Basin River Authority), creation of each district is contingent on approval by local voters.

HOUSE BILL 2207 — **HOUSE AUTHOR:** J. Harris
EFFECTIVE: 6-14-85 — **SENATE SPONSOR:** Brown

House Bill 2207 authorizes creation of the Brazos Bend Water Authority. Confirmation requires approval by voters in at least three of the following cities: Brookside Village, Manvel, Missouri City, and Pearland.

HOUSE BILL 650 — **HOUSE AUTHOR:** Willy
EFFECTIVE: 6-11-85 — **SENATE SPONSOR:** Brown

House Bill 650 authorizes creation of the Brazosport Water Authority. The authority is established upon approval by voters in at least three of nine southwestern Brazoria County cities that are scheduled to participate in the confirmation election.

HOUSE BILL 1085 — **HOUSE AUTHOR:** J. Harris
EFFECTIVE: 5-24-85 — **SENATE SPONSOR:** Henderson

House Bill 1085 creates the Cinco Municipal Utility District No. 1, comprising a portion of Fort Bend County.

HOUSE BILL 1086 — **HOUSE AUTHOR:** J. Harris
EFFECTIVE: 5-24-85 — **SENATE SPONSOR:** Henderson

House Bill 1086 authorizes creation of the Cinco Municipal Utility District No. 2, comprising portions of Fort Bend and Harris counties.

HOUSE BILL 1087 — **HOUSE AUTHOR:** J. Harris
EFFECTIVE: 5-24-85 — **SENATE SPONSOR:** Henderson

House Bill 1087 authorizes creation of the Cinco Municipal Utility District No. 3, comprising portions of Fort Bend and Harris counties.

HOUSE BILL 1088 — **HOUSE AUTHOR:** J. Harris
EFFECTIVE: 5-24-85 — **SENATE SPONSOR:** Henderson

House Bill 1088 authorizes creation of the Cinco Municipal Utility District No. 4, comprising a portion of Fort Bend County.

HOUSE BILL 1089 — **HOUSE AUTHOR:** J. Harris
EFFECTIVE: 5-24-85 — **SENATE SPONSOR:** Henderson

House Bill 1089 authorizes creation of the Cinco Municipal Utility District No. 5, comprising portions of Fort Bend and Harris counties.

HOUSE BILL 1090 — **HOUSE AUTHOR:** J. Harris
EFFECTIVE: 5-24-85 — **SENATE SPONSOR:** Henderson

House Bill 1090 authorizes creation of the Cinco Municipal Utility District No. 6, comprising a portion of Fort Bend County.

HOUSE BILL 1091 — **HOUSE AUTHOR:** J. Harris
EFFECTIVE: 5-24-85 — **SENATE SPONSOR:** Henderson

House Bill 1091 authorizes creation of the Cinco Municipal Utility District No. 7, comprising a portion of Fort Bend County.

HOUSE BILL 1092 — **HOUSE AUTHOR:** J. Harris
EFFECTIVE: 5-24-85 — **SENATE SPONSOR:** Henderson

House Bill 1092 authorizes creation of the Cinco Municipal Utility District No. 8, comprising a portion of Fort Bend County.

HOUSE BILL 1093 **HOUSE AUTHOR:** J. Harris
EFFECTIVE: 5-24-85 **SENATE SPONSOR:** Henderson

House Bill 1093 authorizes creation of the Cinco Municipal Utility District No. 9, comprising portions of Fort Bend and Harris counties.

HOUSE BILL 2213 **HOUSE AUTHOR:** McKinney
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Caperton

House Bill 2213 authorizes creation of the Clear Creek Forest Municipal Utility District No. 1, comprising a portion of Montgomery County.

HOUSE BILL 2214 **HOUSE AUTHOR:** McKinney
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Caperton

House Bill 2214 authorizes creation of the Clear Creek Forest Municipal Utility District No. 2, comprising a portion of Montgomery County.

HOUSE BILL 2418 **HOUSE AUTHOR:** Burnett
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Sims

House Bill 2418 authorizes creation of the Coke County Underground Water Conservation District, to include all of Coke County.

HOUSE BILL 1148 **HOUSE AUTHOR:** Whaley
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Sarpalius

House Bill 1148 authorizes creation of the Collingsworth County Underground Water Conservation District, to include all of Collingsworth County.

HOUSE BILL 2470 **HOUSE AUTHOR:** Shaw
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Sims

House Bill 2470 authorizes creation of the Crane County Water District, to include all of Crane County.

HOUSE BILL 2488 **HOUSE AUTHOR:** Perez
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Santiesteban

House Bill 2488 authorizes creation of the El Paso County Lower Valley Water District, to include a portion of El Paso County.

HOUSE BILL 2198 **HOUSE AUTHOR:** Keller
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Lyon

House Bill 2198 authorizes creation of the Falcon's Lair Utility and Reclamation District, composed of three parcels of land within the city limits of Mesquite.

HOUSE BILL 2487 **HOUSE AUTHOR:** Schlueter
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Jones

House Bill 2487 authorizes creation of the Fox Crossing Water District, tentatively composed of the territory in Lampasas, Mills, and San Saba counties, except where the electorate in one or more of the three counties votes against inclusion in the district.

HOUSE BILL 2447 **HOUSE AUTHOR:** C. Smith
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Mauzy

House Bill 2447 authorizes creation of the Grand Prairie Metropolitan Utility and Reclamation District, to be composed of a portion of the city of Grand Prairie. The district is granted certain specified powers, as well as many of the powers of a general-law municipal utility district, but is given no power of eminent domain.

HOUSE BILL 2408 **HOUSE AUTHOR:** Hilbert
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Henderson

House Bill 2408 authorizes creation of the Harris County Municipal Utility District No. 311, to include a portion of Harris County.

HOUSE BILL 2512 **HOUSE AUTHOR:** Hilbert
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Caperton

House Bill 2512 authorizes creation of the Harris County Municipal Utility District No. 317, to include a portion of Harris County.

HOUSE BILL 2513 **HOUSE AUTHOR:** Hilbert
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Caperton

House Bill 2513 authorizes creation of the Harris County Municipal District No. 318, to include a portion of Harris County.

HOUSE BILL 2514 **HOUSE AUTHOR:** Hilbert
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Caperton

House Bill 2514 authorizes creation of the Harris County Municipal District No. 319, to include a portion of Harris County.

SENATE BILL 1465 **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Jones

Senate Bill 1465 authorizes creation of the Homestead Municipal Utility District No. 1, to include a portion of El Paso County.

SENATE BILL 1466 **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Jones

Senate Bill 1466 authorizes creation of the Homestead Municipal Utility District No. 2, to include a portion of El Paso County.

SENATE BILL 206 **SENATE AUTHOR:** Sims
EFFECTIVE: 5-2-85 **HOUSE SPONSOR:** Geistweidt

Senate Bill 206 authorizes creation of the Irion County Water Conservation District, to include all of Irion County.

HOUSE BILL 2457 **HOUSE AUTHOR:** McWilliams
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Howard

House Bill 2457 authorizes creation of the Little Cypress Utility District, tentatively to include Harrison County and the cities of Kilgore, Longview, and Marshall. Confirmation requires approval by the voters of Longview and at least one of the other three political subdivisions.

HOUSE BILL 2382 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** Montford

House Bill 2382 authorizes creation of the Martin County Underground Water Conservation District, to include all of Martin County, and dissolves the Martin County Underground Water Conservation District No. 1 that was created in 1951.

HOUSE BILL 2210 **HOUSE AUTHOR:** McKinney
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Caperton

House Bill 2210 authorizes creation of the Montgomery County Municipal Utility District No. 66.

HOUSE BILL 2211 **HOUSE AUTHOR:** McKinney
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Caperton

House Bill 2211 authorizes creation of the Montgomery County Municipal Utility District No. 67.

HOUSE BILL 2212 **HOUSE AUTHOR:** McKinney
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Caperton

House Bill 2212 authorizes creation of the Montgomery County Municipal Utility District No. 68.

SENATE BILL 1356 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Valigura

Senate Bill 1356 authorizes creation of the Montgomery County Municipal Utility District No. 69.

SENATE BILL 1357 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Valigura
Senate Bill 1357 authorizes creation of the Montgomery County Municipal Utility District No. 70.

SENATE BILL 1358 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Valigura
Senate Bill 1358 authorizes creation of the Montgomery County Municipal Utility District No. 71.

SENATE BILL 1359 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Valigura
Senate Bill 1359 authorizes creation of the Montgomery County Municipal Utility District No. 72.

SENATE BILL 1360 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Valigura
Senate Bill 1360 authorizes creation of the Montgomery County Municipal Utility District No. 73.

SENATE BILL 1361 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Valigura
Senate Bill 1361 authorizes creation of the Montgomery County Municipal Utility District No. 74.

HOUSE BILL 2511 **HOUSE AUTHOR:** Vowell
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Santiesteban
House Bill 2511 authorizes creation of the Mowad Water District, to include a portion of El Paso County.

HOUSE BILL 2409 **HOUSE AUTHOR:** Hilbert
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Henderson
House Bill 2409 authorizes creation of the Northgate Crossing Municipal Utility District No. 1, to include a portion of Harris County.

HOUSE BILL 2407 **HOUSE AUTHOR:** Hilbert
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Henderson
House Bill 2407 authorizes creation of the Northgate Crossing Municipal Utility District No. 2, to include a portion of Harris County.

HOUSE BILL 2390 **HOUSE AUTHOR:** Blanton
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** McFarland
House Bill 2390 authorizes creation of the Northwest Dallas County Flood Control District.

HOUSE BILL 2490 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Parker
House Bill 2490 authorizes creation of the Northwest Liberty County Drainage District.

HOUSE BILL 151 **HOUSE AUTHOR:** Armbrister
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Sharp
House Bill 151 authorizes creation of the Quail Creek Municipal Utility District, to include a portion of Victoria County.

SENATE BILL 1304 **SENATE AUTHOR:** Truan
EFFECTIVE: 6-13-85 **HOUSE SPONSOR:** Rangel
Senate Bill 1304 authorizes creation of the Riviera Water Control and Improvement District, to include a portion of Kleberg County.

HOUSE BILL 2522 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Sims
House Bill 2522 authorizes creation of the S. E. Thompson Municipal Utility District No. 1, to include a portion of Kerr County.

SENATE BILL 287 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 5-9-85 **HOUSE SPONSOR:** Gibson
Senate Bill 287 authorizes creation of the Somervell County Water District, to include all of Somervell County and an adjacent portion of Hood County.

SENATE BILL 5 (1st C.S.) **SENATE AUTHOR:** Howard
EFFECTIVE: 8-29-85 **HOUSE SPONSOR:** Craddick

Senate Bill 5, enacted during the special session, creates the Sulphur Basin River Authority to include portions of Bowie, Cass, Delta, Franklin, Hopkins, Hunt, Lamar, Morris, Red River, and Titus counties. In addition to other traditional powers of river authorities, exclusive of taxation, the authority is authorized to conduct a forestation and reforestation program within the basin's watershed.

HOUSE BILL 1161 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** Sims

House Bill 1161 authorizes creation of the Sutton County Underground Water Conservation District, to include the entirety of Sutton County.

The following enactments abolish previously existing districts, grouped alphabetically:

HOUSE BILL 2479 **HOUSE AUTHOR:** Patrick
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Krier

House Bill 2479 dissolves the Bexar County Water Control and Improvement District No. 17 contingent on the liquidation of the district's liabilities and the purchase of its water utility system by the city of San Antonio.

HOUSE BILL 2499 **HOUSE AUTHOR:** Tejeda
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Krier

House Bill 2499 dissolves the Bexar County Water Control and Improvement District No. 18 contingent on the liquidation of the district's liabilities and the purchase of its water utility system by the city of San Antonio.

SENATE BILL 1254 **SENATE AUTHOR:** Truan
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Roberts

Senate Bill 1254 dissolves the Lower Nueces River Water Supply District contingent on the liquidation of its debts and the transfer of its assets to the city of Corpus Christi.

Hospital Districts

Article IX, Sections 4 and 9, of the Texas Constitution provides for the creation of countywide and multicounty hospital districts, respectively. Other constitutional provisions provide for the creation of hospital districts in particular locales. The creation of individual districts must be authorized by special enactment of the legislature, but may be affected by other laws of broader scope or general applicability.

HOUSE JOINT RESOLUTION 89 **HOUSE AUTHOR:** Schoolcraft
FOR ELECTION: 11-5-85 **SENATE SPONSOR:** Farabee

Article IX, Section 9, of the Texas Constitution authorizes the legislature to provide by law, contingent on a confirmation election, for hospital districts having power to issue bonds and to levy taxes up to 75 cents on the $100 valuation of all taxable property in the district. Any district so created assumes full responsibility for providing medical and hospital care for needy inhabitants within its boundaries. The constitutional amendment proposed by House Joint Resolution 89 allows the legislature in creating a district to further clarify that responsibility by specifying required health care services, requirements a resident must meet to qualify for the services, and other relevant regulatory provisions.

HOUSE BILL 1064 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 4-25-85 **SENATE SPONSOR:** Parker

House Bill 1064 grants a temporary exemption from a statutory requirement that general and special elections be held on one of four uniform election dates. The practical effect of the exemption, which expires September 1, 1985, is to allow a hospital district confirmation election in Chambers County in advance of a scheduled hospital closing there.

HOUSE BILL 1728 **HOUSE AUTHOR:** Toomey
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** Henderson

Before amendment by House Bill 1728, state law authorized countywide hospital districts in certain counties to enter into revenue anticipation agreements to pay annual operating and maintenance expenses, an alternative that is cheaper than other forms of borrowing. Qualifying counties included those having a population of one million or more and containing a hospital district in its boundaries with taxation powers exercised by the county commissioners court and with teaching hospital facilities affiliated with state-owned medical schools. House Bill 1728 lowers the applicable population threshold to 450,000 and extends the power to counties containing districts having hospital affiliations with private medical schools. Whereas before, monthly advances made to a district under an agreement were limited to the shortfall between received revenue and income and accumulated unpaid expenses, the amendment by House Bill 1728 allows advances equal to that shortfall plus those operating reserves as may be reasonably required for one month.

The following enactments modify the authority of specific hospital districts, grouped alphabetically:

HOUSE BILL 243 **HOUSE AUTHOR:** Laney
EFFECTIVE: 6-4-85 **SENATE SPONSOR:** Sarpalius

This bill expands the authority of the Castro County Hospital District board of directors regarding hospital property, facilities, and equipment. The board may provide for ambulance services, outpatient clinics, convalescent homes, and other treatment facilities and equipment. The board may operate or contract for the operation of those facilities, lease hospital facilities, mortgage or pledge district property, facilities, or equipment as security for the payment of their purchase price, and sell or otherwise dispose of district property, facilities, or equipment.

HOUSE BILL 1248 **HOUSE AUTHOR:** Granoff
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Lyon

Under House Bill 1248, the Dallas County Hospital District board of managers is authorized to employ and commission peace officers with full powers of arrest for offenses committed on, or involving injury to, hospital district property.

HOUSE BILL 2405 **HOUSE AUTHOR:** Hightower
EFFECTIVE: 6-12-85 **SENATE SPONSOR:** Blake

House Bill 2405 expands the authority of the board of managers of the Livingston Hospital District of Polk County, Texas, to enable the establishment and maintenance of facilities and equipment as are necessary to provide adequate hospital care. The board is authorized to operate or contract for the operation of its facilities, lease hospital facilities, mortgage or pledge district property, facilities, or equipment as security for their purchase price, and sell or otherwise dispose of district properties. Also, the bill authorizes the district's board of hospital managers to order a nonbinding district referendum to assess voter opinion on the alternatives of selling the current hospital or issuing general obligation bonds for its support.

HOUSE BILL 1333 **HOUSE AUTHOR:** Uher
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Sharp

House Bill 1333 authorizes the Matagorda County Hospital District to issue revenue bonds. Revenue bonds are limited in purpose to the acquisition of hospital sites and to the financing of hospital buildings and improvements, although their issuance would not require a district election. The legislation removes a requirement that voters in elections to authorize general obligation bonds own taxable property in the district. It also raises the allowable interest rate on general obligation bonds from six percent to the maximum interest rate allowed by law.

SENATE BILL 1336 **SENATE AUTHOR:** Blake
EFFECTIVE: 6-12-85 **HOUSE SPONSOR:** McKinney

Under this act, the Montgomery County Hospital District is conferred authority, the same as is applicable to cities and counties, to issue certificates of obligation for purposes of public works construction. Also, the district is authorized upon its declaration of an emergency to issue one-year tax anticipation notes at the interest rate authorized by general law. The notes can be used to borrow money for any purpose for which the district

is authorized to levy taxes. The act deletes provisions relating to (1) a district board of equalization, (2) the execution of a performance bond by the district administrator or manager, and (3) certain requirements relating to leasing land owned by the district for a period greater than 25 years. It specifies that district directors serve two-year terms expiring on the second Tuesday in May.

The 69th Legislature provided for three new hospital districts and the dissolution of an existing hospital district, each contingent on voter approval. These districts are grouped alphabetically:

HOUSE BILL 1096 **HOUSE AUTHOR:** Harrison
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** Sims

This bill authorizes creation of the Brewster County Hospital District, comprising the entirety of Brewster County.

SENATE BILL 1331 **SENATE AUTHOR:** Sims
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Shaw

Senate Bill 1331 authorizes creation of the Culberson County Hospital District, comprising the entirety of Culberson County.

HOUSE BILL 2410 **HOUSE AUTHOR:** McKinney
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Caperton

House Bill 2410 authorizes creation of the Houston County Hospital District, comprising all of Houston County except for that portion within the boundaries of the Grapeland Independent School District.

SENATE BILL 1484 **SENATE AUTHOR:** Sharp
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Armbrister

Senate Bill 1484 provides for the dissolution of the Refugio County Memorial Hospital District and for the transfer of its assets and obligations to Refugio County, pending approval by district voters. If the election proposition to dissolve the district fails, an election on the proposition could not be held earlier than 48 months from the date of the first election on the proposition. If the proposition succeeds, the Refugio County Commissioners Court is directed to provide for the establishment and administration of a hospital system.

Indigent Health Care Districts

Senate Joint Resolution 29, which failed of adoption by the 69th Legislature, would have proposed a constitutional amendment authorizing a new form of special district, the indigent health care district.

SENATE BILL 1335 **SENATE AUTHOR:** Parker
EFFECTIVE: see below **HOUSE SPONSOR:** Collazo

This act, which would have authorized creation of the Jefferson County Indigent Health Care District, was dependent on the constitutional amendment proposed by Senate Joint Resolution 29 and hence has no effect.

Transit Authorities

Texas has two laws dealing with transit authorities. One pertains to Houston and certain other metropolitan areas of a minimum population size. The other, adapted to a special bicounty situation, pertains to the Dallas-Fort Worth regional area.

SENATE BILL 440 **SENATE AUTHOR:** Traeger
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Sutton

This act amends state law pertaining to metropolitan rapid transit authorities now existing in the Houston, San Antonio, and Austin areas and authorized, but not existing, in the Corpus Christi area. One change concerns the cities that may participate in an authority. If an authority extends even partially into a county, eligibility for participation extends to any city in that county and any city in an adjacent county. Other changes authorize contracts and other agreements with a nonprofit corporation created by the authority's board, affect the appointment and terms of office of the board chair, raise from $5,000 to $10,000 the threshold above which

contracts normally must be advertised for competitive bid, detail the circumstances under which otherwise applicable competitive bidding may be waived, and clarify certain liability limitations and contractual immunities relating to the authority.

SENATE BILL 1132 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 5-13-85 **HOUSE SPONSOR:** Cain

This act amends state law relating to operation of a regional transportation authority in the Dallas-Fort Worth area. The act makes three major changes: It (1) authorizes construction of electric generation facilities and supplementary or alternative contracts with electric utilities to furnish power for electric rail transportation services, (2) modifies election procedures relating to the withdrawal from an authority by a local governmental unit, and (3) elaborates on competitive bidding procedures to which an authority is subject.

HOUSE BILL 2236 **HOUSE AUTHOR:** Millsap
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** McFarland

This act pertains to an existing state law allowing the creation, within the Dallas-Fort Worth metropolitan area, of subregional transportation authorities serving the cities of Arlington and Grand Prairie, respectively. It authorizes either city to create a subregional authority as an alternative to participation in a larger regional authority. Specifically, the act authorizes creation of a subregional transportation authority if (1) creation of a regional authority fails voter confirmation, (2) a regional authority, once created, dissolves, or (3) the city elects to withdraw from a regional authority and to create a subregional one. The act, however, strengthens the control exercised by either Arlington or Grand Prairie over an authority's budget, service plan, sales and use tax rate, bond issuances, and executive committee appointees. Any bond or other document of indebtedness issued by the subregional transportation authority is solely its own and not the city's.

Road Utility Districts

In 1984, the 68th Legislature, in its 2nd Called Session, enacted the Road Utility District Act, authorizing a new type of special district identified as a road utility district. Such a district, with powers to build new roads financed by issuance of bonds, can be created subject to a confirmation election if it has the approval of the State Highway and Public Transportation Commission, surrounding cities and counties, and affected property owners. Road utility districts are patterned after municipal utility districts, except that facilities once built are turned over to the state, a county, or a city once the district's debts are retired.

HOUSE BILL 2433 **HOUSE AUTHOR:** Messer
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Sharp

House Bill 2433 amends the Road Utility District Act to enable any conservation and reclamation district having taxation powers and powers applicable to general-law municipal utility districts to convert to a road utility district on completion of specified procedures including a public hearing and district election. A second change, in cases where completed road utility district facilities are to be transferred to a single governmental entity, requires approval of the transferral by that entity, the district, and the State Highway and Public Transportation Commission. Other new provisions specify procedures for annexation of territory by a district, authorize under certain conditions a district's acquisition of facilities or property outside its boundaries, and authorize contracts with county governments by certain coastal conservation and reclamation districts having road utility district powers.

The 69th Legislature provided for the creation of two special-law road utility districts. Each also has certain characteristics of a water district, being conferred the powers of general-law levee improvement districts and municipal utility districts in addition to other enumerated powers.

SENATE BILL 1458 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-13-85 **HOUSE SPONSOR:** Saunders

Senate Bill 1458 authorizes creation of the Bastrop County Reclamation, Road, and Utility District, No. 1, to include a portion of Bastrop County.

HOUSE BILL 2391 **HOUSE AUTHOR:** Campbell
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** McFarland

House Bill 2391 authorizes creation of the Denton County Reclamation, Road, and Utility District, to include a portion of Denton County.

Emergency Communication Districts

In 1983, the 68th Legislature authorized creation of an emergency communication district applicable to Harris County and to portions of Harris County cities extending into adjacent counties. The following year, in its 2nd Called Session, the same legislature authorized creation of such districts in Tarrant and Bexar counties. Within an emergency communication district, a system using a simple three-digit (9-1-1) number is established to enable rapid routing of a caller to fire-fighting, law enforcement, medical, or ambulance services.

SENATE BILL 750 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 6-6-85 **HOUSE SPONSOR:** Smithee

Senate Bill 750, the Emergency Telephone Number Act, expands the 9-1-1 concept, authorizing creation of an emergency communication district in any county having a population greater than 75,000 or in two or more counties, each of that minimum size, having a most populous city greater than 140,000 (e.g., Potter and Randall counties, or Dallas and Collin counties). The act establishes procedures for required confirmation elections and specifies the composition of the board of managers for a single-county or multiple-county district. Voters in creating a district must approve imposition of special fees, to be added to telephone bills, not to exceed three percent of the base telephone rates of the principal telephone service supplier within the district. A district's 9-1-1 system may be broadened to include such emergency services as poison control, suicide prevention, and civil defense.

SENATE BILL 851 **SENATE AUTHOR:** Parmer
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** C. Evans

Senate Bill 851 amends the 1984 Emergency Communication District Act applicable to Tarrant and Bexar counties, to clarify provisions relating to budget approvals and the splitting of confirmation election costs among participating localities. It also requires, in order to extend service within a locality to include poison control, suicide prevention, and civil defense, the approval of the district board of managers and the consent of the locality. Transmission of emergency response requests to private safety entities likewise requires this approval and consent.

HOUSE BILL 252 **HOUSE AUTHOR:** Green
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Brooks

House Bill 252 amends current law relating to emergency communication districts operating 9-1-1 emergency telephone number systems. The act authorizes a district's board to charge an incoming jurisdiction an additional amount of money to cover the start-up costs of providing the service to that jurisdiction. The act also revises provisions for the retirement of debt in the event a district is dissolved.

Rural Fire Prevention Districts

Article III, Section 48-d, of the Texas Constitution authorizes rural fire prevention districts. They may be created, under general law, contingent on a confirmation election. The 69th Legislature passed four bills amending the general laws applicable to rural fire prevention districts.

SENATE BILL 783 **SENATE AUTHOR:** Williams
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Emmett

This act modifies provisions of state law relating to a proposed rural fire prevention district that extends into an incorporated city, to deal with the issue of a proposed district that extends into a city's extraterritorial jurisdiction or an area designated by the city as an industrial district. In all three cases, a request for inclusion of the overlapping parcel within the district must be made to the city, which then has 60 days to grant its consent. Failing consent, voters and landowners in the parcel acting within 30 days may petition the city for

provision of fire protection services. The city may agree to provide such services; otherwise, if it refuses service or fails to act on the petition within six months, the parcel is included in the confirmation election to create the district. Should parcel voters fail to confirm, however, the parcel is removed from inclusion within the district regardless of the decision of other voters participating in the election. Moreover, should a city at any time agree to provide fire protection services to an overlapping parcel that is part of a confirmed district, the district board of managers must cease activities there and redraw its boundaries so as to exclude the parcel.

HOUSE BILL 241 **HOUSE AUTHOR:** Toomey
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Henderson

This act resolves problems relating to the creation of rural fire prevention districts with overlapping boundaries. It requires the commissioners court of the county that includes the most recently created district to issue an order excluding from that district the overlapping territory. The act also exempts from payment of a district's ad valorem taxes a business entity that provides its own fire protection and meets certain fire-fighting performance and equipment standards.

HOUSE BILL 293 **HOUSE AUTHOR:** Toomey
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Henderson

This act requires the board of fire commissioners of a rural fire prevention district to submit for competitive bids expenditures in excess of $10,000. The act also provides for the selection of assistant treasurers by rural fire prevention districts.

HOUSE BILL 1846 **HOUSE AUTHOR:** Patronella
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Henderson

This act provides, in cases where the proposed creation of a rural fire prevention district has failed at the required confirmation election, that the county commissioners court may not order another confirmation election for at least a year.

Waste Disposal Authorities

HOUSE BILL 1697 **HOUSE AUTHOR:** Pennington
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Brown

This act modifies competitive bidding requirements relating to contracts of the Gulf Coast Waste Disposal Authority, to exempt construction contracts for disposal facilities that burn cities' waste to produce energy. The previous exemption applied only to facilities to burn waste from the city of Houston.

GOVERNMENT—STATE

This chapter covers legislation dealing with state government administration and organization except for that included in the chapters on sunset legislation, public officials and employees, taxes, and appropriations. While the legislature did not enact any major tax changes, it did enact an omnibus measure (House Bill 1593) that increased numerous kinds of fees collected by state agencies.

The 69th Legislature passed reforms to improve the administration and operation of the state auditor's office (Senate Bill 1246) and passed measures dealing with computerization in state government (House Bill 2375, Senate Bill 1171, and Senate Bill 811). The state open records act was affected by amendments relating to legislative records and communications (House Bill 1485). Among three proposed constitutional amendments described in this chapter is one to augment bonding authority for the veterans' housing assistance program (Senate Joint Resolution 9). The legislature created the Texas Music Commission (Senate Bill 190) and a six-year Texas Commission on Economy and Efficiency in State Government (House Bill 460). Changes in state agencies and advisory boards, from among the several chapters of this publication, are summarized in Appendix E.

State Fees

HOUSE BILL 1593 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Jones

In fiscal year 1977, fees and licenses provided 5.1 percent of total state revenue to all funds. In fiscal year 1984, fees and licenses provided only 4.3 percent of total state revenue. This act provides for the increase of more than 70 fees and the creation of about 60 new fees to generate revenues and to help finance state services. However, in the case of some fees, if it is determined that a fee is set at a level that produces revenue exceeding the administrative costs associated with the fee, an agency shall reduce the amount of the fee to an appropriate level.

Several of the fee increases that may be of interest to the general public are: (1) the fee for a personalized license plate, which is raised from $25 a set to $75 a set; (2) the fee for a duplicate driver's license, which is raised from $3 to $5; (3) the inspection fee for a motor vehicle, which is raised from $5.25 to $7.75; and (4) the fee for a driver's license, which is raised from $10 to $16. The fee increases imposed by this act are expected to generate during the 1986-87 biennium additional revenue of about $144 million for the state and $25 million for local governments.

Specific Agencies

SENATE BILL 125 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Laney

Current law requires state-owned vehicles to bear prescribed markings for identification purposes. Certain agencies involved in law enforcement and investigative activities are permitted to exempt vehicles from the marking requirements.

Senate Bill 125 permits the attorney general's health services providers integrity and medicaid fraud division, the Banking Department of Texas, and the Savings and Loan Department of Texas to operate vehicles without the required markings. The vehicles exempt from the marking requirements shall be used only for the purposes expressly specified in an agency's rules and regulations.

SENATE BILL 140 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Millsap

This act creates the Texas Music Commission to encourage the development and promotion of the music industry in Texas. The commission will be composed of nine individuals appointed by the governor to serve for staggered terms of six years. It provides for the employment of an executive director and other personnel. All gifts, grants, and other funds received by the commission shall be deposited in the music commission fund, a

special fund in the state treasury. Members of the commission may not receive compensation but will be reimbursed for expenses.

SENATE BILL 397 **SENATE AUTHOR:** Williams
EFFECTIVE: 4-5-85 **HOUSE SPONSOR:** Horn

Senate Bill 397 amends Texas law to create the position of deputy assistant adjutant general for army, Texas National Guard, which is a position the state is authorized to create under federal law.

SENATE BILL 398 **SENATE AUTHOR:** Williams
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Tejeda

This act changes the name of the Veterans Affairs Commission to the Texas Veterans Commission to avoid confusion with the federal veterans affairs offices.

SENATE BILL 611 **SENATE AUTHOR:** Parker
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** J. Harris

This act relates to ownership of library material and equipment purchased with state and federal funds appropriated under the Library Systems Act. Senate Bill 611 requires the State Library and Archives Commission to adopt rules to ensure that title to library materials and equipment having a per unit cost of less than $300 and purchased with funds appropriated under the Library Systems Act be held by the member library for which the materials and equipment were purchased, and that title to materials and equipment with a per unit value of $300 or more be held by the Texas State Library.

SENATE BILL 1002 **SENATE AUTHOR:** Harris
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Wallace

Senate Bill 1002 relates to the state promotion of the 1986 sesquicentennial celebration. The act creates an executive committee of the Texas 1986 Sesquicentennial Commission and revises commission duties regarding sanctioned and licensed products. Civil action is authorized against unauthorized use of the sesquicentennial logo.

A county commissioners court is authorized to create and fund a county sesquicentennial committee for the purpose of organizing local celebrations.

The act creates the sesquicentennial fund and provides for various funding sources. The commission, Texas Tourist Development Agency, and Texas Commission on the Arts are authorized to receive allocations from the fund to promote the celebration, finance projects and programs, and assist local committees. The State Preservation Board is directed to contract for the production and sale of silver and gold "Lone Star Medallions." Their sale is exempt from sales taxes and the proceeds from sales will be deposited in the fund.

In addition, the act appropriates certain revenues from the hotel and motel tax to the Texas Tourist Development Agency for media advertising and other market activities.

SENATE BILL 1171 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Laney

The State Purchasing and General Services Commission provides data processing services to about 53 state agencies, although there is no statutory requirement for the commission to provide this service. Senate Bill 1171 requires the commission to establish a computer service facility on a full-cost, charge-back basis to state agencies that choose to contract with the commission. The act authorizes the creation of a revolving account in the state treasury for charges collected, and authorizes the expenditures of funds for the purchase of equipment and payment of costs directly attributable to the services provided. The contracts for computer services with the commission are not subject to the requirements of The Interagency Cooperation Act.

SENATE BILL 1246 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Rudd

A management study commissioned by the Legislative Audit Committee made recommendations designed to improve the administration and operation of the State Auditor's Office. Senate Bill 1246, which implements several of the recommendations, requires the state auditor to conduct an audit of each department of state government at least once in each fiscal biennium. It also requires an independent management study of the auditor's office every six years. It provides that the auditor shall serve at the will of the Legislative Audit Committee, deletes certain residency requirements that hamper recruiting, and upgrades the eligibility

requirements for the state auditor. In addition, the act provides for the establishment of a committee to coordinate the activities of the State Auditor's Office, the Legislative Budget Board, and the Sunset Advisory Commission.

SENATE BILL 1435 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Gibson

The legislature in 1983 created the Texas Public Building Authority to provide a method of financing the acquisition and renovation of state buildings in Travis County through the sale of revenue bonds. Senate Bill 1435 amends the Texas Public Building Authority Act to authorize additional building projects in Travis County and authorize the financing of energy efficiency improvement projects for certain state agencies and institutions of higher education.

HOUSE BILL 460 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Lyon

House Bill 460 creates the Texas Commission on Economy and Efficiency in State Government and directs the commission to conduct a comprehensive review of the operation and administration of each state agency to identify opportunities for better use of available state funds by eliminating waste and reducing or avoiding costs. The commission has 15 members: five appointed by the governor; five appointed by the lieutenant governor, including two senators; and five appointed by the speaker of the house, including two state representatives. The members serve four-year terms.

The act provides that the identity of state or local governmental employees who report to the commission, if requested, shall be confidential, and it prohibits agency retaliation against employees who report to the commission.

The commission, which expires on September 1, 1991, is required to make annual reports.

HOUSE BILL 729 **HOUSE AUTHOR:** Madla
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Brooks

State law required the State Board of Morticians to employ at least one licensed private investigator to investigate complaints received by the board. This act provides that the board may contract for the services of one or more licensed private investigators.

HOUSE BILL 1140 **HOUSE AUTHOR:** Hackney
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Brooks

House Bill 1140 repeals legislation requiring the Department of Public Safety to file any changes in rules and regulations with each county courthouse during business hours.

HOUSE BILL 1374 **HOUSE AUTHOR:** Harrison
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Traeger

Congress in 1982 conferred federal recognition on the Kickapoo Indians and thereby removed a constitutional obstacle to state recognition. House Bill 1374 recognizes the Texas Band of Kickapoo Indians as a Texas Indian tribe, and makes the tribe eligible for the advisory and educational services of the Texas Indian Commission.

The act also revises commission responsibilities and removes restrictions on meeting locations. The tax-exempt status of goods sold by or to a tribal council is clarified to consider the new status of the Texas Band of Kickapoo Indians.

HOUSE BILL 1533 **HOUSE AUTHOR:** Jackson
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Edwards

The Texas Film Commission was established as a division of the office of the governor in 1972. The commission promotes the development of the film, television, and multimedia industry in Texas. House Bill 1533 transfers the Texas Film Commission from the office of the governor to the Texas Economic Development Commission. The act provides that the Texas Economic Development Commission may appoint advisors to assist the film commission. It also sets forth the powers and duties of the commission.

HOUSE BILL 1655 **HOUSE AUTHOR:** Carter
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Leedom

In certain areas 9-1-1 is the primary emergency telephone number. House Bill 1655 creates the Advisory Commission on State Emergency Communications to investigate the provision of emergency services in the state and develop recommendations relating to the establishment of a 9-1-1 service. The commission has 14 members: six appointed by the governor, two appointed by the lieutenant governor, two appointed by the speaker of the house, and four ex officio members. It shall issue a report to the 70th Legislature, and the act expires and the commission is dissolved on May 31, 1987.

HOUSE BILL 2245 **HOUSE AUTHOR:** Wallace
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Brooks

This act is designed to encourage donations to the State Preservation Board and the Sesquicentennial Commission by allowing the donors to specify exactly how their gifts or grants to the agencies are to be used.

HOUSE BILL 2375 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Blake

This act changes the name and expands the duties of the Automated Information Systems Advisory Council. The new Automated Information and Telecommunications Council will review the acquisition requests by state agencies for automated information and telecommunications systems and equipment, conduct management audits of and provide technical assistance to agencies, maintain a central clearinghouse for automated information systems software, and prepare a long-range telecommunications plan for state government.

The terms of the members of the old council expire on the effective date of this act, and the governor, lieutenant governor, and speaker of the house shall each appoint three members of the new council.

To avoid duplication of responsibilities, the act abolishes the Legislative Committee on State Telecommunications and certain divisions of the State Auditor's Office and repeals certain responsibilities of the State Purchasing and General Services Commission.

HOUSE BILL 2388 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Caperton

The Administrative Procedure and Texas Register Act requires state agencies to publish notice of a proposed rule at least 30 days prior to adoption. House Bill 2388 provides that notice of the adoption of a proposed rule by the Commission on Jail Standards or the Commission on Law Enforcement Officer Standards and Education that affects a state or local law enforcement agency does not become effective for determination of the 30-day period until the notice is published as required and is mailed to each law enforcement agency that may be affected by the proposed rule.

House Bill 2388 also amends provisions of the act relating to taking depositions and discovery in contested cases to remove a requirement that parties show good cause when requesting certain actions.

SENATE JOINT RESOLUTION 9 **SENATE AUTHOR:** Williams
FOR ELECTION: 11-5-85 **HOUSE SPONSOR:** Tejeda

Senate Joint Resolution 9 proposes a constitutional amendment to provide additional bonding authority for the veterans' housing assistance program. The limit on bonds would be raised from $800 million to $1.3 billion for those issued by the Veterans' Land Board, and from $500 million to $1 billion on bonds available for use by the veterans' housing assistance fund. The amendment would also delete the constitutional definition of those veterans eligible to participate in the veterans' land program and the veterans' housing program and would authorize the legislature by law to define an eligible veteran for purposes of those programs.

Legislative Branch

SENATE BILL 65 **SENATE AUTHOR:** Jones
EFFECTIVE: 3-28-85 **HOUSE SPONSOR:** Schlueter

Certain chairmen of senate and house standing committees serve as ex officio members of legislative agency boards and interim legislative committees. This act permits the lieutenant governor or speaker to fill a vacancy

of a position on a legislative board or committee that was held ex officio by a committee chairman without it necessarily constituting a designation to any other position.

SENATE BILL 811 **SENATE AUTHOR:** Blake
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Laney

This act amends state law relating to the authority of legislative agencies to make agreements among themselves and to share services. Data processing is included as one of the services that can be shared with or without reimbursement. The act also allows a legislative agency to transfer equipment, supplies, and material to another legislative agency with or without reimbursement.

SENATE BILL 1322 **SENATE AUTHOR:** Leedom
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Jackson

Senate Bill 1322 calls for periodic legislative review of unobligated balances and income held by state agencies in special funds, for the identification in the General Appropriations Act of funds possessing an unobligated balance at the end of a fiscal year in excess of the amount necessary to fulfill their purposes, and for the transfer to the general revenue fund of the amounts of unobligated actual or projected balances held in such funds and determined by the legislature to be excess. Statutory provisions are suspended that conflict with transfers to the general revenue fund. Senate Bill 1322 also transfers about $2 million of unobligated balances in nine special funds to the general revenue fund.

HOUSE BILL 753 **HOUSE AUTHOR:** Edwards
EFFECTIVE: see below **SENATE SPONSOR:** Washington

This act modifies state representative districts 131 and 146, located in Harris County, by transferring block 507 of census tract 327.01 from district 131 to district 146. Precinct 239 in district 146 is without a proper polling place. By transferring block 507 to district 146, voters in precinct 239 will gain a proper polling place, and the precinct losing block 507 is only minimally altered.

HOUSE BILL 1485 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 6-11-85 **SENATE SPONSOR:** Blake

House Bill 1485 amends state law regarding legislative computer records, access to election information, and confidential communication. The Texas Legislative Council is granted authority to regulate access and use of computer information under its control. An offense, punishable as a Class A misdemeanor, is created for tampering with computers under the control of the legislative council.

The act also provides for legislative council access to election information. The secretary of state, a county clerk or county elections administrator, a city secretary, or a voter registrar is directed to comply with a written request from the legislative council for information relating to voter registration, election returns, and election precincts.

A communication between legislators or the lieutenant governor and state residents is made confidential and may not be disclosed unless authorized by the resident or legislator. A communication with a public official or public employee acting in an official capacity is not confidential.

HOUSE BILL 1965 **HOUSE AUTHOR:** Oliveira
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Caperton

Persons registered as lobbyists are required to file certain reports with the secretary of state. House Bill 1965 allows such persons to make that report by mail and have it considered timely if (1) it is properly addressed with postage or handling charges prepaid and (2) it bears a postmark or receipt mark from a common or contract carrier indicating it was sent within the applicable time deadline or a person can demonstrate it was deposited in the mail or with a common or contract carrier within the applicable period.

SENATE JOINT RESOLUTION 33 **SENATE AUTHOR:** Glasgow
FOR ELECTION: 11-4-86 **HOUSE SPONSOR:** Haley

Senate Joint Resolution 33 proposes a constitutional amendment relating to statutory revision and to the requirement that each bill have a title expressing the subject of the bill. The amendment would eliminate the constitutional caption rule and require each house of the legislature to include a caption rule in its rules of procedure. The amendment would also provide that a law may not be held void on the basis of a defective caption.

The constitution provides recodification of the state's statutes every 10 years. This provision would be deleted. The topical revision of the statutes would be recognized and exempted from the constitutional one-subject rule for bills and the constitutional prohibition against laws being enacted or amended by reference to title only.

HOUSE JOINT RESOLUTION 72 **HOUSE AUTHOR:** Hollowell
FOR ELECTION: 11-5-85 **SENATE SPONSOR:** Jones

House Joint Resolution 72 proposes a constitutional amendment authorizing the legislature to require the prior approval of the expenditure or emergency transfer of any funds appropriated to state agencies. This may be done by placing a rider in the General Appropriations Act or by separate statute.

General Legislation

SENATE BILL 43 **SENATE AUTHOR:** Leedom
EFFECTIVE: 5-15-85 **HOUSE SPONSOR:** Schlueter

Senate Bill 43 provides for an accounting and central review of certain state real property and creates a funding source for capital budgeting needs. The act creates the assets management division in the General Land Office for the purpose of reviewing and evaluating lands owned by the state and making recommendations regarding use and disposition. The division shall review the real property inventory of each state agency not less than every four years and shall conduct a review during the year before an agency is scheduled for abolition under the sunset act. The division is directed to prepare a list of the current market values of all state-owned real property not later than September 1, 1988. If the legislature authorizes a real estate transaction involving real property owned by the state, the division shall take control of the property and complete the transaction on behalf of the state. The proceeds from the transaction are to be deposited in the Texas capital trust fund, which is created by the act. The fund may be used to finance the acquisition of real and personal property; the purchase, construction, or renovation of a state building; or the administration of the asset management division. The fund may not exceed $500 million.

Real property administered by institutions of higher education and the State Department of Highways and Public Transportation are exempt, to certain extents, from provisions of this act.

SENATE BILL 150 **SENATE AUTHOR:** Williams
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Laney

Currently, San Jacinto Day is a legal holiday observed on April 21 of each year. This act declared April 21, 1986, to be Texas Sesquicentennial Day in commemoration of the 150th anniversary of the state's birth as an independent republic. State offices and public schools are directed to be closed on that day.

SENATE BILL 306 **SENATE AUTHOR:** Jones
EFFECTIVE: 3-7-85 **HOUSE SPONSOR:** Rudd

Senate Bill 306 requires each state agency to prepare biennial reports, on forms prescribed by the comptroller, that provide certain information about appropriations, estimated expenditures, cash balances, personnel levels, and cost-cutting measures. These reports are to be submitted to the governor, comptroller, state treasurer, and Legislative Budget Board.

SENATE BILL 1173 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Laney

The Interagency Cooperation Act regulates contracts between state agencies for furnishing employees, material, or equipment. Senate Bill 1173 amends the act to increase the contract amount requiring a written contract and prior approval by the State Purchasing and General Services Commission from $350 to $2,500.

The act is also amended to permit a contracting agency to subcontract and purchase equipment under an interagency contract if considered appropriate by the commission. A receiving agency may also advance federal funds to a performing agency when a receiving agency determines that the advance would facilitate implementing a federally-funded program.

HOUSE BILL 756 **HOUSE AUTHOR:** Ceverha
EFFECTIVE: 9-1-86 **SENATE SPONSOR:** Leedom

There is currently no standard size paper or filing system in use throughout state agencies. This act will standardize file and stationery size in state agencies for a more cost effective method of information handling. It states that a state agency may not purchase certain paper supplies that exceed 8-1/2 inches by 11 inches in size unless the supplies are perforated or otherwise designed to produce completed documents that do not exceed 8-1/2 inches by 11 inches in size. The act does not prohibit the purchase of paper supplies that exceed this size if those forms or supplies are: (1) forms designed by national organizations or designed to be compatible with such forms; (2) for the preparation of federally required documents; (3) accounting or bookkeeping records; (4) financial reports; (5) budget documents, nontext computer reports, charts, graphs, maps, tables, diplomas, artwork, architectural or engineering drafts or documents; (6) for enlarging small print material for the visually impaired; or (7) for resale purposes.

HOUSE BILL 1037 **HOUSE AUTHOR:** Givens
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Montford

The Administrative Procedure and Texas Register Act provides that a suit to enforce a subpoena or commission issued by a state agency under authority of the act shall be filed in Travis County. House Bill 1037 amends the provision to allow the suit to be filed in either Travis County or in the county in which a hearing conducted by the agency issuing the subpoena or commission may be held.

HOUSE BILL 2259 **HOUSE AUTHOR:** Hinojosa
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Farabee

In 1983, the legislature enacted law governing the administration, disbursement, and termination of federal block grants by state agencies. This act clarifies provisions requiring public hearings by certain agencies in the course of developing their proposed request for legislative appropriations and requiring administrative hearings to review an agency's decision to cancel or reduce block grant funding.

Purchasing

SENATE BILL 221 **SENATE AUTHOR:** Williams
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Shaw

The Civil Air Patrol is chartered by Congress as the U.S. Air Force Auxiliary, and each state has a branch that provides rescue and emergency services. The Texas branch, or wing, is a private organization and is not state funded.

This act allows the Civil Air Patrol, Texas Wing, to participate along with state agencies in the transfer or purchase of surplus or salvage state property. It also provides that vehicles owned by the Civil Air Patrol, Texas Wing, and operated exclusively as emergency services vehicles by members of the Civil Air Patrol, shall be registered without the payment of the annual registration fee.

SENATE BILL 612 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Armbrister

Except for serial and journal subscriptions, state university libraries are required to purchase library books from the state-contract vendor through the State Purchasing and General Services Commission. Senate Bill 612 expands the exemption to include rare library books and papers and other library materials or services that are available from only one supplier or only from a person holding exclusive distribution rights.

HOUSE BILL 1903 **HOUSE AUTHOR:** Martinez
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Edwards

The purchasing authority of the State Purchasing and General Services Commission currently does not apply to the purchase of supplies, materials, and equipment from gifts or grants, other than federal grants. House Bill 1903 amends the restriction to specifically exclude from the commission's authority purchases under industrial grants or contracts in support of research or federal grants or contracts in support of research.

SENATE BILL 68 **SENATE AUTHOR:** Leedom
EFFECTIVE: 5-3-85 **HOUSE SPONSOR:** Wright

The State Depository Board determines the amount of state funds to be deposited in demand and time deposits and invested in security repurchase agreements or United States Treasury bills. Investments in treasury bills were limited to 10 percent of the average daily balance of all funds eligible for deposit or investment.

This act expands the types of authorized investments and raises to 20 percent the amount of available funds that may be invested in obligations guaranteed by the U.S. government or federal corporations.

SENATE BILL 69 **SENATE AUTHOR:** Leedom
EFFECTIVE: 6-10-85 **HOUSE SPONSOR:** Wright

Senate Bill 69 reduces the collateral requirement for financial institutions that are state depositories from 120 percent to 100 percent of the total amount of state funds to be secured.

SENATE BILL 233 **SENATE AUTHOR:** Leedom
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Laney

Currently, statutory provisions regarding the processing of claims and accounts and issuing warrants by the comptroller impose many archaic procedures, hindering the implementation of modern techniques for processing and handling funds, such as electronic funds transfer. Senate Bill 233 updates certain provisions to give greater flexibility for the comptroller's office to use existing equipment and techniques to process warrants more quickly and efficiently, without eliminating any essential checks and balances.

SENATE BILL 366 **SENATE AUTHOR:** Traeger
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Haley

Many statutes regulating the State Depository Board and the state treasurer date from the early part of this century. Senate Bill 366 rewrites and reorganizes the statutes regulating the State Depository Board and the state treasurer, providing for a unified statutory scheme. Only minor changes are made from the prior statutes.

SENATE BILL 482 **SENATE AUTHOR:** Edwards
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Waldrop

This measure amends state law to change the period that suspense and trust fund refund warrants issued by the comptroller are valid from four years to two years. It also deletes obsolete language from the statute.

HOUSE BILL 1775 **HOUSE AUTHOR:** Robnett
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Howard

Presently, the law provides that all deposits of public funds in savings and loan associations and banks be collateralized to ensure the safety of those funds. House Bill 1775 adds to the list of acceptable collateral the following types of securities: letters of credit issued by the district Federal Home Loan Banks; general obligation bonds of the Federal Home Loan Bank System; and general obligation notes of the Federal Home Loan Bank System.

The Texas Sunset Act provides for the recurring review of state agencies and advisory committees and for termination of the entities unless reauthorizing legislation is enacted. The Sunset Advisory Commission, established under the 1977 sunset act to assist the legislature in its decision to continue or abolish an agency, reviewed the operations of 31 agencies between 1983 and 1985. The legislature considered the commission's recommendations concerning these agencies, allowed four agencies to be abolished, and made major revisions in the administrative structure and programs of a number of others.

The legislature has required the reorganization of the Texas Department of Water Resources (Senate Bill 249) and the reorganization and assumption of new programs by the Texas Commission on Alcoholism (Senate Bill 601). The enabling legislation providing for the operations of the Prosecutor Council, Texas Coastal and Marine Council, Texas Coordinating Commission for State Health and Welfare Services, and Texas Health Facilities Commission is allowed to expire on September 1, 1985. Provisions authorizing the governor to act on matters that were previously the responsibility of the Texas Health Facilities Commission and provisions concerning the continuing operations of the Occupational Safety Board may be found in the health department sunset act (House Bill 2091). Provisions concerning the Boards for Lease of State-Owned Lands are included in the sunset act relating to the School Land Board (Senate Bill 493). In House Bill 1585, the sunset dates for more than 50 agencies were changed in order to allow better management of the review procedure by the staff of the Sunset Advisory Commission.

The sunset evaluation process encourages the adoption of administrative and organizational reforms, many of which are standard and are applied to the legislation for most agencies. The general across-the-board provisions considered for the 1985 sunset legislation include: (1) requiring public membership on boards and commissions; (2) requiring specific provisions relating to conflicts of interest; (3) prohibiting registered lobbyists from serving as members or general counsels of boards; (4) requiring board appointments to be made without regard to race, color, handicap, sex, religion, age, or national origin of the appointee; (5) specifying grounds for removal of a board member; (6) requiring boards to make annual financial reports to the governor, state auditor, and legislature; (7) requiring boards to establish skill-oriented career ladders; (8) requiring a system of merit pay based on documented employee performance; (9) requiring the state auditor to audit the financial transactions of the boards; (10) providing for public notification and public information concerning board activities; (11) placing agency funds in the state treasury to ensure legislative review of agency expenditures through the appropriations process; (12) requiring files to be maintained on complaints; (13) requiring all parties to formal complaints to be periodically informed in writing concerning the status of the complaint; (14) authorizing agencies to set fees or to set fees within certain limits; (15) requiring the development of an equal employment opportunity policy; (16) requiring agencies to provide officers and employees with information concerning standards of conduct; (17) providing for public testimony at agency meetings; and (18) requiring public bodies of agencies to develop and implement policies which clearly separate board and staff functions. Across-the-board provisions that are applicable to agencies with licensing functions include: (1) requiring standard time frames for licensees who are delinquent in license renewal; (2) requiring notification of examination results within a reasonable period after the testing date; (3) providing for an analysis of examination results for persons who fail; (4) requiring licensing disqualifications to be easily determined and to be based on currently existing conditions; (5) providing for licensing by endorsement or reciprocity; (6) authorizing the staggered renewal of licenses; (7) authorizing agencies to use a full range of penalties; (8) specifying board hearing requirements; (9) allowing advertising and competitive bidding practices that are not deceptive or misleading; and (10) authorizing the boards to adopt systems of voluntary continuing education.

Department of Health

HOUSE BILL 2091 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Edwards

House Bill 2091 provides for the continuing operation of the Texas Department of Health and sets the biennium preceding September 1, 1997, as the period of its next sunset review. This act includes provisions

regulating abortion facilities and allowing the governor to establish a capital expenditure review program, in place of the Texas Health Facilities Commission, if necessary for the receipt of federal funds.

The act clarifies and expands the functions of the board and department of health and includes general sunset provisions. It repeals statutory authorization for certain advisory committees and directs the board to create such committees as necessary.

Abortion Facilities

House Bill 2091 enacts the Texas Abortion Facility Reporting and Licensing Act. The act requires any abortion to be performed by physicians and all abortion facilities to be licensed. The board of health is directed to set minimum standards relating to qualification and supervision of personnel, medical treatment and medical services provided, sanitary and hygienic conditions, essential equipment, and clinical records and to set reasonable fees to defray the costs of administering the act. Facilities are required to submit annual reports to the department providing license information; patient's year of birth, race, marital status, and state and county of residence; type of abortion procedure; date of the abortion; whether the patient survived, and if necessary, cause of death; the period of gestation based on the best medical judgment of the attending physician; the date, if known of the patient's last menstrual cycle; the number of previous live births of the patient; and the number of previous induced abortions of the patient. The reports are confidential and shall not identify patients or physicians; "patient" is defined as a female on whom an abortion is performed, and is not to be construed to include a fetus. The department is authorized to collect fees and inspect facilities, and provisions concerning penalties are included. The act specifically provides that it does not "remove the responsibility or limit the ability of a physician to perform an abortion in an unlicensed facility if, at the commencement of the abortion, the physician reasonably believed that the abortion was necessary to prevent the death of the patient on whom the abortion was performed or to prevent serious impairment of the patient's physical or mental condition."

Health Facilities Review

The Texas Health Planning and Development Act is amended to authorize the governor to establish a capital expenditure review program in compliance with federal law if the governor finds that such a review program is necessary to prevent the loss of federal funds. The executive order establishing the program would be required to expire after the legislature meets in its next regular session.

Other Provisions

The department's responsibilities regarding the state health plan are clarified and it is specifically directed to collect information, including cost data, in order to facilitate and expedite proper and effective health planning and resource development. State agencies affected by recommendations in the state health plan are required to submit cost data to the health department. The governor is directed to appoint members to the 21-person Statewide Health Coordinating Council on September 1, 1985; the council is to provide rules and regulations governing the development and implementation of the state health plan.

The Crippled Children's Services Act is amended to change its name to the Disabled Children's Services Act and to authorize the department to expand eligibility considerations and to provide services for certain persons whose impaired condition incapacitates them for educational and occupational purposes. The services may be provided only if specific appropriations are included in the General Appropriations Act. (See also House Bill 2005 and Senate Bill 1052, summarized in the human services chapter of this publication.)

The statute concerning convalescent and nursing homes and related institutions is amended to clarify the health department's inspection authority. A nursing and convalescent home trust fund is created to make emergency assistance funds available to court-appointed trustees responsible for meeting the basic needs of residents of facilities that have been closed for violations of laws and regulations. Nursing and convalescent homes that close are required to notify the residents of the facility and to make reasonable efforts to notify the person responsible for the support of the resident. The act also includes provisions authorizing administrative penalties not to exceed $10,000 a day for violations of laws or regulations governing convalescent and nursing homes.

The Texas Food, Drug and Cosmetic Act is amended to clarify provisions and to give the commissioner of health additional authority in certain emergency situations. The department is authorized to remove adulterated items from retail establishments and to set fees for registrations and inspections. The Texas Department of Agriculture and the Texas Department of Health are directed to disclose to the other agency positive results of testing for pesticides in food and administrative penalties of up to $10,000 a day are allowed for violations of the act. (See also House Bill 1732, summarized in the health chapter of this publication.)

The Texas Food, Drug, Device, and Cosmetic Salvage Act and statutes relating to drug treatment programs are amended to authorize the board of health to set fees and the commissioner of health to assess administrative penalties. The department is directed to adopt rules to require railroads to provide adequate sanitation facilities for railroad maintenance-of-way employees.

The Solid Waste Disposal Act is amended to authorize the department to set fees and to assess administrative penalties not to exceed $10,000 a day and to raise other civil penalties to a maximum of $25,000 a day.

Statutes relating to the hemophilia assistance program are amended to limit eligibility and to provide for the recovery of costs.

House Bill 2091 changes administrative procedures and inspection requirements relating to radioactive materials and authorizes the department to assess administrative penalties. The department may prohibit the processing of low-level radioactive wastes generated outside of Texas for two years before the opening of a low-level radioactive waste disposal site authorized by the 67th Legislature.

The Occupational Safety Board is transferred to become a division of the department of health, and the act makes related changes in statutory language concerning the occupational safety program.

Provisions relating to the Interagency Council on Early Childhood Intervention Services are modified to clarify lines of responsibility among the department of health, the Texas Department of Mental Health and Mental Retardation, the Department of Human Services, and the Texas Education Agency and to facilitate grant applications. The department of health is authorized to charge fees for services under the program.

The Texas Board of Health is directed to adopt a fee schedule for hospital plan reviews and for field surveys of construction plans; the schedules are subject to certain set limitations. A provision relating to disclosure of information is repealed.

The Department of Human Services, Texas Department of Health, Texas Department of Mental Health and Mental Retardation, and the Texas Commission on Alcohol and Drug Abuse are directed to adopt by rule a memorandum of understanding establishing procedures to eliminate or reduce duplication of functions in certifying or licensing hospitals, nursing homes, or other facilities under their jurisdiction for payments under certain federal programs. The memorandum is to be adopted by September 1, 1986.

The Emergency Medical Services Act is amended to add provisions concerning notification of certification examination results and requiring that persons be transported to the nearest appropriate hospital in certain emergency situations. Provisions concerning notification of certification examination results are also added to statutes relating to professional sanitarians and athletic trainers, certain residency and experience requirements of professional sanitarians are removed, and provisions concerning license renewals for athletic trainers are added.

The Texas Hospital Equipment Financing Act is amended to allow for pension fund contributions. The membership of the Texas Hospital Equipment Financing Council is changed, and other administrative changes are made.

House Bill 2091 includes authorization for the department of health's dental health programs, including dental treatment services for indigent residents under 18 years of age; dental disease prevention services; and dental education services. (See also Senate Bill 894, summarized in the health chapter of this publication.) It also includes authorization for the department's Children's Outreach Heart Program, providing for prediagnostic cardiac screening and follow-up evaluation services to persons under 21 years of age who are from low-income families and who may have a heart disease or defect and for training for local physicians and public health nurses in heart disease or defect screening and diagnostic procedures.

The Texas Ambulatory Surgical Center Licensing Act is enacted to require persons operating ambulatory surgical centers to be licensed. The board of health is directed to set minimum standards for the construction and design of the centers, the qualifications of personnel, essential equipment, sanitary and hygienic conditions,

and a quality assurance program for patient care. The department is authorized to inspect the centers and to collect fees, and penalties are established. License and penalty provisions are effective January 1, 1986.

The Texas Birthing Center Licensing Act is enacted, requiring the board of health to establish different levels of licenses to operate a birthing center. The board is directed to set minimum standards for each level of license that pertain to qualifications and supervision of personnel, treatment and services provided, organizational structure and clinical records, and other aspects necessary to protect the public. The department is authorized to make inspections and collect fees, and penalties are established. License and penalty provisions are effective January 1, 1986.

The department of health is directed to establish a uniform reporting and collection system for hospital financial, utilization, and patient discharge data. Requirements concerning the information to be collected are set out, and data relating to specific patients or facilities are to be confidential. The board of health is directed to appoint a hospital data advisory committee to assist in the development of reporting requirements and in the interpretation and evaluation of data received.

The Occupational Disease Reporting Act is enacted. It requires cases of asbestosis, silicosis, and elevated blood lead levels in adults to be reported to the department; designates who is responsible for the reporting; and authorizes the board to require other occupational diseases also to be reported after certain findings are made. The department is directed to investigate the causes of occupational diseases and methods of prevention.

HOUSE BILL 1581 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Edwards

House Bill 1581 abolishes the Texas Board of Health Dental Advisory Committee and establishes the Dental Care Advisory Committee to advise the Texas Health and Human Services Coordinating Council on dental services. The committee is authorized to investigate dental service programs operated or funded by the state, to conduct studies of the dental care delivery system in the state, and to conduct studies relating to the supply and demand for dental services, as well as to perform duties as imposed by the coordinating council. The governor is directed to appoint members to the committee.

The Sunset Commission recommended this change because the Texas Department of Health is not the only state agency now providing dental services.

Water Agencies

SENATE BILL 249 **SENATE AUTHOR:** Sharp
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** C. Evans

Senate Bill 249 provides for the continuing operation of the Texas Water Commission and the Texas Water Development Board, makes changes in their administrative structures, and transfers the responsibilities of the Texas Department of Water Resources to the Texas Water Commission with the exception of state water planning and water financing provisions that are transferred to the Texas Water Development Board. The water commission is designated as the state agency with the primary responsibility for implementing the constitution and laws of this state relating to water and will assume most of the department's functions.

The water commission is given general jurisdiction over: (1) water and water rights; (2) special water districts; (3) the state's water quality program; (4) the state's weather modification program; (5) determination of the feasibility of certain federal projects; (6) the safe construction, maintenance, and removal of dams; (7) the state's coastal oil and hazardous spill prevention and control program; (8) inactive hazardous substance, pollutant, and contaminant disposal facilities; (9) administration of a portion of the state's injection well program; (10) the state's programs involving underground water and water wells and drilled and mined shafts; (11) the state's responsibilities regarding regional waste disposal; (12) certain matters concerning solid waste disposal; (13) the national flood insurance program; (14) the state's water rate program; and (15) other areas as assigned.

The water development board is given responsibility for the development of a statewide water plan, the administration of the state's various water assistance and financing programs, and other areas as assigned.

The next sunset review of both agencies is set for the biennium preceding September 1, 1997.

The act establishes the Water District and River Authority Study Committee to study certain districts and authorities to determine if their powers and duties are appropriate for management of the state's water resources

and to determine if the state's role relative to the creation and operation of those authorities should be changed. The committee will go out of existence on January 1, 1987.

The state auditor is directed to regularly audit the financial transactions of all river authorities and the larger multicounty water districts.

The act changes requirements for modifying reclamation plans in levee improvement districts.

The water commission is directed to assess the impact on fish and wildlife in its consideration of applications for water rights permits to store, take, or divert water in excess of 5,000 acre-feet per year and is given the authority to require applicants to take reasonable actions to mitigate adverse impacts on such habitats. The commission is also directed to assess the impact on water quality in its consideration of all applications for water rights permits. The act sets out criteria authorizing the commission to act on applications for water rights permits without public hearings and includes provisions concerning notice.

Senate Bill 249 transfers jurisdiction over water rates and water services from the public utility commission to the water commission and sets out procedures for the commission in carrying out its duties.

The act provides for state payment if the water commission orders the release or pass-through of water from an existing reservoir owned in part by the state to protect and maintain the ecological health of the bay and estuary system. The Texas Water Development Board is also directed to pay necessary maintenance and operating costs associated with this storage and release.

The maximum penalty for violations of water quality and injection well permits is increased from $1,000 to $10,000. The water commission is authorized to assess penalties concerning water quality and solid waste permits and activities relating to water wells and drilled and mined shafts through administrative proceedings; the maximum penalty is set at $10,000 per day.

The act requires waste treatment plant operators to have a certificate of competency issued by the commission. The commission is authorized to issue emergency orders for discharge of untreated or partially treated wastewater, and the act alters certain procedures relating to temporary and emergency orders. The act also requires that, for any application involving an average daily discharge of five million gallons or more, notice be given to county judges or judges in counties within 100 miles of the point of discharge who have requested that they receive notice of the commission's consideration of applications.

The railroad commission is given jurisdiction over brine mining and can issue permits for injection wells used for brine mining.

Jurisdiction over all hazardous wastes is transferred from the health department to the water commission, and administrative changes are made in the authority of the Texas Water Well Drillers Board and the Texas Board of Irrigators.

The effective date of Senate Bill 249 is September 1, 1985, and on that date the Texas Water Development Board will become an independent agency. Transition clauses are included to provide for a smooth transition from the Texas Department of Water Resources to the Texas Water Commission and to ensure uninterrupted service when the authority over water services and rates is transferred from the public utility commission to the water commission. It is specifically stated that if there is any conflict between this act and House Bill 2, the water package, the provisions of House Bill 2 prevail.

Senate Bill 249 also includes appropriations for the Texas Water Development Board, the Texas Water Commission, and Texas' River Compact Commissioners.

Air Control Board

SENATE BILL 725 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** P. Hill

Senate Bill 725 provides for the continued operation of the Texas Air Control Board. It adds the statement to the purpose section that "the provisions of the Act should be vigorously enforced and . . . the violations of the Act or any rule or order of the Texas Air Control Board should result in expeditious initiation of enforcement actions as provided in this Act" and sets the biennium preceding September 1, 1991, as the period of the next sunset review of the agency, except that the policy structure and enforcement activities of the board are to be reviewed prior to January 1, 1987.

The act includes sunset across-the-board provisions relating to conflicts of interest, discrimination, lobbyists, removal of board members, agency employees, annual reports and audits, public information and hearings, and complaints. It also provides that the governor, rather than the board, shall select the chairman.

The board is directed to adopt as a rule any memorandum of understanding between the board and any other state agency, and a provision allowing employees of the Texas Department of Health to hold hearings for the Texas Air Control Board is deleted.

Statutory provisions concerning construction permits and exemptions and operating permits are expanded. Operating permits are subject to review every 15 years, and facilities operating without permits because construction was begun before the board's permitting program was implemented are required to be registered. In a section that took immediate effect, the board is directed to consider the possible adverse short-term or long-term side effects that an air contaminant or nuisance odor may have on persons attending elementary, junior high, or high schools when considering permits for construction or modification of facilities near schools. The act also includes additional requirements concerning public hearings and new provisions concerning proceedings to revoke permits. New fees are authorized and the term "facility" is defined. The maximum penalty for violation of the Texas Clean Air Act is raised from $1,000 to $25,000 per day, and the executive director, in addition to the board, is authorized to file suit for injunctive relief to restrain the continuation of a violation. Additional provisions concerning suits against violators are included, and administrative penalties are authorized.

The 10-member Clean Air Study Committee is created to study facilities operating without permits, the issuance of renewable permits, and regulation of emissions into the air from ships. The committee is to report to the 70th Legislature and will cease to exist on January 1, 1987.

The Public Safety Commission is authorized to establish additional motor vehicle emissions inspection and maintenance programs required by federal rule or law and to charge certain fees for the programs.

Sections of a statute enacted by the 66th Legislature relating to a pilot program for motor vehicle inspection and maintenance are repealed, but provisions concerning a special Houston program are left without change.

Parks and Wildlife

SENATE BILL 464 **SENATE AUTHOR:** Lyon
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** C. Evans

Senate Bill 464 provides for the continuing operation of the Parks and Wildlife Department and sets the biennium preceding September 1, 1997, as the period of its next sunset review. The act allows the commission to establish license and permit fees, sets minimum penalties, and includes new provisions relating to licenses and to the administration of the department.

Under the act, the Parks and Wildlife Commission is authorized to regulate mineral recovery operations on state land, and the department is designated as the state agency with primary responsibility for protecting the state's fish and wildlife resources. The act also states that "the department shall be, on its request, a full party in any hearing on an application for a permit to store, take, or divert water."

Senate Bill 464 expands the use of the game, fish and water safety fund and establishes a lifetime license endowment fund to be used to acquire and to develop, manage, and repair public hunting and fishing areas. The department is authorized to accept gifts and to use the gifts as prizes in fund-raising events. Persons over the age of 17 who engage in activities that require parks and wildlife licenses or permits are required to carry a driver's license or personal identification certificate, and persons who kill, catch, take, possess, or injure any fish, shellfish, reptile, amphibian, bird, or animal illegally are made liable for the value of each animal. The department is also allowed to recover damages for injury to aquatic life and wildlife.

The act consolidates provisions relating to revocation and suspension of licenses and permits and clarifies the department's authority over state parks. It establishes a scientific breeder's permit, changes provisions relating to white-tailed deer and bighorn sheep, authorizes the commission to require permits for taking nongame species of fish or wildlife, modifies the definition of endangered species to include only fish and wildlife that are indigenous to Texas, changes provisions relating to wildlife management areas, and authorizes the department to expend funds for the operation and maintenance of the Franklin Mountains State Park, the Gateway State Park, and the Trinity River State Park. It repeals provisions that prohibit deer hunting in state parks and that limit the open season for hunting in state parks to November through February.

The act authorizes the commission to set certain fees at amounts higher than previous statutory limitations. It authorizes the department to issue tags for animals or birds allowed to be killed, as it has for deer, and expands related provisions. In addition, it allows the commission to lower or waive license fees for children and senior citizens and certain other individuals who are disabled or who have other licenses, and changes nonresident eligibility requirements for certain licenses.

The act also establishes a new classification system for punishment of offenses under the Parks and Wildlife Code. It creates Class A, B, and C Parks and Wildlife Code misdemeanors and sets minimum penalties for these offenses; the maximum penalties are the same as the penalties provided in the Penal Code, which does not set minimum amounts.

Veterans' Land Board

SENATE BILL 316 **SENATE AUTHOR:** Williams
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Gary Thompson

Senate Bill 316 provides for changes in the operation of the Veterans' Land Board and sets the biennium preceding September 1, 1997, as the period for its next sunset review. Because the board is a constitutional entity, it is not subject to abolishment under the sunset act.

The act changes the definition of veterans eligible to participate in Veterans' Land Board programs and authorizes the board to change the definition as necessary to protect the best interests of the program. It includes provisions relating to conflicts of interest, lobbyists, equal protection, removal of board members, annual reports and audits, board employees, and public hearings. It also expands the fees that the board is authorized to collect, authorizes the board to contract with a private entity to administer the Veterans Land Program, removes a requirement concerning on-site meetings between appraisers and veterans but allows the board to require such meetings, and allows the board to regulate and abolish county review committees.

The board is authorized to set the amount of initial payments on land sold under the Veterans Land Program, and the act includes additional provisions concerning the price of land and requiring veterans to furnish written credit reports. The board is authorized to waive the requirement concerning personal inspection of land under certain conditions and to set the minimum acreage that a veteran may purchase; the minimum may not be set at less than five acres. The 10 percent limit on interest rates for delinquent principal and interest payments is removed, and the board is authorized to set the rates.

The act changes the eligibility criteria for the Veterans' Housing Assistance Program, authorizes the board to change the definition of veteran to protect the best interests of the program, and provides that surviving spouses may complete transactions begun by eligible veterans. The board is authorized to contract with other agencies or private entities to administer the housing program and to set and collect fees to be deposited in a special housing program fee fund.

The act deletes a restriction that the interest may not exceed 1-1/2 percent a year more than the accepted bid price for each series in a bond sale division, and provisions relating to certain fees charged by the Veterans' Land Board and to certain applications required under the Veterans' Housing Assistance Program are repealed.

The sections of this act authorizing the board to change the definition of "veteran" take effect only upon the approval of a constitutional amendment (S.J.R. 9, to provide additional bonding authority for the Veterans' Housing Assistance Program and changing the definition of those veterans eligible to participate in the Veterans Land Program and the veterans' housing program) to be voted on in November 1985.

Human Service Agencies

SENATE BILL 118 **SENATE AUTHOR:** Edwards
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Gibson

Senate Bill 118 provides for the continuing operation of the Texas Rehabilitation Commission and sets the biennium preceding September 1, 1997, as the period of its next sunset review. It amends laws relating to developmental disabilities to conform to federal developmental disability laws and expands the membership of the Council on Disabilities by adding representatives of the Texas School for the Deaf and the Texas Employment Commission to comprise a 23-member council.

The act includes general sunset provisions that affect the Texas Rehabilitation Commission in the following areas: board member appointments, removal, conflicts of interest, and per diem; board meetings; personnel matters; audits and other financial matters; and public information and complaints. It directs the board to establish a consumer advisory committee and provides for per diem and compensation for special aid necessary for disabled individuals who serve on the committee. It authorizes the commission to adopt rules relating to developmental disability services and to work with the Texas Planning Council for Developmental Disabilities to develop a state plan. It also expands the definition of "rehabilitation services" that the commission is authorized to provide.

SENATE BILL 195 **SENATE AUTHOR:** Sharp
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Gary Thompson

Senate Bill 195 provides for the continuation of the operations of the State Commission for the Blind, changes its name to the Texas Commission for the Blind, and sets the biennium preceding September 1, 1997, as the period for the next sunset review.

The act includes the general provisions concerning appointments to the commission, conflicts of interest, reimbursements, adopting of rules, commission employees, audits, depositing funds in the state treasury, removal of commission members, public information, and annual financial reports. It removes the commission's authority concerning advocacy and ombudsmanship services and its supervision of a state program of purchasing goods and services manufactured by handicapped individuals. It removes specific statutory provisions concerning eligibility for vocational rehabilitation services and requires the commission to provide vocational rehabilitation services to blind disabled individuals eligible for the services under federal law. It also removes other obsolete provisions.

SENATE BILL 384 **SENATE AUTHOR:** Sharp
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** C. Evans

Senate Bill 384 provides for the continuing operation of the Texas Commission for the Deaf; includes general provisions concerning appointments to the commission, removal of commission members, conflicts of interest, public hearings, audits, authorization for fees, annual financial reports, public information and complaints, rules restricting competitive bidding or advertising, and commission employees; and sets the biennium preceding September 1, 1987, as the period for the next sunset review of the commission. It also provides that the governor, rather than the commission, shall choose a chairman who will serve at the pleasure of the governor, and directs the commission to make reasonable efforts to notify potential service providers of the availability and purpose of grants and contracts.

The act includes new provisions relating to the evaluation of interpreters and revocation or suspension of certificates and sets deadlines for notifying examinees of certification examination results.

Initial placements of telecommunications devices for the deaf in state agencies and units of local government are prohibited, and the commission is directed to remove the devices from agencies where they have not been used. A section establishing the Technical Advisory Council for Planning and Operations is repealed. The commission's pilot programs for deaf-blind multihandicapped individuals and their parents are continued as permanent programs, and the act contains a $76,000 appropriation for an outdoor training program for deaf individuals.

Senate Bill 384 also includes a provision adding representatives of the Texas Employment Commission and the Texas School for the Deaf to the membership of the Council on Disabilities.

SENATE BILL 601 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: see below **HOUSE SPONSOR:** Gibson

Senate Bill 601 establishes the Texas Commission on Alcohol and Drug Abuse, repeals statutory authorization for the Texas Commission on Alcoholism, and transfers responsibility for drug abuse services from the Texas Department of Community Affairs to the new commission. It also requires that certain group health insurance policies, group health coverage provided by health maintenance organizations, and large self-funded plans include benefits for care and treatment of alcohol dependency.

Senate Bill 601 enacts the Texas Alcohol and Drug Abuse Services Act. It establishes a nine-member Texas Commission on Alcohol and Drug Abuse, includes conflict of interest provisions, sets the biennium preceding September 1, 1997, as the period for the commission's next sunset review, provides for removal of commission

members, and includes general administrative provisions relating to the responsibilities of the commission and its executive director. The act also includes new provisions relating to involuntary treatment of alcoholics that are similar to emergency detention and court-ordered treatment provisions in the Mental Health Code.

Alcohol treatment facilities, which are facilities that provide services for persons with alcohol or drug problems, are required to be licensed. The commission or its representative is authorized to make inspections, and the commission is directed to adopt rules and standards relating to organizational structures, programs, records, facilities, and other aspects of alcohol and drug abuse treatment at licensed alcohol treatment facilities. The commission may not, however, adopt rules restricting competitive bidding or advertising except to prohibit false, misleading, or deceptive practices. The act includes provisions relating to reconsideration of revocations, denials, or nonrenewals of licenses and makes operating a facility without a license a Class C misdemeanor.

If license fees are not set in the General Appropriations Act, the commission is directed to set reasonable fees that will cover at least 50 percent of the costs of the licensing program by 1987. The commission is also directed to adopt rules relating to the rights of individuals receiving treatment in facilities, and reports of abuse or neglect of residents or clients is required.

The act requires that group health insurance policies or contracts, group health coverage provided by health maintenance organizations, and self-funded or self-insured plans with more than 250 employees or members that provide basic hospital, surgical, or major medical expense benefits include benefits for the care and treatment of alcohol dependency.

The act also establishes an 18-member task force to study necessary changes in certification, licensure, and commitment procedures for substance abusers. The task force is to report to the 70th Legislature and will go out of existence August 31, 1987.

The six members of the Texas Commission on Alcoholism are to continue to hold office for the appointed term, with three additional members to be appointed to complete the nine-member Texas Commission on Alcohol and Drug Abuse. The commission on alcoholism and the department of community affairs are directed to provide for a smooth transition to the new commission. The act takes effect September 1, 1985, except the new licensing requirements and the insurance provisions are effective on January 1, 1986, and the commission is directed to adopt policy statements by November 1, 1985.

The act also provides that a designee of the governor, rather than the executive director of the Texas Department of Community Affairs, shall serve as the chairman of the board of the Texas Housing Agency.

SENATE BILL 2 (1st C.S.) **SENATE AUTHOR:** Edwards
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** C. Evans

Senate Bill 2 provides for the continuation of the operations of the Texas Department on Aging and sets the biennium preceding September 1, 1997, as the period of its next sunset review. It adds the requirements that all members of the Citizens Advisory Council to the department also be members of local advisory councils advising area agencies and that the council inform state officials of local needs and concerns. The department is directed to establish the maximum amount of administrative costs that may be incurred by an area agency on aging and other entities that spend money distributed by the department and to periodically review entities receiving funds from the department.

Under previous law, the chairman of the Texas Board on Aging was a 10th member appointed to the board by the governor. This act directs the governor to designate one of the nine board members to serve as chairman and provides for the present chairman to continue to serve in that capacity as a nonvoting member for a limited period.

The act also includes general provisions relating to board appointments, terms and per diem, and removal of board members; conflicts of interest; department personnel; audits and annual financial reports; and public information and complaints.

Land Boards

SENATE BILL 261 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Gibson

Senate Bill 261 authorizes the continuation of the Board for Lease of University Lands and sets the biennium preceding September 1, 1997, as the period of its next sunset review. It adds a member of the board

of regents of The Texas A&M University System to the board and designates the commissioner of the General Land Office as chairman. It raises penalties and provides for interest to be charged on delinquent royalty payments.

The act adds conflict of interest provisions, designates the terms of board members, sets out grounds for removal from the board, requires annual financial reports, includes an audit provision, and directs the board to develop and implement policies on public hearings.

The act also requires lessees of university land that is leased for agricultural or grazing purposes to implement a soil and water conservation plan approved by the board of regents of The University of Texas System.

SENATE BILL 493 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** C. Evans

Senate Bill 493 continues the operation of the School Land Board, transfers the authority of certain boards for lease of state-owned lands to the School Land Board, and sets the biennium preceding September 1, 1997, as the period for the board's next sunset review.

The act includes provisions relating to field notes of a survey of public land and provides for state grants for constructing permanent improvements on leased permanent school fund land.

Previous law had authorized state agencies to establish boards for lease of state-owned lands as the need arose. Senate Bill 493 gives the School Land Board authority over state land except for that owned by The University of Texas and Texas A&M University, Relinquishment Act land, and land owned by the Parks and Wildlife Department and the Texas Department of Corrections. The board has authority over state land acquired for roads and land owned by the State Department of Highways and Public Transportation only for the development of minerals other than oil and gas and for leasing Relinquishment Act land owned by state agencies.

The act includes the general provisions concerning conflicts of interest, removal of board members, annual financial reports and audits, public hearings, and authority to collect fees. The board is authorized to subdivide or survey land to facilitate advantageous sales, to issue permits for surveys or investigations of land other than public school land that is not under a valid lease, and to grant easements on certain land. Notice of the sale of land must state the method of sale, and the sale of oil, gas, or other mineral leases must be by sealed bid or public auction, as determined by the board. The act sets a minimum on the royalties and bonuses that the board may accept, sets out provisions relating to the authority of the board concerning royalties, bonuses, and rentals, and sets out new requirements for conditions of leases.

The act abolishes the Board for Lease of State Park Lands and the Board for Lease of Eleemosynary and State Memorial Park Lands and provides that the provisions of the chapter on boards for lease of state-owned lands apply to land owned by the Parks and Wildlife Department and by the Texas Department of Corrections. Relative to the boards for lease of Parks and Wildlife Department and Texas Department of Corrections land, the act includes the general provisions relating to board appointments, removal of board members, conflicts of interest, requirements for public hearings, requirements for financial reports and audits, and the authority for the boards to adopt rules and collect fees. The section also includes requirements for leases, authorizes the board to grant easements of rights-of-way, and sets the next sunset review for the biennium preceding September 1, 1997.

The act removes restrictions concerning lease of unsold public school and asylum land and authorizes the land commissioner to set terms for agricultural, grazing, or commercial leases. It grants the commissioner, rather than the School Land Board, the authority to award or reject leases and directs the commissioner to require that lessees of land leased for agricultural or grazing purposes implement a soil and water conservation plan approved by the land commissioner. It also increases the authority of the land commissioner and the board of regents of The University of Texas System to grant easements.

The commissioner is directed to collect money for damages to surface land dedicated to the permanent school fund, penalties on past-due royalty payments are raised and interest is authorized, and delay rentals are prohibited.

Senate Bill 493 includes new provisions relating to leases of Relinquishment Act land that are acquired by assignment by the owner of the soil. The act requires that such assignments have the advance approval of the commissioner and provides that leases assigned without advance approval may be forfeited. When a soil owner

is assigned a Relinquishment Act lease that he executed, he is accountable to the state as follows: (1) if the lease was assigned to the soil owner without advance approval, the soil owner must pay the state half of the consideration that he received upon the assignment; or (2) if the owner has the approval of the commissioner and the lease is assigned within three years, the soil owner must pay the state half of the profit of the subsequent assignment of the lease.

The act requires that certain leases of public school and gulf land include provisions for payment of damages for mining and directs the commissioner to set the amount and collect money for damages to public school land, except Relinquishment Act land that has a mineral classification. The money will be deposited in a special fund account in the state treasury and used for conservation, reclamation, or constructing permanent improvements on permanent school fund land. The act also establishes the Parks and Wildlife Department and the Texas Department of Corrections special mineral funds, changes provisions relating to geophysical and geochemical exploration permits for Relinquishment Act lands and in tidewater areas, and removes an expiration date for the authority of the School Land Board to trade public school land.

Senate Bill 493 also includes a new section concerning the acquisition of public school land that is contingent on authorization of a constitutional amendment to be voted on in November 1985 (S.J.R. 21, to authorize the use of proceeds from the sale of permanent school fund land to acquire other land as part of the permanent school fund). If the constitutional amendment is passed, the School Land Board will be able to designate money received from the sale of public school land to acquire fee or lesser interests in real property for the use and benefit of the permanent school fund. The section includes requirements for land acquisitions under this authorization.

Interstate River Compacts

Since 1939, Texas has negotiated compacts with neighboring states to apportion the water between compact states from the Rio Grande and Red River and from the Pecos, Canadian, and Sabine rivers. The Sunset Commission recommended that the Texas commissions that administer these compacts be continued, with modifications that generally eliminate inconsistencies among administrative requirements of the commission offices.

SENATE BILL 128 **SENATE AUTHOR:** Blake
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** R. Lewis

Senate Bill 128 authorizes the continuation of the operation of the office of Sabine River Compact Commissioners for Texas and sets the biennium preceding September 1, 1997, as the period of its next sunset review. The act also directs the commissioners to file notice of compact meetings for publication in the Texas Register.

SENATE BILL 203 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** P. Hill

Senate Bill 203 authorizes the continuation of the operations of the office of Canadian River Compact Commissioner for Texas and sets the biennium preceding September 1, 1997, as the period of its next sunset review. The act changes the term of office of the commissioner, requires an oath of office, authorizes the employment of engineering and clerical personnel, requires that notice of meetings be filed for publication in the Texas Register, and calls for cooperation between the commissioner and the Texas Department of Water Resources. The act also requires that revolving fund money under the control of the Canadian River Compact commissioner be deposited in the state treasury.

SENATE BILL 204 **SENATE AUTHOR:** Sharp
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** P. Hill

Senate Bill 204 authorizes the continuation of the operations of the office of Pecos River Compact Commissioner for Texas and sets the biennium preceding September 1, 1997, as the period of its next sunset review. The act also changes the term of office of the commissioner and directs the commissioner to file notice of compact meetings for publication in the Texas Register.

SENATE BILL 205 **SENATE AUTHOR:** Sharp
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** P. Hill

Senate Bill 205 authorizes the continuation of the operations of the office of Red River Compact Commissioner for Texas and sets the biennium preceding September 1, 1997, as the period of its next sunset review. The act changes the term of office of the commissioner and requires that notice of compact meetings be filed for publication in the Texas Register. The act also repeals provisions relating to the negotiation of the Red River Compact and prohibiting the commissioner from participating in the state employees retirement system.

SENATE BILL 209 **SENATE AUTHOR:** Sharp
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** P. Hill

Senate Bill 209 authorizes the continuation of the operations of the office of Rio Grande Compact Commissioner of Texas and sets the biennium preceding September 1, 1997, as the period of its next sunset review. The act also directs the commissioner to file notice of compact meetings for publication in the Texas Register and calls for cooperation between the commissioner and the Texas Department of Water Resources.

River Authorities

HOUSE BILL 1583 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Caperton

House Bill 1583 brings river authorities and their boards under the review of the Sunset Advisory Commission and sets sunset dates for 19 authorities. The river authorities may not be abolished under the act, but the board membership will be dissolved on September 1, 1991, unless board members are continued in office under the sunset act. However, if members of a board were elected before September 1, 1985, the board is not subject to dissolution. The act includes provisions for the appointment of new members to boards that have their memberships discontinued, and directors are required to qualify by taking an oath of office.

The act also sets out considerations for evaluating whether a profession or other occupation should be regulated by the state, provides that necessary regulation be implemented in the least restrictive manner available, and directs the Sunset Advisory Commission to review all proposed legislation creating regulatory agencies and make comments or recommendations on certain matters concerning the proposed regulation.

Other Agencies

SENATE BILL 201 **SENATE AUTHOR:** Sharp
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Gibson

Senate Bill 201 authorizes the continuation of the operations of the Anatomical Board of the State of Texas and sets the biennium preceding September 1, 1997, as the period of its next sunset review. The act reduces the number of board members by one-half, authorizes the board to collect fees, and specifically exempts the board from the law requiring state entities to place their funds in the state treasury. The board is authorized to be a donee of bodies and to receive and transport bodies from and to other states. Its responsibilities relating to investigations and inspections are clarified, and it is allowed to revoke authorizations to receive and dissect bodies.

Senate Bill 201 also includes provisions concerning board appointments, conflicts of interest, removal from the board, public information, filing of complaints, and board rules, and it removes an unexercised authorization concerning animal experimentation and a section relating to a requirement for parties receiving bodies to post bond.

SENATE BILL 229 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Gibson

Senate Bill 229 provides for the continuing operation of the State Soil and Water Conservation Board and sets the biennium preceding September 1, 1997, as the period of its next sunset review.

The act includes provisions giving a family farm corporation one vote in a conservation district election, exempts conservation districts from a law granting the state the continuing right of supervision concerning certain districts, and changes deadlines relating to electing delegates to state district conventions.

The state board is directed to plan, implement, and manage a program for abating agricultural and silvicultural nonpoint source pollution and is authorized to call and pay for audits of conservation districts at any time.

The act adds requirements concerning dissolution of conservation districts, removes a provision allowing certain elections to be held outside a subdivision affected, and includes provisions relating to conflicts of interest, removal of board members, employee programs, public access and public information, annual reports, and information concerning complaints.

The act also changes the terms of the members of the board of directors of conservation districts and directs the State Soil and Water Conservation Board to appoint new directors to the board of directors of each conservation district no later than October 15, 1985. It provides that each state district shall elect a member to the State Soil and Water Conservation Board at the state district convention held in 1986 and that the terms of current members expire when the newly elected members qualify.

SENATE BILL 254 **SENATE AUTHOR:** Sharp
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** P. Hill

Senate Bill 254 authorizes the continuation of the operation of the office of the Gulf States Marine Fisheries Compact Commissioner for Texas and sets the biennium preceding September 1, 1997, as the period of its next sunset review. The act also requires that notice of compact meetings be filed for publication in the Texas Register.

SENATE BILL 255 **SENATE AUTHOR:** Sharp
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** P. Hill

Senate Bill 255 authorizes the continuation of the office of the Interstate Compact on Mental Health Administrator for Texas and sets the period of its next sunset review to be the same period as that set for the Texas Department of Mental Health and Mental Retardation. The act also requires notice of compact meetings to be filed for publication in the Texas Register and includes provisions relating to requirements for annual reports.

Previous law had authorized the governor to designate a compact administrator. Senate Bill 255 directs the governor to appoint the commissioner of the Texas Department of Mental Health and Mental Retardation to be the administrator and authorizes the commissioner to appoint a designee to perform the administrator's duties.

SENATE BILL 262 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Gary Thompson

The office of state forester was created in 1915 and operates under the authority of The Texas A&M University System. The state forester was later given the additional title of director of the Texas Forest Service, and now all duties are directly related to the position of director of the forest service.

Senate Bill 262 eliminates the office of state forester, changing statutory references from "state forester" to "director of the Texas Forest Service," and removes separate sunset review of the office.

SENATE BILL 291 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Saunders

Senate Bill 291 changes the title of state entomologist to chief apiary inspector and continues the operations of the office until its next sunset review in the biennium preceding September 1, 1997. The act sets minimum fees, directs the chief apiary inspector to determine fees, and requires him to make a reasonable effort to set the fees at amounts that will produce enough revenue to approximate 50 percent of the office's total budget. The inspector is authorized to require beekeepers to submit maps showing the exact locations of apiaries in order to facilitate inspection efforts, but the maps would be considered trade secrets and would not be subject to disclosure under the open records law.

The act also transfers responsibility for the apiary brand registration program from the Department of Agriculture to the chief apiary inspector; adds provisions concerning conflicts of interest, biennial audits, complaints relating to regulated beekeepers, and public testimony; and expands provisions concerning employees of the office, annual reports, and publications.

SENATE BILL 300 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Messer

Senate Bill 300 provides for the continued operation of the Texas Advisory Board of Occupational Therapy and sets the biennium preceding September 1, 1997, as the period of its next sunset review. The act authorizes the board to collect fees and, if the fees are not set in the General Appropriations Act, to set fees at amounts that will recover the amount appropriated for the operation of the board. The board is directed to consider applicable policies of the Texas Rehabilitation Commission in adopting its rules and to establish procedures relating to complaints, to develop and implement policies to define responsibilities of the board and staff, and to provide for public participation. The board is also directed to prepare and approve continuing education programs for licensees and to require participation in an approved continuing education program for license renewal, and funds are to be deposited in the general revenue fund, rather than in the special occupational therapy licensing fund in the state treasury. The act removes license requirements relating to residence and character, includes provisions allowing waiver of examination requirements in certain circumstances, changes requirements relating to temporary licenses, renewal of expired licenses, and denial, suspension or revocation of a license, and includes a new provision concerning an inactive status list.

The act also provides that a person who parks in a parking space reserved for the disabled is presumed to be the owner of the motor vehicle that is parked in the space.

Sunset Dates

HOUSE BILL 1585 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Caperton

House Bill 1585 removes provisions requiring sunset review of the Legislative Audit Committee, the Texas Legislative Council, the Legislative Budget Board, and the Legislative Reference Library. It also changes the date of sunset review for 56 additional state agencies.

HEALTH

Health matters received much attention from the 69th Legislature and were responsible for the special session called for the day after the end of the regular session. Senate Bill 1 from the 1st Called Session includes the Indigent Health Care and Treatment Act and appropriations for the major new health programs. Other acts on indigent health care include House Bill 1844, the Primary Health Care Services Act; House Bill 1023, the Maternal and Infant Health Improvement Act, which authorizes the creation of a perinatal program; and House Bill 1963, relating to hospital patient transfer policies.

Cancer programs also received extensive legislative consideration. Senate Bill 1 from the 1st Called Session establishes the cancer resource fund and includes an appropriation from the fund. Senate Bill 53 establishes the Texas Cancer Council. And House Bill 4 strengthens provisions relating to the operation and administration of the state cancer registry.

Senate Bill 137 provides for the continuation of a War on Drugs law requiring triplicate prescriptions and allowing the Department of Public Safety to keep records on the prescriptions. House Bill 805 and Senate Bill 32 relate to organ donations, and Senate Bill 33 prohibits the sale or purchase of certain organs.

Other measures of special interest include: Senate Bill 806, requiring hospitals to have itemized statements of billed services available to patients within 10 days of discharge; Senate Bill 894, the Texas Oral Health Improvement Act; House Bill 403, expanding the Natural Death Act; House Bill 832, setting up a spinal screening program for certain public school children; House Bill 1106, concerning court-ordered treatment for drug-dependent persons; and House Bill 1744, allowing unused drugs in nursing homes to be shipped to foreign countries.

House Bill 2091 is the sunset bill for the Texas Department of Health and is summarized in the sunset chapter of this publication. That act includes provisions regulating abortion facilities and authorizing the governor to establish a capital expenditure review program to take the place of the Health Facilities Commission.

Indigent Health Care and Treatment Act

SENATE BILL 1 (1st C.S.) **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Oliver

Senate Bill 1 includes the Indigent Health Care and Treatment Act, requiring counties without public hospitals or hospital districts to provide for the care of their residents, clarifying the responsibilities of counties with public hospitals or hospital districts for both residents and nonresidents, and providing for certain state assistance. It establishes the cancer resource fund and also makes a number of appropriations.

Services required to be provided by counties under this act include certain inpatient and outpatient hospital services; rural health clinics; laboratory and X-ray services; family planning services; physician services; payment for not more than three prescription drugs per month; and limited skilled nursing facility services.

The act includes provisions for determining a person's residency and for settling residency disputes. It authorizes counties, public hospitals, and hospital districts to request persons receiving services to contribute a nominal amount toward the cost of the assistance but provides that services may not be denied or reduced because of nonpayment. The Texas Department of Human Services is directed to establish eligibility standards and procedures in accordance with standards and procedures used by the department to determine eligibility in the AFDC-Medicaid program, except that persons without children who meet the financial criteria are to be eligible for services. The minimum eligibility and service standards are to be met by public hospitals and by counties providing services for county residents who do not live in an area served by a public hospital or hospital district; standards for hospital districts are set by the Texas Constitution and through statutes relating to the specific districts.

The Texas Department of Health is directed to establish uniform reporting requirements for counties and governmental entities that own, operate, or lease public hospitals providing assistance to report expenditures for and nature of care provided; eligibility standards established by the entities; and relevant characteristics of eligible residents.

Counties are expressly made responsible for and the payor of last resort for health care of eligible county residents who do not reside within an area that a public hospital or hospital district has a legal responsibility to serve. The act authorizes counties and public hospitals to mandate health care providers that residents are required to use for nonemergency services. Provisions for emergency and nonemergency services by nonmandated providers and limitations on a county's liability are included. A county's liability for health care services for eligible county residents who do not reside within an area that a public hospital or hospital district has a legal obligation to serve is limited to $30,000 a year or to 30 days of hospitalization or treatment in a skilled nursing facility. Procedures are set out for providing state assistance to counties that provide at least 10 percent of the county general revenue levy for the health care services required by this act for indigent county residents who live outside the service area of a public hospital or hospital district; the state will pay 80 percent of such health care costs during the remainder of the year after the 10 percent expenditure level has been reached. If the state does not pay the 80 percent for any reason, the county is not required to provide further services after the 10 percent expenditure level is reached.

If counties are required to increase taxes to pay for the services required under this act, they may raise their rate by more than eight percent during the first year after such services are required without bringing into effect a state law that authorizes a voter petition for a tax-rollback election.

The act also includes provisions relating to the provision of health care services to persons who reside within an area served by a public hospital or hospital district. It establishes minimum standards and prohibits public hospitals that are providing more extensive services from cutting back unless such change would not have a detrimental impact on access to health care for the residents that the hospital serves. As with counties, public hospitals would be the providers of last resort.

The indigent health care assistance fund is created; it may be used for the state assistance to counties and public hospitals and hospital districts; for the provision of health care assistance through any program of medical or health care assistance administered by the Texas Department of Human Services; for the provision of maternal and infant health improvement services and perinatal services for low-income individuals; for the provision of primary health care services for low-income individuals; for cancer prevention and treatment and medical care for cancer victims; for coordinating, implementing, and administering health care programs for low-income or indigent individuals; and for other health care assistance, preventive health, or nutrition programs for low-income or indigent individuals authorized by law.

The cancer resource fund is established in the state treasury, and $7 million is appropriated to the Texas Cancer Council from the fund. Money in the fund may only be appropriated to the council for cancer prevention and research and medical care for cancer victims. (See also, Senate Bill 53, summarized in this section.)

Based on the repeal of the blue law, the act transfers $63 million from the general revenue fund to the indigent health care assistance fund and $7 million to the cancer resource fund. It appropriates $22,220,000 to the health department for the perinatal program (see House Bill 1023, summarized in this section); $7 million for the women, infants, and children program; $8 million for the primary care program (see House Bill 1844, summarized in this section); $80,000 to implement and enforce patient transfer policies (see House Bill 1985, summarized in this section); and $450,000 for collecting hospital discharge data and data on uncompensated care provided by hospitals. The act also appropriates the following to the Texas Department of Human Services from the indigent health care assistance fund: $15 million for Medicaid coverage for the medically needy; $3 million for state matching funds to counties for indigent care; $6 million to provide assistance for hospitals providing a disproportionate share of indigent health care; and $1,250,000 to implement a computerized integrated eligibility services program with the department of health.

The act reduces funds appropriated to the governor's office in the General Appropriations Act for utility contingency grants from $30 million to $9,990,000 and for salary provision contingency from $4,800,000 to zero; it also authorizes the governor to transfer money among additional line items. It reduces funds appropriated to the senate for 1987 from $13,643,929 to $12,343,929. It calls for a larger reduction in state agency budgets; House Bill 20 provided that reductions were expected to total at least $16,250,000 in both fiscal years of the biennium; Senate Bill 1 provides for reductions to total $20,140,000 in fiscal year 1987.

The act takes effect September 1, 1985, but the additional health care services for the indigent are not required to be provided until September 1, 1986.

HOUSE BILL 1023 **HOUSE AUTHOR:** Madla
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Traeger

House Bill 1023 is the Maternal and Infant Health Improvement Act; it authorizes the Texas Department of Health to establish a perinatal program in the department to deliver comprehensive maternity and infant health services and ancillary services to eligible women and infants. Senate Bill 1 from the 1st Called Session of the 69th Legislature appropriated $6,750,000 for the fiscal year ending August 31, 1986, and $15,470,000 for the fiscal year ending August 31, 1987, to the department for the program.

The act provides that the program may include all or any combination of the following services for eligible individuals: maternal and infant health improvement services, including comprehensive prenatal and perinatal care, obstetrical consultation services, preventive, health, medical, and facility intrapartum care, neonatal intensive care, followup services for eligible infants who are at high risk of death or disease or of suffering long-lasting disability, and emergency medical transportation; ancillary services; a special program of preventive, health, medical, and facility care and health education services for adolescents concentrating on adolescent pregnancy and pregnancy prevention; health education and health promotion services; and a special program of pregnancy prevention services for women receiving benefits for two or more pregnancies, including the availability of family planning services. The health department would be able to directly deliver the services to the extent that other resources are unavailable and to charge fees for the services delivered. The act includes a section specifically stating that no funds are to be used to provide abortion services unless the mother's life is in danger.

Applicants for the program must be referred by a physician, facility, public health clinic, community health center, certified nurse midwife, lay midwife, medical social worker, or other source, and an application must be accompanied by a statement that the person with the legal obligation to provide the applicant's support is financially unable to pay for all or part of the necessary services. Eligibility requirements include state residency and certification from at least one licensed physician that the individual meets the health or medical criteria established by the board and that the physician has reason to expect that the services will prevent or reduce the probability of maternal, fetal, or infant death; complications of pregnancy, including handicapping conditions found in infants that are associated with complications of pregnancy; or adolescent pregnancy.

The act also includes sections providing for reimbursement for services to the extent that other benefits are received, allowing for the recovery of costs of services if other benefits are received, and authorizing the department to deny an application for cause or to modify, suspend, or terminate services after giving appropriate notice.

The department is directed to select providers to participate in the program according to criteria and procedures adopted by the Texas Board of Health; the board may not discriminate against classes of facilities that are operated for profit, and providers that receive federal funds may not be excluded if the funds are inadequate to provide authorized services to all eligible individuals seeking services from that provider. The board and department are specifically directed to coordinate services with existing federal, state, and local programs and to reserve the program's services for low-income women and infants who are not eligible for other similar services.

The act authorizes the board to appoint a statewide advisory committee to the program and sets out requirements for its membership. The department is directed to initiate a long-range plan to continue at least six years and, from it, to derive a short-range plan to identify costs and assess progress made toward achieving the program goals.

While the act takes effect September 1, 1985, services may not be provided until January 1, 1986.

Primary Health Care

HOUSE BILL 1844 **HOUSE AUTHOR:** Oliver
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Brooks

House Bill 1844 is the Texas Primary Health Care Services Act; it directs the Texas Department of Health to administer a primary health care program for eligible low-income Texans, to the extent that other resources are unavailable and subject to the availability of specifically appropriated funds. Services are to be reserved to the greatest extent possible for low-income individuals who are not eligible for similar services through any other publicly funded program.

If budgetary limitations exist for the primary health care program, the board of health is directed to adopt rules establishing a system of priorities relating to the types of services provided, geographic areas covered, or classes of individuals eligible for services. Rules on eligibility and areas covered are to be based on a statewide determination of the need for services. Priority is to be given to the following types of services: diagnosis and treatment; emergency services; family planning services; preventive health services; health education; and laboratory, X-ray, nuclear medicine, and other appropriate diagnostic services. Other authorized types of services include nutrition services; health screening; home health care; dental care; transportation; prescription drugs and devices and durable supplies; environmental health services; podiatry services; and social services.

The department is to utilize public and private health, transportation, and education resources, but may deliver services directly if other resources and providers are unavailable, and fees may be charged. Services may not be provided until January 1, 1986.

The act includes provisions entitling the department to recover costs in certain circumstances, authorizing the department to deny, modify, suspend, or terminate services for cause, and concerning the selection of providers to participate in the program. The board is authorized to appoint a statewide advisory committee, and the department is required to develop short- and long-range plans, to periodically assess the progress of the program and the continuing need, and to report to the legislature concerning the program.

Senate Bill 1 of the 1st Called Session includes an $8 million appropriation for the primary health care program.

Oral Health Improvement

SENATE BILL 894 **SENATE AUTHOR:** Uribe
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** McDonald

Senate Bill 894 is the Texas Oral Health Improvement Act; it authorizes the Texas Department of Health to furnish oral health services to low-income Texas residents under guidelines determined by the Texas Board of Health. The services may be furnished by the department or by approved providers, and individuals must be referred to the program. The act includes provisions relating to eligibility, resource disclosure, denial of services, approved providers, and other administrative procedures and authorizes the department to recover its costs or portions of the costs. The department is also authorized to appoint a technical advisory committee. Provision of services under the program is limited to funds expressly appropriated for the program.

This act provides statutory authorization for services currently offered by the department under the authority of the General Appropriations Act. Provisions are intended to provide authorization for a program of dental care for low-income children, a dental education program to encourage the development of good oral hygiene, and a fluoridation program.

Patient Transfers

HOUSE BILL 1963 **HOUSE AUTHOR:** Oliver
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Brooks

House Bill 1963 requires hospitals licensed under the Texas Hospital Licensing Law to adopt binding policies relating to patient transfers that require notification of transfer to the receiving hospital prior to the transfer and confirmation that the patient meets admissions criteria. The act also requires the use of medically

appropriate life support measures, the provision of appropriate personnel and equipment prior to and during the transfer, and the transfer of all necessary records for continuing patient care. Also, the policies may not require patient consent prior to a transfer. Provisions of the act apply to transfers from physician to physician, as well as from hospital to hospital, and hospitals are encouraged to adopt transfer agreements with other hospitals.

The act directs the Texas Board of Health to adopt rules to implement minimum standards governing the transfer of patients. The hospitals must adopt policies that comply with the minimum standards. Failure to adopt, implement, and enforce a patient transfer policy in a timely manner subjects a facility to a civil penalty of up to $1,000 per day for each act of violation. Persons harmed by such lack of action may seek injunctive relief and civil damages from the facility. The Texas Board of Health is directed to submit a report of the effectiveness of the department's rules relating to hospital transfers and to the degree of compliance by hospitals to the legislature prior to its 1987 session.

In addition, House Bill 1963 states that hospital licenses may be denied, suspended, or revoked if a hospital fails substantially to comply with the Texas Hospital Licensing Law or with rules or standards adopted under the act. It expands the minimum hospital licensing standards to be enforced by the health department and makes changes in a number of administrative procedures.

Cancer Programs

SENATE BILL 53 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Millsap

Senate Bill 53 establishes the 16-member Texas Cancer Council to develop and implement the Texas Cancer Plan. The council is to be administratively attached to the Texas Department of Health, and the speaker of the house of representatives is to designate the chairman; the council is subject to sunset review in 1997.

The council is directed to work with the Legislative Task Force on Cancer in Texas to implement the Texas Cancer Plan; continually monitor, revise, and update the Texas Cancer Plan as necessary; promote the development and coordination of statewide policies, programs, and services for persons with cancer; encourage planning; and coordinate administrative responsibilities with the department of health. It is authorized to establish a grant program to provide funds to public or private persons to implement the Texas Cancer Plan. Senate Bill 1 of the 1st Called Session includes a $7 million appropriation to the Texas Cancer Council.

HOUSE BILL 4 **HOUSE AUTHOR:** Barton
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Brooks

House Bill 4 requires hospitals with 100 or more beds to furnish the Texas Board of Health with specified data concerning cases of cancer and cases of precancerous or tumorous diseases specified by the board. The department of health is directed to determine a reasonable fee to compensate hospitals, clinical laboratories, and cancer treatment centers for the cost of providing the information; it is also required to be responsible for an annual follow-up of each patient for a period of five years.

Hospitals with less than 100 beds, clinical laboratories, and cancer treatment centers are responsible for making the information available to the board at its request, as has previously been required.

Triplicate Prescription Continuation

SENATE BILL 137 **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Gary Thompson

Senate Bill 137 removes the requirement for sunset review and continues the state's War on Drugs law requiring prescriptions for certain drugs to be made in triplicate and filed with the Texas Department of Public Safety. The act allows the department to keep the information for 12 months, rather than six, reduces the number of reports that the department must submit to the Legislative Budget Board, and requires practitioners using the forms to fill in the required information legibly; it also makes statutory provision for printing a practitioner's DPS registration number on the forms. If prescriptions are made orally, practitioners are required to deliver the forms to pharmacists within 72 hours, and pharmacists are required to file the forms within 30 days.

Organ Donations

SENATE BILL 32 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Messer

Senate Bill 32 authorizes medical examiners to permit the taking of eyes, heart, skin, bone, liver, kidney, or pancreas and other tissues for use for transplants or other therapy or treatment upon the request of certain entities if the decedent died under circumstances requiring an inquest and the removal of the tissue or body part does not interfere with the subsequent course of an investigation or autopsy. Consent of certain relatives must be obtained for the removal of the heart, kidney, liver, and other organs and tissues which require patient support systems to maintain the viability of the organ or tissue. For the removal of other organs and tissues, the medical examiner must obtain consent within four hours of the death or must determine that no reasonable likelihood exists for identifying and contacting any of the designated relatives.

SENATE BILL 33 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Messer

Senate Bill 33 prohibits the purchase and sale of human kidneys, livers, hearts, lungs, pancreas, eyes, bone, skin, fetal tissue, or other human organs or tissue; it does not apply to hair or blood, blood components, blood derivatives, and blood reagents. Offenses under the act are third degree felonies. The act specifies exceptions for fees paid to medical personnel or for medical services, reimbursements of legal or medical expenses incurred for the benefit of the ultimate receiver of the organ, or reimbursement of certain expenses incurred by organ donors.

HOUSE BILL 805 **HOUSE AUTHOR:** Riley
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Sharp

House Bill 805 relates to procedures for providing information concerning organ donations and for identifying potential organ donors. It directs the Department of Public Safety to ask persons applying for driver's licenses whether they wish to be organ donors, to print the question on the application for issuance, renewal, reinstatement, and replacement of the licenses, and to report the information to an organ donor registry. The department is also directed to furnish forms for applicants to request information from a registry, and the registry is required to furnish information on procedures necessary to register as an organ donor and to provide stickers for placement on driver's licenses.

The act also provides that, in lieu of such procedures, the department may provide a space for a donor emblem on the reverse side of each driver's license.

Nursing Homes

SENATE BILL 358 **SENATE AUTHOR:** Brown
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Willy

Senate Bill 358 authorizes the Texas Department of Health to obtain criminal conviction records from the Department of Public Safety or the Federal Bureau of Investigation for the purpose of investigating an employee or prospective employee of a nursing home or custodial care home, at the request of the employing institution. The only records which may be revealed to an employing institution are those relating to offenses classified as a felony or misdemeanor offense against a person or family and certain other offenses. The department of health may charge a reasonable fee to cover the costs of the investigation. The information obtained from the investigation is considered privileged and may not be released except on court order or with the written consent of the person under investigation. Unauthorized release of the information is punishable as a second degree felony.

HOUSE BILL 718 **HOUSE AUTHOR:** Hury
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Brooks

Current law requires convalescent and nursing homes and related institutions to notify the Texas Department of Health when a new administrator is hired. House Bill 718 requires that the notice be given within 30 days.

HOUSE BILL 1744 **HOUSE AUTHOR:** C. Johnson
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Blake

House Bill 1744 directs the Texas Department of Health to develop a program for shipping certain unused drugs from nursing homes to foreign countries. Previously, all unused discontinued drugs and drugs of patients who died were required to be destroyed. The act does not apply to drugs classified as controlled substances.

Other Health Measures

SENATE BILL 27 **SENATE AUTHOR:** Jones
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Geistweidt

The 67th Legislature passed a measure requiring counties with a population of 10,000 or less which operate their own hospitals to follow a specified procedure prior to the sale or lease of the hospitals. Senate Bill 27 repeals this legislation, and the 18 counties affected by the previous provision are now authorized to sell, lease, or dispose of their county-run hospitals in the same manner as any other county in the state.

SENATE BILL 394 **SENATE AUTHOR:** Williams
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Yost

Senate Bill 394 expands state regulation of swimming pools to include spas and raises the amount of chlorine required to be used in public swimming pools and spas.

SENATE BILL 401 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 6-8-85 **HOUSE SPONSOR:** Carter

State law has required that a one-percent solution of silver nitrate or other prophylactic solution be administered in the eyes of all newborn children in order to prevent blindness resulting from venereal disease and that the Texas Department of Health furnish silver nitrate solution free of charge to health care providers if the persons responsible for the newborn's care are unable to pay.

Senate Bill 401 broadens the requirements to allow the use of new types of prophylaxis and requires the department to furnish the prophylaxis only if funds are available.

SENATE BILL 655 **SENATE AUTHOR:** Brooks
EFFECTIVE: 5-24-85 **HOUSE SPONSOR:** Berlanga

Senate Bill 655 provides that applicants for hospital medical staff membership may not be denied membership solely on the ground that the applicant holds a license to practice podiatry rather than a license to practice medicine. It also includes provisions ensuring the rights of hospitals to provide for medical supervision of patients admitted for podiatric care.

SENATE BILL 656 **SENATE AUTHOR:** Brooks
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Oliver

Previous law has provided that records and proceedings of hospital, medical organization, and extended care facility committees are confidential. Senate Bill 656 extends this confidentiality to committees of university medical schools and university health science centers and to joint and ad hoc committees of each of these entities.

SENATE BILL 670 **SENATE AUTHOR:** Howard
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** McWilliams

Under former law, Texas pharmacists were only authorized to fill prescriptions written by practitioners licensed in Texas. Senate Bill 670 authorizes pharmacists to dispense schedules III, IV, and V controlled substances from prescriptions issued by practitioners licensed in other states and to dispense schedule II controlled substances from prescriptions issued by such practitioners provided that the prescription is written on a Texas triplicate prescription pad issued by the Department of Public Safety and that the practitioner is registered with the department.

SENATE BILL 806 **SENATE AUTHOR:** Brooks
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Barton

Senate Bill 806 requires hospitals in Texas to have itemized statements of billed services available not later than 10 business days after the date of a patient's discharge. The statement's availability must be made known

to patients before discharge, and patients are entitled to receive the statements upon request within a year of their discharge. The requirements do not apply to hospitals operated by the federal government.

SENATE BILL 876 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Oliver

Senate Bill 876 amends provisions of the Texas Kidney Health Care Act to authorize the Texas Board of Health to establish medical and financial standards for eligibility under the program. It also conforms procedures for resolving conflicts between the department and kidney health care providers to the department's due process procedures, a change that provides for a less cumbersome and formalized hearing process.

SENATE BILL 957 **SENATE AUTHOR:** Howard
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** McKinney

Senate Bill 957 raises the fees for home health service licenses, authorizes the Texas Board of Health to set the fees within specified limits, and provides for branch office licenses. It requires reasonable prior notice for inspections required for issuing licenses and authorizes other inspections as necessary for compliance with state regulations. The act also includes provisions concerning transferal of licenses, temporary licenses, designation as a hospice, and complaints against a home health agency. It provides for civil penalties for violating license requirements and appropriates to the Texas Department of Health all home health service license fees received by the department.

SENATE BILL 1105 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Lee

Upon receiving information contradicting information in birth, death, and fetal death records, the state registrar has been required to attach an addendum to the original record and to instruct local registration officials to attach an identical addendum. Senate Bill 1105 gives the state registrar discretionary authority concerning the notation of conflicting information and modifies hearing procedures in cases in which the state registrar refuses to issue certified copies of records.

HOUSE BILL 403 **HOUSE AUTHOR:** Bush
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Farabee

House Bill 403 amends the Natural Death Act. It provides for nonwritten directives to withhold or withdraw life-sustaining procedures and allows directives to include instructions designating another person to make treatment decisions if the declarant is comatose, incompetent, or otherwise incapable of communication. If a qualified patient is comatose, incompetent, or otherwise incapable of communication and has not issued a directive, the attending physician and legal guardian or the physician and a specified group of relatives may make a treatment decision that may, based on knowledge of what the patient would desire, if known, include a decision to withhold or withdraw life-sustaining procedures. Provisions are also included to allow family members or guardians to issue directives for qualified patients under the age of 18.

HOUSE BILL 832 **HOUSE AUTHOR:** McKinney
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Montford

House Bill 832 directs the Texas Department of Health, in cooperation with the Central Education Agency, to establish a program to detect abnormal spinal curvature in children and requires mandatory spinal screening of children in grades six and nine. The act includes provisions exempting children with religious conflicts, requiring notification of parents whose children may have abnormal spinal curvature, and relating to the qualifications of screening personnel. It directs the board of health to adopt rules to administer the program.

HOUSE BILL 900 **HOUSE AUTHOR:** Madla
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Brooks

House Bill 900 authorizes professional associations and licensing and disciplinary authorities to establish peer assistance programs to identify and assist professionals impaired by chemical dependency or mental illness and authorizes the Texas Commission on Alcohol and Drug Abuse to establish minimum criteria for these programs. Licensing and disciplinary authorities may add up to $1 to license and license renewal fees to fund such programs. The act also includes provisions relating to reporting professionals whose conduct is impaired, assistance to be provided by peer assistance programs, confidentiality of information, and immunity from civil liability.

HOUSE BILL 1106 **HOUSE AUTHOR:** Millsap
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** McFarland

House Bill 1106 amends state law concerning drug dependent persons to facilitate access to court-ordered treatment and to conform appropriate provisions of the law to the Texas Mental Health Code. Provisions relating to application procedures, examination procedures, and trial proceedings have been revised and express authorization for court-ordered outpatient treatment is included.

HOUSE BILL 1114 **HOUSE AUTHOR:** McKinney
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Barrientos

House Bill 1114 amends the Local Public Health Reorganization Act to provide for local health units and to clarify the role and responsibilities of governing bodies and health authorities. A local health unit is defined as a division of city or county government that provides limited public health services. Public health districts and local health departments are required at least to provide personal health promotion and maintenance services; infectious disease control and prevention services; environmental and consumer health programs for enforcement of health and safety laws related to food, water, waste control, general sanitation, and vector control; public health education and information services; laboratory services; and administrative services. A division of a city or county government providing less than the required public health services would be classified as a local health unit.

House Bill 1114 further provides that public health districts, local health departments, and local health units may become affiliated with the Texas Department of Health to facilitate the exchange of information and the coordination of public health services, and it authorizes the department to enter into contracts with districts and local entities for the provision of public health services.

HOUSE BILL 1429 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Glasgow

House Bill 1429 expands prohibitions concerning the administration of rabies vaccines and prohibits the sale and distribution of the vaccines to persons other than licensed veterinarians, their employees, and pharmacists. It repeals a law authorizing the vaccination, inoculation, and treatment of dogs for rabies by the dogs' owners and county demonstration agents.

HOUSE BILL 1883 **HOUSE AUTHOR:** Schoolcraft
EFFECTIVE: 6-11-85 **SENATE SPONSOR:** Farabee

House Bill 1883 provides that persons administering vaccines or immunizing agents required by law or government regulation may not be liable for any injury caused by the vaccine or immunizing agent, except in cases of negligence.

HOUSE BILL 2004 **HOUSE AUTHOR:** Colbert
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Brooks

The Special Senses and Communication Disorders Act, passed by the 68th Legislature, provides for mandatory screening of students in public and private preschools and schools to detect vision and hearing disorders and other special senses or communication disorders. House Bill 2004 amends that act to update language relating to licensing requirements and to authorize the Texas Department of Health to provide screening personnel, equipment, and services only if there are no other means for meeting the screening requirements. It also provides that screening of hearing conducted by persons other than appropriately licensed professionals be limited to the screening of hearing sensitivity and that individuals unable to respond reliably be referred to an appropriately licensed professional.

HOUSE BILL 2077 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Uribe

Current law requires manufacturers of food to register with the Texas Department of Health and pay a registration fee. House Bill 2077 amends current law to exclude from the definition of a manufacturer of food a person, firm, or corporation that harvests, packages, washes, or ships raw vegetables or fruits.

HOUSE BILL 2121 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Montford

House Bill 2121 permits veterinarians who are not licensed in Texas to administer or directly supervise the administration of rabies vaccine on installations of the armed forces and the National Guard.

HOUSE BILL 1732 **HOUSE AUTHOR:** Armbrister
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Uribe

House Bill 1732 updates the Texas Food, Drug and Cosmetic Act as recommended under the uniform State Food, Drug, and Cosmetic Act created by the National Association of Food and Drug Officials and the U.S. Food and Drug Administration and to include provisions recommended by the Texas Sunset Commission. The act provides for uniform measures among states and expands definitions, standards, and prohibitions; it increases penalties, provides for administrative penalties, and authorizes fees to recover certain percentages of program costs. It also includes new requirements for the marketing of new human and animal drugs.

In addition to making administrative changes, the act includes new provisions concerning adulterated food; misbranded food; emergency permit control; food labeling exemptions; rules relating to tolerances for added poisonous ingredients in food; adulteration and misbranding of drugs and devices; exemptions for certain drugs and devices; new drugs, including new animal drugs; adulteration and misbranding of cosmetics; fair packaging and labeling; false advertising; inspections and examinations; public education; wholesale drug distributors; and food manufacturers.

HUMAN SERVICES

During the interim preceding the 69th Legislature, the Senate Interim Committee on Hunger and Nutrition examined dietary deficiencies among Texas residents. Senate Bill 526, the Omnibus Hunger Act of 1985, responds to this problem through the augmentation of food and nutrition programs of the Texas Department of Health, Texas Department on Aging, and Texas Department of Human Services (the latter renamed by Senate Bill 351). The act was one of three major measures relating to low- and moderate-income persons. Another enactment, Senate Bill 969, is designed to increase the availability of safe, affordable housing to the elderly. A measure summarized in the health chapter, Senate Bill 1 (enacted during the 1st Called Session), deals with indigent health care.

The legislature extended for two additional years (House Bill 330) the state's temporary emergency relief program that had been established during the 1983 session. Several measures deal with amendments to laws affecting the handicapped. Senate Bill 48 enhances oversight of child-care facilities.

Hunger Act

SENATE BILL 526 **SENATE AUTHOR:** Parmer
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Hinojosa

Senate Bill 526 is the Omnibus Hunger Act of 1985. The stated purpose of the act is to "address the widespread and growing problem of hunger in Texas, particularly as it affects the nutritional and health status of elderly persons, pregnant women, infants, and children and those families and individuals who, through no fault of their own, do not get enough to eat on a regular or intermittent basis. It is the further intent of this Act to decrease long-term health care and institutionalization costs by addressing the issues of disease prevention and health promotion and assuring an adequate diet to those citizens in this state legitimately in need of assistance."

The act authorizes the Texas Department of Health to spend $12 million to expand the federal Special Supplemental Food Program for Women, Infants, and Children (WIC) to establish projects in unserved counties and to increase the number of participants in underserved areas. In addition, the Texas Board of Health is authorized to transfer limited funds to the program to be used for the same purpose as the federal grant funds in order to ensure the full expenditure of those federal funds. Senate Bill 1 from the 1st Called Session appropriates $2 million for the first year and $5 million for the second year of the biennium for the program.

The Texas Department on Aging is authorized to spend $3.5 million to create the Texas Senior Nutrition Maintenance and Home-Delivered Meals Program to more adequately meet the needs for home-delivered meals among elderly persons. The program requires 15-percent matching local funds.

The Texas Department of Human Services (DHS) is directed to establish the Emergency Nutrition Program and is authorized to spend $2.5 million to meet the current unmet need for emergency food assistance. The program requires 50-percent matching local funds.

The act requires local food stamp offices to maintain current lists of emergency food providers for referrals. It requires DHS to establish regional or statewide toll-free telephone hotlines to provide emergency information and referrals and to assist communities in establishing emergency food assistance programs. The department is also authorized to establish information and referral services where such programs are needed but do not exist.

DHS is directed to establish a two-year pilot program to train volunteers and advocates to provide information to the elderly and to prescreen elderly applicants for nutritional assistance programs.

DHS is also directed to develop and distribute information relating to eligibility, application for, and extent of available nutritional assistance programs. At their request, applicants are
to receive assistance in filling out forms and completing the application process, and the department is required to implement and monitor an expedited verification procedure so that applicants who meet the federal criteria for expedited issuance and have an immediate need for food assistance receive either a manual Authorization-to-Purchase card or the immediate issuance of food stamp coupons within one working day.

In its final sections, the act allows food banks to participate in the State Purchasing and General Services Commission program that provides for the sale and transfer of surplus and salvage equipment and materials of state agencies.

The General Appropriations Act appropriates $4.5 million to DHS "to fund home-delivered meals to elderly shut-ins, emergency food vouchers and to improve responsiveness to people in desperate need of food." It is intended that of this total, $2.5 million will be transferred to the Texas Department on Aging for the Texas Senior Nutrition Maintenance and Home-Delivered Meals Program; $0.5 million will be reserved for the expedited food stamp program, and $1.5 million will be used to establish the Emergency Nutrition Program.

Housing for the Elderly

SENATE BILL 969 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Finnell

The purpose of Senate Bill 969 is to increase the availability of safe, affordable housing for the elderly.

The Texas Housing Agency was established to encourage private enterprise and investment for the development of sanitary and safe residential housing for persons and families of low income and families of moderate income. Senate Bill 969 directs the housing agency to require that at least five percent of the units in a multifamily housing development containing at least 20 units and financed by agency bonds be occupied by elderly individuals of low income or by families of low or moderate income in which an elderly person is head of the household; exceptions are provided if there is not sufficient need for this type of housing in the area of a development. The housing agency is directed to reimburse the Texas Department on Aging for assistance in implementing measures relating to the requirement.

The Texas Housing Finance Corporations Act authorizes the creation of public nonprofit housing finance corporations by city or county governments to provide a means of financing the cost of residential ownership and development to make decent, safe, and sanitary housing available to people of low to moderate incomes who are unable to obtain housing from conventional sources. Senate Bill 969 directs such corporations either: (1) to require that not less than five percent of the units in a multifamily residential development containing at least 20 units and financed by bonds under the Texas Housing Finance Corporations Act be reserved for the lifetime of the development for occupancy by elderly individuals of low income or families of low or moderate income in which an elderly individual is head of the household; or (2) to collect from loan recipients a fee equal to one-tenth percent of the total principal amount of the loan made for a development and to remit the fee to the Texas Department on Aging to be used to assist elderly individuals or families in which an elderly individual is the head of the household to obtain housing. City and county governments participating in this housing program are required to report to the Texas Department on Aging annually concerning housing available for the elderly, and the corporations are required to notify the department of each bond issuance under the housing act.

These provisions apply to housing developments financed by bonds issued as a result of an official decision to issue bonds by the housing agency or a corporation that occurs on or after January 1, 1986.

Senate Bill 969 also directs the Texas Department on Aging to assess the need for housing for the elderly, to set standards relating to the design and construction of housing for elderly individuals, to provide planning assistance to builders, and to publicize the availability of the housing program to potential developers and residents.

Handicapped Persons

SENATE BILL 267 **SENATE AUTHOR:** Lyon
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Kubiak

Under the adoption services program for hard-to-place children of the Texas Department of Human Services, the adoption of a hard-to-place child may be subsidized by payments from either the county or state that would not exceed foster home care costs if the child were not adopted. Senate Bill 267 authorizes the department to subsidize the cost of medical care for a hard-to-place child and provides for state-paid subsidies for children receiving supplemental security income from the federal government.

SENATE BILL 523 **SENATE AUTHOR:** Lyon
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Barton

This measure authorizes the governing board of the Texas School for the Deaf to obtain criminal history information from the Department of Public Safety, the Federal Bureau of Investigation, or another law enforcement agency for purposes of investigating an employee of the school or an applicant for employment whose duties involve direct child care. Records are available to the board only if they relate to a felony or misdemeanor classified as an offense against the person or family or classified as public indecency, or relate to a felony conviction involving controlled substances. The information may be released by the board only to the person being investigated and the school's superintendent, unless authorized by court order or by the person being investigated. This authority may not be used to harass employees, and unauthorized disclosure of this criminal history information is punishable as a Class A misdemeanor.

SENATE BILL 926 **SENATE AUTHOR:** Washington
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** L. Evans

Senate Bill 926 requires each state agency that submits an annual report to the governor's office relating to equal employment opportunities to include in the report information relating to the number of handicapped persons employed by the agency.

SENATE BILL 940 **SENATE AUTHOR:** Washington
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Madla

Senate Bill 940 is the Community Homes for Disabled Persons Location Act. It provides that small family homes for the disabled that meet established guidelines will automatically qualify as a permitted use of property in all residential zones or districts in the state. The act also prohibits private agreements made after September 1, 1985, that bar the use of property for family homes. No more than six disabled persons and two supervisory personnel may reside in a home at the same time, and the disabled residents must be provided with food and shelter, personal guidance, care, habilitation services, or supervision. The family home must meet licensing requirements and not more than one motor vehicle per bedroom may be kept for the residents' use without city ordinance approval.

SENATE BILL 1052 **SENATE AUTHOR:** Sharp
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Madla

Senate Bill 1052 authorizes the crippled children's services program of the Texas Department of Health to provide an initial diagnostic examination to determine if a child who meets the financial, age, and residency requirements is eligible to receive services under the program. It directs the Texas Board of Health to adopt rules that clearly define the medical and financial criteria for eligibility and to provide a system for verifying the eligibility information submitted by an applicant for services.

These changes were made in response to recommendations of the Legislative Budget Board (LBB). In its performance report concerning the program, the LBB found that there has been a lack of clarity about the program's medical and financial eligibility criteria, with the result that the program has a client caseload that is probably larger than necessary.

SENATE BILL 1289 **SENATE AUTHOR:** Blake
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** McKinney

State law provides that certain vehicles operated by or for the use of disabled persons may be issued identification devices that allow these vehicles to be parked in specially designated areas. Senate Bill 1289 adds to the types of vehicles covered by this law motorcycles that have been specifically modified for use by disabled persons.

HOUSE BILL 387 **HOUSE AUTHOR:** Price
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Leedom

House Bill 387 requires that reading devices for use by blind and visually handicapped persons be provided in a public library in all Texas cities with a population of at least 50,000 and in a library of all state institutions of higher education with at least two enrolled blind students. The act appropriates $1.9 million to the Texas State Library to provide the devices for the local and university libraries and to maintain the devices for two years, and it requires the state library to provide training for university and public library employees. Following

the two-year period, the individual libraries are responsible for the maintenance costs. The act also includes provisions concerning procedures if libraries are financially unable to maintain the devices, guidelines for use and maintenance, and public information. The state library is directed to give preference to the placement of reading devices in public libraries in cities with the largest populations in descending order.

HOUSE BILL 2005 **HOUSE AUTHOR:** Colbert
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Brooks

House Bill 2005 expands the crippled children's services program of the Texas Department of Health. It allows rehabilitation services to be provided in ambulatory surgical centers, outpatient clinics, and specialty centers, as well as in hospitals, and allows individuals with craniofacial anomalies to participate in the program. It also clarifies language relating to reimbursement for services and includes provisions relating to the board's responsibilities concerning providers of services under the program and concerning the denial, modification, suspension, and termination of services.

HOUSE BILL 2086 **HOUSE AUTHOR:** C. Harris
EFFECTIVE: 6-5-85 **SENATE SPONSOR:** McFarland

People with handicaps other than hearing and vision impairments are now using trained dogs for assistance with personal tasks. State law has prohibited discrimination against persons using trained dog guides or hearing-ear dogs and has included provisions relating to liability for damage caused by the dogs, penalties for their improper use, and requirements of drivers approaching intersections or crosswalks where pedestrians are being aided by the dogs. House Bill 2086 expands the laws so that they cover "support dogs" that are "specially trained or equipped to help a handicapped person."

Department Administration and Other Programs

SENATE BILL 48 **SENATE AUTHOR:** Lyon
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Barton

The Texas Department of Human Services is the state agency that regulates child-care facilities and under current law may investigate the criminal backgrounds of persons applying for or holding a license. Senate Bill 48 enables the department to obtain criminal history information to assist chiid-care facilities in screening employees and job applicants and to aid its own investigations of persons providing child-care and protective services.

The act authorizes the department to obtain criminal information from certain law enforcement agencies for the purposes of investigating the following: owners and employees of licensed, registered, or certified child-care facilities, as well as applicants for employment; residents of a registered family home, except for children in care and their parents; persons providing or applying to provide adoptive or foster care for children in the department's custody; employees of the department engaged in the direct delivery of child protective services on the date the department implements the act; and persons applying for employment with the department whose position would involve direct delivery of child protective services.

The information obtained is privileged information but may be released to the person being investigated and a child-care facility that employs or is considering employing a person covered by provisions of the act. The department is directed to establish rules to prevent use of its authority or obtained information for harassment and to establish a uniform method for requesting and using the information. The act creates an offense for the unauthorized disclosure of information obtained under the authority of the act.

SENATE BILL 329 **SENATE AUTHOR:** Brooks
EFFECTIVE: 4-3-85 **HOUSE SPONSOR:** Barton

Previously, the Texas Department of Human Services was required to submit three annual reports to the legislature: one from the commissioner, on the overall operation and administration of the department that was to be submitted by October 1 of each year; one from the division that regulates and licenses child-care facilities and child-placing agencies, on the division's activities; and one from the department, regarding its work in certifying social workers. Senate Bill 329 consolidates the three reports and changes the submission deadline to December 31.

SENATE BILL 351 **SENATE AUTHOR:** Traeger
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Kuempel

Senate Bill 351 changes the name of the Texas Department of Human Resources to the Texas Department of Human Services. It makes the same change in the commissioner's title and in the name of the board but provides that paper supplies with the old names must be used before supplies that reflect the name changes are ordered or purchased.

HOUSE BILL 330 **HOUSE AUTHOR:** Polumbo
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Parmer

In 1983, the legislature established a two-year pilot temporary emergency relief program to provide matching state funds to assist counties, in cooperation with other public entities and nonprofit organizations, in meeting the needs of individuals and families for temporary emergency relief. Through the program, people who are unemployed or elderly or who have low incomes have received temporary assistance to help cover the costs of such necessities as food, housing, and utility bills.

House Bill 330 continues the program, making it subject to sunset review in 1987, but reduces its maximum state funding from $5 million to $1 million. It authorizes alternative participants if counties discontinue participation in the program and establishes the emergency contingency fund with five percent of the money appropriated for the program; money in the contingency fund may be spent only with the approval of the governor, lieutenant governor, and speaker of the house of representatives.

HOUSE BILL 653 **HOUSE AUTHOR:** Finnell
EFFECTIVE: 5-24-85 **SENATE SPONSOR:** Brooks

House Bill 653 establishes a task force to study current licensing standards for personal care homes and recommend changes in the licensing standards to allow a more extensive range of appropriate facility types and to ensure the safety of the residents. It also directs the Texas Department of Human Services, the Texas Department on Aging, the Texas Department of Health, and the Texas Department of Mental Health and Mental Retardation to adopt rules to reflect the recommendations of the task force as soon as possible. The act authorizing the task force expires on August 31, 1987.

Personal care homes provide room and board and personal care assistance such as help with bathing, laundry, and transportation for individuals who need such help but who do not need nursing home care.

INSURANCE

New insurance legislation passed in 1985 includes Senate Bill 544 requiring coverage of alcoholism treatment in certain group health policies. Insurance company investments are affected by Senate Bill 114 requiring diversification of future investments and by House Bill 597 allowing real estate investment by companies having a specified minimum level of assets. Senate Bill 853 authorizes the formation of insurance trusts by savings and loan associations.

Insurance Companies and Agents

SENATE BILL 114 **SENATE AUTHOR:** Harris
EFFECTIVE: 1-1-86 **HOUSE SPONSOR:** A. Smith

Senate Bill 114 amends the Insurance Code to revise and provide standards for development and administration of investment plans for the assets of domestic legal reserve, capital stock life, health and accident insurance companies chartered under Chapter 3 of the Insurance Code, mutual life companies chartered under Chapter 11 of the Insurance Code, and group hospitalization plans under Chapter 20 of the Insurance Code. The act requires diversification of investments without excessive concentration of funds in any single type of investment. A company would be prohibited from investing more than a certain percentage of its capital and surplus in any one entity. The act, however, contains a grandfather clause permitting investments made under current law to be retained.

SENATE BILL 166 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Guerrero

Under the Insurance Code, individuals, partnerships, and corporations may be licensed as "local recording agents" to write property and casualty insurance. This act relates to certain exceptions from the temporary license requirements for local recording agents. Senate Bill 166 amends the Insurance Code by adding to the list of exceptions persons who have attained the Certified Insurance Counselor (C.I.C.) designation from the national Society of Certified Insurance Counselors.

SENATE BILL 349 **SENATE AUTHOR:** Henderson
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Patrick

The Insurance Code prohibits insurers from paying commissions to officers of life insurance companies or from otherwise basing the compensation of such directors on the volume of insurance written or renewed. Senate Bill 349 amends the code by adding new language to provide for compensation to a marketing officer based on the aggregate amount of insurance issued or in force with the company during a specified period of time. The officer may not be in charge of underwriting or approving risks, and the compensation is not allowed to be based on commissions for individual sales of insurance products. The penalty for violation of this prohibition is revocation of the company's charter; however, through this act it is made permissive with the State Board of Insurance, rather than mandatory.

SENATE BILL 412 **SENATE AUTHOR:** Jones
EFFECTIVE: 5-2-85 **HOUSE SPONSOR:** Messer

The Insurance Code states that anyone who solicits an application for life insurance will be regarded as the agent of the life insurance company and not the agent of the insured in the case of a dispute. Senate Bill 412 amends the Insurance Code by including agents who solicit applications for accident and health insurance as well as agents who solicit applications for life insurance. Such agents do not have the authority to change any conditions in the insurance application or in the policy.

SENATE BILL 433 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Shea

Senate Bill 433 relates to the regulation of title insurance. It grants authority to the State Board of Insurance to regulate title insurance advisory organizations. It also provides that the State Board of Insurance may determine charges and reasonable response times for title information to be provided a title insurance company by an abstract plant. Current law requires such rates and response times to be "reasonable" but does not define the term.

SENATE BILL 719 **SENATE AUTHOR:** Harris
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Eckels

This act is concerned with restrictions on transactions with funds and assets of domestic insurance companies. Senate Bill 719 amends the Insurance Code to permit a domestic insurance company with at least $5 million in assets to deposit securities with another affiliated company if the deposit is made pursuant to a written agreement approved by the commissioner of insurance and authorized by the board of directors of the depositing company. The terms of the agreement must include:

(a) adequate records maintained by the depository corporation to identify the securities belonging to the depositing company;

(b) authority from the corporation allowing the commissioner of insurance to examine the records relating to the securities on deposit; and

(c) provisions for the holding of securities.

The act further sets the procedure for payment of debentures upon liquidation. Debentures properly reflected as outstanding obligations on the company books are to be paid after all claims, but prior to the distribution to shareholders.

SENATE BILL 955 **SENATE AUTHOR:** Howard
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Gavin

A foreign life, accident, or health insurance company that has complied with state requirements may be issued a certificate of authority to operate in Texas. These companies, however, are not subject to all the regulations and statutes governing domestic insurance companies. Senate Bill 955 amends the Insurance Code to bring these out-of-state group accident and health insurance companies under the regulation of the State Board of Insurance with regard to coverage issued to Texas citizens.

SENATE BILL 1004 **SENATE AUTHOR:** Harris
EFFECTIVE: 5-24-85 **HOUSE SPONSOR:** Eckels

Stipulated premium companies historically have been limited to selling policies with limited amounts of coverage. In recent years, however, rapid growth in business from some of these companies has prompted the need for solvency protection of the kind that is applicable to other types of companies. Senate Bill 1004 amends the Insurance Code to inaugurate a phased-in requirement that these companies maintain a first-year unearned premium reserve. For policies issued during calendar year 1985 only a one-third unearned premium reserve is required during the first policy year; and for 1986, only a two-thirds unearned premium reserve is required. The act also deletes outdated language regarding the attorney general's review of insurance company charter applications and removes the requirement that the board of directors of a stipulated premium company be composed entirely of shareholders. It allows the stipulated premium company to purchase its own stock, and raises to $50,000 the threshold for compensation to officers, trustees, and directors.

SENATE BILL 1063 **SENATE AUTHOR:** Parmer
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Carter

Some insurance needs of Texans cannot be met by those companies authorized to do business in the state. Therefore, the state permits specialized agents, known as surplus lines agents, to place business with companies not authorized to do business in Texas. Senate Bill 1063 amends the Insurance Code by deleting current language pertaining to the licensing of surplus lines agents and substituting language for license renewal procedures established in the sunset review. The act requires that a qualifying examination approved by the board must be passed before a license may be issued. Each license issued shall be for a two-year period expiring December 31, unless a system for staggered renewal is adopted by the State Board of Insurance. The commissioner of insurance shall collect a fee not to exceed $20 as determined by the State Board of Insurance for duplicate licenses, which is nonrefundable and shall be deposited in the State Board of Insurance operating fund. Existing license holders are exempt from the examination requirement.

SENATE BILL 1156 **SENATE AUTHOR:** Harris
EFFECTIVE: 5-24-85 **HOUSE SPONSOR:** Shea

This act allows a domestic insurance company that is a subsidiary of an insurance holding company to move its records and principal offices to another state. The commissioner of insurance can disapprove such a

move within 30 days of being notified in writing of the insurer's intent. The company's records would have to be under the Texas subsidiary's direct control, and the entity controlling the holding company would have to be based in the United States. The act would disallow as a premium tax credit the cost of out-of-state travel expenses incurred as a result of the removal of books and records. It also corrects a problem created when language regarding reimbursement of out-of-state travel expenses was deleted in the sunset review process.

SENATE BILL 1238 **SENATE AUTHOR:** Howard
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** A. Smith

Senate Bill 1238 amends the Insurance Code provisions relating to the examination and licensing of various types of insurance agents and other insurance personnel. The act provides that licensing fees are not refundable, authorizes a fee for duplicate licenses, and establishes standard procedures for license renewal. The State Board of Insurance is authorized to contract with a testing service to develop and administer licensing examinations, and the board may require the testing service to notify examinees of the test results.

This act also permits a corporation licensed as a agent under the Insurance Code to notify the State Board of Insurance within 30 days of changes in its officers, directors, or shareholders. Previous law required immediate notification. In addition, persons living in a town divided by the state line may be licensed as resident agents if their business office is located in Texas.

Senate Bill 1238 also makes changes in the notice that the insurance board is required to give an applicant or insurance carrier when a license is denied, revoked, or suspended. Notice must be given to the licensed agent and to any insurance carrier represented by the agent before a license may be suspended, revoked, or renewal denied if the carrier's business is directly involved in allegations against the agent.

This act further prohibits the licensing of a corporation under the Insurance Code if any shareholder of the corporation is itself a corporate entity. Employees, officers, directors, or shareholders of a state or federal savings and loan association licensed as an insurance agent may assign commission income to that institution.

SENATE BILL 1415 **SENATE AUTHOR:** Harris
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Gavin

Under current law, a Texas mutual life insurance company may merge with another mutual life insurance company or may convert to a Texas stock company. Senate Bill 1415 provides a procedure whereby a Texas or out-of-state mutual legal reserve life insurance company can merge with a Texas or out-of-state company, and can then become a stock company or remain a mutual. Any merger plans must be approved by the commissioner of insurance, following a public hearing, and must provide for and protect the accumulated funds and interests of the mutual policyholders. The capital and surplus of the converted stock legal reserve life insurance company must be at least the minimum capital and surplus required for the organization of other such companies.

HOUSE BILL 597 **HOUSE AUTHOR:** Patrick
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Traeger

House Bill 597 allows insurance companies, other than life, health, and accident insurance companies, to invest in real estate if they have assets in excess of $500 million. These companies are allowed to invest up to 15 percent of any assets in excess of $500 million in real estate that has or will have buildings or other improvements worth at least as much as the acquisition cost of the real estate itself. This may be done so long as no more than five percent of the investable sum is invested in any one piece of property. These insurance companies are prohibited from acting as real estate brokers and are not permitted to own or develop residential property. The act also repeals the requirement that mineral interests acquired since 1941 be sold within 10 years of acquisition.

HOUSE BILL 1470 **HOUSE AUTHOR:** Lee
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Glasgow

The Insurance Code states that it is the specific duty of any Texas licensed insurance company to respond to inquiries by the State Board of Insurance with regard to its business. House Bill 1470 amends the provision by requiring all insurance agents and other licensees of the board to respond. The act further provides that information received as a result of such an inquiry which is otherwise privileged or confidential by law will remain so unless and until it is introduced as evidence at an administrative hearing or in a court of competent jurisdiction.

HOUSE BILL 1618 **HOUSE AUTHOR:** Arnold
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Harris

House Bill 1618 permits financial institutions and insurance companies already authorized to do business in Texas to register their names with the secretary of state and to have a unique claim to that name. Such corporate names may be reserved even if they are the same as or deceptively similar to another authorized corporate name provided that the financial institution or insurance company was duly organized before the conflicting corporate name was registered with the secretary of state and has been in continual existence since then.

HOUSE BILL 1779 **HOUSE AUTHOR:** Messer
EFFECTIVE: 5-24-85 **SENATE SPONSOR:** Jones

House Bill 1779 amends and repeals certain sections of the Insurance Code relating to the authority of insurance agents. Under prior law there were two articles defining agents. A recent Corpus Christi Court of Appeals decision held that the second article could also be seen as determining the authority of an insurance agent acting on behalf of an insurance company. This act repeals that article and clarifies the intent of the first article by stating that an agent is not authorized to alter the terms or conditions of an insurance policy or an application for an insurance policy.

HOUSE BILL 2229 **HOUSE AUTHOR:** Shea
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Sims

House Bill 2229 amends the Insurance Code provisions relating to licensure of life insurance counselors so that those provisions do not prevent a person who has earned the professional designation of Chartered Financial Consultant (ChFC) or Certified Financial Planner (CFP) from using that designation to indicate professional achievement.

HOUSE BILL 2305 **HOUSE AUTHOR:** Haley
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Brown

House Bill 2305 amends the Insurance Code by adding an article entitled "Motor Vehicle Theft and Motor Vehicle Insurance Fraud Reporting." This act allows authorized governmental agencies to request from insurers information relevant to the theft of any motor vehicle or the suspected motor vehicle insurance fraud. Information released under the provisions of this act is privileged and not part of any public record, and not generally subject to subpoena in a civil or criminal proceeding. Notice to any authorized governmental agency is sufficient notice to all such agencies and allows the agency to release such information to other authorized governmental agencies. The person or insurer who furnishes this information is not liable for damages in a civil action or subject to criminal prosecution in the absence of malice or fraud.

Policies and Rates

SENATE BILL 502 **SENATE AUTHOR:** Harris
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Shea

Currently, the State Board of Insurance regulates the rates charged and the forms used in writing mortgage guaranty insurance. Senate Bill 502 permits mortgage guaranty insurers to put rates and rate changes into effect 15 days after filing them with the State Board of Insurance. The board is authorized to require the filing of data supporting the rates and rate information filed. Rates charged by mortgage guaranty insurers must not be excessive, inadequate, or unfairly discriminatory, and the rate filing must be accompanied by a company official's certification as to the appropriateness of the charges.

SENATE BILL 544 **SENATE AUTHOR:** McFarland
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** C. Evans

Studies show that a principal benefit of alcoholism treatment is a reduced need for treatment of related health disorders that are typically covered by health insurance. Senate Bill 544 requires coverage of alcoholism treatment in group health insurance policies, medical service and HMO plans, and employer-funded and self-funded plans with more than 250 members. The act excludes individual insurance policies, cash indemnity policies, limited-coverage policies, and disability-income policies. It also deletes language that leaves alcohol and

other drug dependency coverage to the consumer's option. Health insurance policies and coverage agreements created or extended before this measure's effective date are not affected until they expire or are renewed or amended.

SENATE BILL 1367 **SENATE AUTHOR:** Brooks
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Green

Individual accident and sickness policies are strictly regulated under the Insurance Code regarding minimum benefits and standard provisions. Similar statutory standards are not provided for group accident and health policies. Senate Bill 1367 adds provisions to the current statute to provide uniformity in 14 basic provisions of group accident and health contracts. Since some contracts are limited in coverage, the standard provisions are applied only when applicable to a particular contract.

HOUSE BILL 373 **HOUSE AUTHOR:** Patrick
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Harris

This act amends the Insurance Code requiring insurers to give written notice not less than 30 days before the date on which a premium rate increase takes effect on any group policy of life, health, and accident and health or a group policy of life, health, and accident insurance delivered or issued for delivery in Texas. The insurer must give written notice of the amount of the increase and the date on which the increase is to take effect. This notice is also required for increases in subscriber charges and service fees under group policies provided by health maintenance organizations. Notice must be based on coverages in effect on the date of the notice and nothing within the act prevents the insurer or health maintenance organization from negotiating changes in benefits and rates at the request of the policyholder after the required notice has been given.

HOUSE BILL 695 **HOUSE AUTHOR:** Gavin
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Glasgow

This measure allows insurers to issue new policies for life, health, and accident insurance immediately after filing those policies with the State Board of Insurance. This will allow the insurers and agents to market a new policy while awaiting review by the State Board of Insurance. An attorney, actuary, or chief executive officer of the insurer must certify that the filed form complies with the Insurance Code and with board rules. The forms are approved automatically if not affirmatively approved or disapproved by the board within 60 days. Insurers using this procedure are subject to disciplinary action by the commissioner of insurance for forms in violation of the Insurance Code or board rules. The commissioner may order the insurer to amend a form or issue a corrected form to replace one found in violation of a statute or rule. Certification is a procedure insurers may use in addition to that which is provided under current law.

HOUSE BILL 1628 **HOUSE AUTHOR:** Gavin
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Harris

This act gives life insurance companies more flexibility in the updating of life, endowment, or annuity policy benefits to existing policyholders. It does this by permitting a life insurance company to exchange, alter, or convert any policy of life, endowment, or annuity for or into an existing policy as of a date on or after the effective date of the existing policy. It also states that if the new policy is issued to be in effect prior to the date of exchange, alteration, or conversion, the amount of new coverage may not exceed the greater of:

(a) the amount of coverage that the original policy's or annuity's premium would have purchased under the terms of the new policy, at the insurer's age when the original policy was issued; or

(b) the amount of the original policy or annuity.

Trade Practices

SENATE BILL 1127 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 5-24-85 **HOUSE SPONSOR:** Gavin

Senate Bill 1127 amends provisions of the Insurance Code relating to administrative class actions involving unfair competition and unfair practices by replacing the term "insurer" with "person." The broader term will facilitate enforcement against those who engage in prohibited practices.

HOUSE BILL 316 **HOUSE AUTHOR:** Messer
EFFECTIVE: 4-4-85 **SENATE SPONSOR:** Glasgow

This act amends the Insurance Code concerning suits by consumers and competitors for deceptive or unfair practices in the business of insurance. The measure ends the current requirement that an award triple the amount of actual damages to be made to a plaintiff who successfully sues an insurance agent or company for such practices. The award is changed to the amount of actual damages plus court costs and reasonable and necessary attorney's fees. If it is found that the act is "knowingly committed," the court shall award, in addition, two times the amount of actual damages or one of two other alternatives. A person wishing to sue an insurer is required to give 30 days' written notice to the insurer, specifying the complaint, the amount of damages and expenses, and reasonable attorney's fees. The insurer has 30 days to make a written offer of settlement. If the settlement offer is rejected, it can be filed as evidence with the court hearing the suit. If the amount offered in the settlement is found to be the same or reasonably the same as the actual damages, the judge will award either the proposed settlement or the actual damages, whichever is less.

HOUSE BILL 1508 **HOUSE AUTHOR:** Gavin
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Glasgow

Article 21.21 of the Insurance Code regulates trade practices of the insurance business by defining and prohibiting unfair methods of competition or unfair or deceptive acts or practices in the business of insurance. House Bill 1508 amends this article to clarify the intent that penalties for violations of Article 21.21 are not claims under any of the various guaranty fund acts, including the Life, Accident, Health, and Hospital Service Insurance Guaranty Association Act.

HOUSE BILL 1811 **HOUSE AUTHOR:** Gavin
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Caperton

This act amends the Insurance Code concerning unauthorized insurance activities. The existing fine and forfeiture penalties are replaced by a civil penalty of up to $10,000 for violating any provision of the unauthorized activities law. The commissioner of insurance has authority to request information from any entity suspected of violating the Insurance Code. The attorney general is directed to conduct a suit for injunctive relief or to recover civil penalties or both at the request of the commissioner. Any injunction shall be issued without bond. The measure also adds new language providing indemnification or expense reimbursement for medical expenses. This reimbursement can be made through an agent, insurer, administrator, funding mechanism, or other method.

The code is also amended to require an insurer or person claiming exemption from state insurance regulation to file supporting documents with the commissioner before commencing operations.

Guaranty Acts

HOUSE BILL 1433 **HOUSE AUTHOR:** Lee
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Harris

House Bill 1433 relates to certain insurance company insolvencies and limitations on covered claims. The act excludes from coverage under the Texas Property and Casualty Insurance Guaranty Act municipal bond insurance and sureties. The guaranty act sets up a fund to pay off claimants against certain types of insurers if the insurers become insolvent. The act is also amended by removing all limits on claims for workers' compensation benefits, by increasing the limits imposed on each claim for unearned premium from $500 to $1,000, and by increasing the current limit on each covered claim from $50,000 to $100,000. The act exempts from any limit the amount to be paid from the guaranty fund on a claim for workers' compensation, as well as deleting superfluous language that inappropriately mentions insolvent workers' compensation insurance.

HOUSE BILL 1808 **HOUSE AUTHOR:** Gavin
EFFECTIVE: 5-24-85 **SENATE SPONSOR:** Montford

This measure amends the Texas Life, Health and Accident Guaranty Act by adding "annuities" to the definitions of "net direct written premiums" and "lines of business." This will provide the commissioner of insurance the authority to use annuity consideration when calculating guaranty fund assessments. House Bill

1808 also prohibits guaranty fund member companies from advertising that their policies are protected by the guaranty act. This will bring the act in line with other guaranty acts which currently prohibit such advertising.

HMO's

SENATE BILL 956 **SENATE AUTHOR:** Howard
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** A. Smith

Senate Bill 956 requires officers and employees of health maintenance organizations (HMO's) to have fidelity bonds, rather than surety bonds, and includes provisions concerning depositing HMO premium taxes to the credit of the general revenue fund.

HOUSE BILL 1584 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Montford

House Bill 1584 authorizes the licensing of single purpose health care service plans under the Texas Health Maintenance Organization Act. "Single health care service" is defined as a "health care service that an enrolled population may reasonably require in order to be maintained in good health with respect to a particular health care need for the purpose of preventing, alleviating, curing, or healing human illness or injury of a single specified nature . . . ."

Miscellaneous

SENATE BILL 853 **SENATE AUTHOR:** Farabee
EFFECTIVE: 6-3-85 **HOUSE SPONSOR:** Gibson

Savings and loan associations are required to have insurance to cover losses from acts or omissions of officers and employees, as well as losses arising from burglary or robbery. This blanket coverage has become difficult to obtain, even at increased premiums. Senate Bill 853 allows savings and loan associations to band together to form an insurance trust to provide necessary insurance coverage. The insurance trust is subject to the approval and supervision of the State Board of Insurance. The trust, however, is not considered to be engaged in the business of insurance that would be regulated by other provisions in the Insurance Code.

SENATE BILL 907 **SENATE AUTHOR:** Jones
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Schlueter

Insurers are required to pay to the state treasurer unclaimed funds of matured life insurance or endowment policies after a certain waiting period. Senate Bill 907 changes that period from seven years to three years and revises reporting requirements for insurers regarding such unclaimed funds.

The state treasurer is required to publish information about unclaimed funds during the month of March. The act also grants the state treasurer rulemaking authority and the right to inspect life insurance company records regarding the handling of unclaimed funds.

SENATE BILL 979 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Gavin

The open meetings law prohibits governmental bodies, with certain exceptions, from holding meetings that are closed to the public. However, problems have developed with the holding of open meetings by the State Board of Insurance with representatives of insurance companies who are attempting to take appropriate steps to protect the solvency of the company with the advice and approval of the board. This act permits closed meetings between the board and its staff, and agents or representatives of an insurance company, to determine the action to be taken with respect to the company's solvency.

SENATE BILL 1005 **SENATE AUTHOR:** Harris
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Gavin

Revisions to the Insurance Code made during a previous session resulted in the duplication of one subsection and incorrect numbering of another. Senate Bill 1005 amends the Insurance Code to correct these errors. No substantive changes in current law are made.

SENATE BILL 1223 **SENATE AUTHOR:** Leedom
EFFECTIVE: 5-24-85 **HOUSE SPONSOR:** Taylor

Senate Bill 1223 amends the Insurance Code to clarify a reference to an article of the state's consumer credit law.

SENATE BILL 1344 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** R. Smith

This measure amends the Education Code to include "professional medical staff employed for student health services by The University of Texas System, The Texas A&M University System, the Texas Tech University School of Medicine, or the Texas College of Osteopathic Medicine" to the definition of "medical staff or students" whose malpractice damages may be paid from the medical professional liability fund.

SENATE BILL 1391 **SENATE AUTHOR:** Jones
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** A. Smith

Senate Bill 1391 deletes language in the Insurance Code requiring that expenses incurred by the State Board of Insurance in determining fire insurance premium rates, including the salaries of the members of the board, not exceed $130,000 in any fiscal year. The act also adds new language to the Insurance Code permitting the State Board of Insurance to designate one or more rating organizations, advisory organizations, or other agencies to gather, audit, and compile fire loss experience of insurers, the cost of such audit and compilation to be paid by the insurers.

HOUSE BILL 1681 **HOUSE AUTHOR:** Taylor
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Henderson

In 1983, a subsection was erroneously deleted from the Insurance Code by the Texas Sunset Act. This act amends the Insurance Code by replacing the subsection that states that a foreign insurance corporation having a name the same or deceptively similar to that of a domestic insurer or an authorized foreign insurer shall not be denied permission to do business in this state if the foreign insurer will assume a different name and not do business in this state except under the assumed name. This subsection provides authority to the State Board of Insurance to receive, review, and approve assumed name certificates of foreign insurers under the provisions of the Business & Commerce Code.

HOUSE BILL 1861 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Howard

Homeowners who install certain security devices are eligible for a homeowners insurance discount. The devices must be inspected for compliance with certain standards by certified inspectors. This act provides that the inspectors be peace officers licensed and certified by the Commission on Law Enforcement Officer Standards and Education rather than, as previously provided, city or county employees certified by the Texas Crime Prevention Institute. In addition, assignment of inspectors will now be made at the city or county level, rather than at the state level.

The State Board of Insurance is also given rulemaking authority to set alternative standards for security devices that are equivalent to those that qualify under the statutory standards.

LABOR

Labor legislation enacted in 1985 includes House Bill 71, which establishes a shared work unemployment program as an alternative to employee layoffs of a specified scope and duration. House Bill 32, following on 1984 legislation that extended workers' compensation coverage to agricultural workers, extends to these workers' unemployment compensation coverage as well. House Bill 724 amends the maximum maintenance tax rate on workers' compensation insurance premiums, and House Bill 118 amends the calculation of the unemployment tax rate for new employers.

Other chapters summarize measures relating to occupational safety legislation. House Bill 2091, found in the chapter on sunset legislation, establishes an occupational disease reporting system and abolishes the Occupational Safety Board while retaining its programs within the Texas Department of Health. House Bill 1112, found in the chapter on environment, requires certain information to be made available to workers who handle dangerous chemicals.

Shared Work Unemployment Program

HOUSE BILL 71 — **HOUSE AUTHOR:** Criss
EFFECTIVE: 9-1-85 — **SENATE SPONSOR:** Blake

At least seven states have implemented "worksharing" programs to provide alternatives to layoffs. House Bill 71 creates a shared work unemployment program in Texas to be administered by the Texas Employment Commission. The program enables employees who would otherwise be laid off to work reduced hours at correspondingly reduced wages and to remain eligible to collect some unemployment compensation benefits. To participate, an employer must submit a shared work plan to the commission for approval and must certify that its implementation is in lieu of temporary layoffs in an affected unit that would affect at least 10 percent of the employees in that unit. A shared work plan must apply to at least 10 percent of the employees in an affected unit and must provide for a reduction of work hours by not less than 10 percent and not more than 40 percent. The commission may not pay shared work benefits to an individual for more than 26 weeks in a benefit year. Participating employers will be assessed a reasonable fee by the commission to cover administrative costs.

General Legislation

SENATE BILL 822 — **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-85 — **HOUSE SPONSOR:** Barton

Senate Bill 822 enacts new law requiring railroad corporations to equip and maintain drinking water and toilet facilities on engines and cabooses for use by railroad crewmen.

SENATE BILL 1376 — **SENATE AUTHOR:** Jones
EFFECTIVE: 8-26-85 — **HOUSE SPONSOR:** Rudd

This act exempts the state and other political subdivisions of the state from an existing legal requirement that employees not exempt from the overtime pay provisions of the federal Fair Labor Standards Act of 1938 be paid at least semimonthly. This continues current state practice in light of a recent application of the overtime pay provisions to certain state and local government employees.

The act also provides that an employer who complies with the federal eight-hour workday requirements is considered to be in compliance with the state requirements and is not civilly or criminally liable for violation of those requirements.

HOUSE BILL 1041 — **HOUSE AUTHOR:** D. Hudson
EFFECTIVE: 9-1-85 — **SENATE SPONSOR:** Barrientos

House Bill 1041 defines "common worker" for the purpose of labor agency regulation and changes the penalty for acting as a labor agent without a license from the commissioner of labor and standards.

HOUSE BILL 1075 **HOUSE AUTHOR:** A. Luna
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Sharp

The Texas Employment Commission is required by this act to implement a program to assist persons whose primary language is Spanish in using the services of the commission. The commission may also implement such a program to assist persons whose primary language is other than Spanish or English.

The program shall include translation services and public access to forms and instructional information in both English and Spanish.

HOUSE BILL 1788 **HOUSE AUTHOR:** Leonard
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Farabee

State law requires that all construction contracts entered by the state and its political subdivisions be based on an eight-hour workday. This act exempts public construction projects subject to the Fair Labor Standards Act of 1938 from the eight-hour workday requirement.

HOUSE BILL 2287 **HOUSE AUTHOR:** P. Hill
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Krier

House Bill 2287 removes the different statutory age requirements for men and women to be eligible for the reserve militia and subject to military duty. The act also repeals certain labor and education statutes that discriminate on the basis of sex and therefore do not conform to the Texas equal rights amendment.

Unemployment Compensation

SENATE BILL 395 **SENATE AUTHOR:** Blake
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Criss

Senate Bill 395 amends the Texas Unemployment Compensation Act to bring it into conformity with provisions of the Federal Unemployment Tax Act. The amendments relate to certain requirements for eligibility for benefits and to payments by reimbursing employers under state law.

SENATE BILL 424 **SENATE AUTHOR:** Blake
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Criss

Senate Bill 424 requires that an employer repay the unemployment compensation fund the amount by which a back pay award made to an employee was reduced because the employee received unemployment compensation benefits. The employer must notify the Texas Employment Commission within 12 days after the employer learns of the reduction in the back pay award. An employee whose back pay award is reduced because the employee received unemployment compensation payments is not liable to the fund for the amount of the benefits paid.

HOUSE BILL 32 **HOUSE AUTHOR:** Criss
EFFECTIVE: 1-1-86 **SENATE SPONSOR:** Mauzy

The Texas Unemployment Compensation Act excluded most types of agricultural labor from benefit coverage. A recent court ruling declared the exclusions unconstitutional. House Bill 32 provides unemployment compensation coverage for most farm and ranch laborers, including seasonal and migrant workers.

Effective January 1, 1986, a farm or ranch is an employing unit required to pay unemployment compensation taxes if it paid cash wages of $7,500 or more during a recent calendar quarter or employed at least four agricultural laborers for a certain period during a current or past year. Beginning January 1, 1987, the quarter wages level is reduced to $6,250 and the employment level is reduced to three laborers. A labor agent who furnishes farm and ranch laborers is made liable for payment of taxes. If the agent does not pay the required taxes, the person with whom the agent contracts is jointly liable with the agent for payment.

HOUSE BILL 118 **HOUSE AUTHOR:** Criss
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** Blake

This act changes the manner in which the unemployment compensation tax rate of new employers is calculated. The Texas Employment Commission is required under House Bill 118 to establish an annual average contribution rate for each standard industrial classification established under the United States Office of Management and Budget. New employers shall pay contributions for the calendar year at the rate established

for that year for the division to which the employer is assigned, or at two and seven-tenths percent of the wages paid by that employer, whichever is greater. This rate is imposed until a rate can be figured on the basis of actual experience. The act includes a provision to prevent reorganization of existing businesses in order to be considered new businesses subject to the average industrial division rate. Employers who acquire a business in whole or part also acquire the business's experience rate.

HOUSE BILL 1263 **HOUSE AUTHOR:** Keller
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Harris

House Bill 1263 makes certain sales agents who work on a commission basis ineligible for unemployment compensation benefits based on that employment.

HOUSE BILL 1385 **HOUSE AUTHOR:** Leonard
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Blake

To contribute to the maintenance of low unemployment tax rates for Texas employers, this act provides that at the end of the state fiscal year the unobligated and unencumbered balance of the unemployment compensation special administration fund, except certain appropriated funds, shall be deposited in the state's account in the federal unemployment trust fund.

HOUSE BILL 1787 **HOUSE AUTHOR:** Leonard
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Blake

The amount of unemployment compensation benefits an individual is eligible to receive is based on the amount of benefit wage credits earned. The credits were based on past wages not exceeding the social security wage cap, which for 1985 is $39,600. House Bill 1787 requires that employers report total wages paid to employees to the Texas Employment Commission and that the amount of benefit wage credits that may be earned by an individual be based on total wages.

HOUSE BILL 2107 **HOUSE AUTHOR:** C. Smith
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Blake

To facilitate the repayment of a 1982 federal loan to the state's unemployment compensation fund and to maintain a low employer tax rate, House Bill 2107 revises the administration of certain state unemployment compensation funds. The advance interest trust fund was created in 1982 to pay interest incurred on advances from the federal unemployment trust fund. This act provides that the fund may also be used to repay temporary transfers of surplus cash that may be made between the fund and other funds. The governor is permitted to authorize the Texas Employment Commission to transfer money from the fund to the unemployment compensation fund to avoid loss of federal tax credit for Texas employers or to avoid paying interest on a federal advance or loan. An additional unemployment tax is levied on employers if the commission determines that funds are not otherwise available to pay interest on a federal advance.

In addition, the act includes provisions identical to those in House Bill 1385 providing that certain funds in the unemployment compensation special administration fund be deposited in the federal unemployment trust fund at the end of the state's fiscal year.

Workers' Compensation

SENATE BILL 382 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Cain

The act provides a procedure whereby the Industrial Accident Board will receive notice of appeals and judgments in workers' compensation cases. In all cases appealed from the board to a district or county court, the clerk of the court must, within 20 days after the suit is filed, mail the board a notice giving the style, number, and date of filing. The clerk must also, within 20 days after the judgment, mail the board a certified copy of the judgment. The failure of the attorney preparing the judgment to file a copy of the judgment does not excuse the clerk from the duty of mailing a certified copy to the board. The clerk is entitled to reasonable fees for these services, which are charged as court costs.

SENATE BILL 909 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Cain

Senate Bill 909 allows a claimant to file suit to enforce a workers' compensation settlement approved by the Industrial Accident Board or to enforce a court-approved agreed judgment. A 12 percent penalty and a reasonable attorney's fee is recoverable in addition to the settlement amount.

HOUSE BILL 724 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Jones

The state's workers' compensation program, administered by the Industrial Accident Board, is funded by a maintenance tax on the gross premiums collected by workers' compensation insurers during the preceding year. House Bill 724 changes the fixed tax rate of .45 percent to a flexible rate to be adjusted by the board but not exceeding .7 percent.

The act also authorizes the board to accept grants and gifts to be used for the purposes expressly prescribed by the donors.

HOUSE BILL 865 **HOUSE AUTHOR:** Cain
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Mauzy

The Industrial Accident Board administers the second injury fund to pay workers' compensation to a previously injured worker who suffers a subsequent injury that results in incapacity to which both injuries contributed. House Bill 865 provides that the board is entitled to recover claims on the fund from third parties, for example, insurance companies. Money recovered is to be credited to the second injury fund.

See the chapter on public officials and employees for legislation relating to workers' compensation coverage of public employees.

MENTAL HEALTH AND MENTAL RETARDATION

Legislation summarized in this chapter includes Senate Bill 633, which enacts many of the recommendations of the interim Legislative Oversight Committee on Mental Health and Mental Retardation. Other important legislation includes House Bill 1256 that revises standards for precommitment detention of the mentally ill.

SENATE BILL 217 **SENATE AUTHOR:** Blake
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Uher

Senate Bill 217 alters the organization of the Texas Department of Mental Health and Mental Retardation by creating the position of director of operations. Appointment to this position, which is subject to approval by the Texas Board of Mental Health and Mental Retardation, will be made by the commissioner of mental health and mental retardation, and the director of operations will assist the commissioner in the administration of departmental matters not related to medical or other programmatic functions.

Senate Bill 217 also transfers rulemaking authority from the commissioner to the board. The commissioner is directed, with the approval of the board, to establish the duties and functions of all department staff and to appoint the head of each facility and institution administered by the Texas Department of Mental Health and Mental Retardation.

SENATE BILL 419 **SENATE AUTHOR:** Krier
EFFECTIVE: 6-12-85 **HOUSE SPONSOR:** Lee

Under the Texas Pharmacy Act, all pharmacies are required to be licensed by the State Board of Pharmacy and are grouped by the act into four classifications. As defined by state law, the term "Class C pharmacy" applies to a pharmacy located in a hospital or other inpatient facility that is licensed by the Texas Department of Health or operated by the state. Senate Bill 419 amends this definition to specifically include pharmacies located in private psychiatric hospitals that are licensed under the Texas Mental Health Code.

SENATE BILL 633 **SENATE AUTHOR:** Brooks
EFFECTIVE: 6-12-85 **HOUSE SPONSOR:** Vowell

The Legislative Oversight Committee on Mental Health and Mental Retardation was established in June 1984 and was charged with recommending policy changes to improve the delivery and service system provided by the Texas Department of Mental Health and Mental Retardation. Several of the recommendations made by the committee have been enacted into state law through the provisions of Senate Bill 633.

The act requires the department to initiate a long-range plan to serve as the basis for the department's biennial budget request and outlines the elements to be included in the plan. The act also requires the board to appoint a citizen's planning advisory committee to advise the department on the development and implementation of the plan.

Senate Bill 633 also amends several procedural requirements with regard to the operations of community-based mental health and mental retardation centers. One provision requires community centers to charge reasonable fees for services and prohibits the denial of services due to inability to pay. Other portions of the act direct the boards of trustees of community centers to establish operational policies and standards that are consistent with the department's policies and standards.

The act eliminates state grants-in-aid and provides for contracts between the department and community providers. In determining eligibility for a contract, the department shall ensure that certain mental health and mental retardation services are available in each service area, and the department may contract with designated providers other than a community center if the department determines that the community centers are unable to provide the minimum required services. The act also permits the department to audit, supervise, and enforce the contracts.

SENATE BILL 679 **SENATE AUTHOR:** Farabee
EFFECTIVE: 6-12-85 **HOUSE SPONSOR:** Laney

The 68th Legislature in 1983 authorized the Texas Department of Mental Health and Mental Retardation to lend money from a special fund to community centers to construct facilities. Under the provisions of Senate Bill 679, resources from the fund may also be loaned by the department to community centers for renovation of community center facilities.

Under the terms of an agreement between the department and a community center requesting the funding, a renovation project must meet certain eligibility requirements. The department will obtain a lien against the center's buildings and facilities in an amount equal to the funding. The lien is released when the funding has been repaid in full. In the event of a default, the department is authorized to withhold state grant-in-aid in the amount of the overdue payments or terminate the renovation funding agreement and sue to foreclose on the lien.

SENATE BILL 994 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Madla

Senate Bill 994 permits state schools for the retarded to have access to certain funds that have been appropriated to the Texas Department of Mental Health and Mental Retardation to improve staff-to-client ratios in the state hospitals and state schools.

SENATE BILL 1084 **SENATE AUTHOR:** Parmer
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Vowell

Senate Bill 1084 deletes outdated and derogatory references to mentally disabled persons in various statutes and substitutes appropriate language.

HOUSE BILL 1106 **HOUSE AUTHOR:** Millsap
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** McFarland

House Bill 1106 amends state law concerning drug dependent persons to facilitate access to court-ordered treatment and to conform appropriate provisions of the law to the Mental Health Code. Provisions relating to application procedures, examination procedures, and trial proceedings have been revised and express authorization for court-ordered outpatient treatment is included.

HOUSE BILL 1256 **HOUSE AUTHOR:** Oliver
EFFECTIVE: 5-2-85 **SENATE SPONSOR:** Farabee

House Bill 1256 amends the recently revised Texas Mental Health Code by enacting several procedural changes relating to voluntary and involuntary mental health proceedings and to the rights of patients. A major substantive change alters the criteria to be used in determining whether a person's condition warrants emergency detention in a mental health facility prior to a commitment hearing. New language, which conforms to the standards required to obtain an order for involuntary court-ordered treatment, states that certain conditions of emotional distress and mental deterioration must be present to justify precommitment trial detention.

Another important change in House Bill 1256 authorizes the committing court to issue an order for temporary detention allowing the hospitalization for up to 72 hours of a patient receiving court-ordered outpatient care who is awaiting a modification hearing. The court may order the detention if it finds that there is probable cause to believe that a patient ordered into outpatient care either has not complied with the original order or has deteriorated and requires inpatient care to evaluate the proper setting for continued care.

The act further permits a judge to designate magistrates to issue protective custody orders in the judge's absence and requires that the newly established criteria for emergency detention cases shall also apply to orders for protective custody. A third major revision to the Texas Mental Health Code authorizes a judge or designated magistrate to issue protective custody orders even though the person for whom protective custody is sought has criminal charges pending.

House Bill 1256 also authorizes courts to give actual notice to persons involved in mental health proceedings, clarifies county responsibilities for court costs, and adds new provisions to protect the confidentiality of mental health records. Other provisions authorize multiple continuances of hearings under certain conditions and allow special continuances of protective custody hearings in cases of extreme weather emergencies.

SENATE BILL 1294 **SENATE AUTHOR:** Brooks
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Vowell

Senate Bill 1294 amends the Mentally Retarded Persons Act of 1977 by including among its definitions the term "interdisciplinary team." The responsibility of this group of professionals and paraprofessionals is to assist clients and their families receiving services at community centers and residential care facilities by assessing the

client's treatment, training, and habilitation needs and making recommendations for services. The act also directs the public responsibility committee at each of these facilities to participate with the interdisciplinary team when such action is deemed necessary.

SENATE BILL 1295 **SENATE AUTHOR:** Brooks
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Colbert

In 1981, the 67th Legislature allocated funding to the Texas Department of Mental Health and Mental Retardation for the construction of a psychiatric hospital in Harris County devoted to patient care and to research and training in the delivery of mental health services.

Under the provisions of Senate Bill 1295, this facility, designated as the Harris County Psychiatric Center, is transferred to The University of Texas System and is to be operated in accordance with the rules and regulations established by The University of Texas board of regents and this act. The state-supported facilities of the center shall be leased or subleased by the system and funded through direct legislative appropriations, which may not exceed 85 percent of the operating costs of the center.

Senate Bill 1295 also authorizes Harris County and the Mental Health and Mental Retardation Authority of Harris County to operate a commitment center on the premises of the Harris County Psychiatric Center for the purposes of screening and admitting patients. This facility shall be funded and operated solely by the Harris County entities and will be leased or subleased by The University of Texas System in the same manner as provided for the state-supported facilities of the center.

Other provisions of the act transfer the operation of the Texas Research Institute of Mental Sciences (TRIMS) to the authority of the board of regents of The University of Texas System. The sum of $1 million, which was allocated to the Texas Department of Mental Health and Mental Retardation for the conduct of research at the institute, is transferred to the university system for this purpose. Also transferred are any gifts, grants, and unexpended TRIMS funding, with the exception of certain previously appropriated training and program development funds which will be retained by the department.

After the transfer of operations takes effect, priority consideration for employment by either The University of Texas System or Harris County at the psychiatric center shall be given to employees of the Texas Research Institute of Mental Sciences. If eligible, former TRIMS employees previously covered by the Employees Retirement System will become members of the Teachers Retirement System of Texas.

PARKS AND WILDLIFE

The Parks and Wildlife Department and its governing Parks and Wildlife Commission, up for sunset review in 1985, were renewed under Senate Bill 464 found in the chapter on sunset legislation. The renewal measure gives the commission discretion to set certain fees at amounts higher than previous statutory limitations.

Parks legislation includes an authorization, under Senate Bill 1355, of a sesquicentennial park and street beautification program near the Capitol grounds in Austin as part of Texas' upcoming 150th anniversary celebration. Wildlife legislation includes Senate Bill 980, which follows up on the legislature's 1981 enactment of a prohibition on commercial fishing for redfish and speckled trout. The new legislation attempts to control shipments of these species, which may still be caught out of state or by Texas fishermen, so as to deter commerce in illegal fish. The 69th Legislature also enacted Senate Bill 609 converting state shrimp and oyster regulation from statutory regulation by the legislature to administrative regulation by the Parks and Wildlife Commission. Another measure, Senate Bill 279, is designed to ensure the integrity of freshwater fishing tournaments.

Hunting and Fishing

SENATE BILL 279 **SENATE AUTHOR:** McFarland
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Heflin

Senate Bill 279 makes cheating in a freshwater fishing tournament illegal. The offense is a Class A misdemeanor, unless it is committed during a tournament in which the prize for any one category is worth $10,000 or more. In the latter case, the offense is a third degree felony.

SENATE BILL 609 **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Berlanga

Senate Bill 609 adds new provisions to the Parks and Wildlife Code to authorize the Parks and Wildlife Commission to regulate the taking, possession, purchase, and sale of oysters and shrimp. The act also provides for a research program on oysters and amends existing provisions for a research program on shrimp. Fees for various classes of shrimp boat and trawling licenses are increased.

SENATE BILL 791 **SENATE AUTHOR:** Brown
EFFECTIVE: 1-1-86 **HOUSE SPONSOR:** Berlanga

Senate Bill 791 adds two new subchapters to the Parks and Wildlife Code to require any person engaging in saltwater sportfishing or freshwater trout fishing in public waters to have in his possession the appropriate fishing stamp issued by the Parks and Wildlife Department. The fee for the stamp is $5, unless the commission sets a higher amount. A violation of this requirement is a Class C misdemeanor. Net revenue from sale of the saltwater sportfishing stamp is to be spent for coastal fisheries enforcement and management, and the net revenue from sale of the freshwater trout stamp is to be spent by the department for any purposes authorized by the game, fish, and water safety fund.

SENATE BILL 823 **SENATE AUTHOR:** Montford
EFFECTIVE: 6-11-85 **HOUSE SPONSOR:** Agnich

Senate Bill 823 provides that the commissioner of health shall declare any public water under the jurisdiction of the state to be a prohibited area if it contains aquatic life that is unfit for human consumption because of sanitary, chemical, or bacteriological contamination. A prohibited area shall be closed to the taking of aquatic life for a period considered advisable by the commissioner. The law does not apply to oysters, clams, or mussels because they are covered by another law.

Taking, selling, or offering aquatic life from a closed area is a misdemeanor offense punishable by a $200 to $500 fine. Commissioned law enforcement officers of the Parks and Wildlife Department are charged with enforcing this prohibition, and the Texas Department of Health is charged with disposing of any illegally taken aquatic life that is seized under the act.

SENATE BILL 980 **SENATE AUTHOR:** Harris
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Schlueter

Senate Bill 980 amends current law regulating the sale and purchase of edible aquatic products. Wholesale fish dealers, shrimp house operators, retail fish dealers, and restaurant representatives must obtain any edible aquatic product from a holder of a commercial fisherman's license, a wholesale fish dealer's license, or a shrimp house operator's license. Vehicles used to transport any fish for commercial purposes must be clearly identified according to requirements prescribed by the Parks and Wildlife Commission. Failure to identify such a vehicle is a Class C misdemeanor. Fish shipped into the state must be accompanied by a bill of lading, which is to be kept on file for a year by the receiver of the shipment. Regulations for the importation of redfish and speckled sea trout are also amended by the act, as are requirements for statistical reports on the harvest of edible marine products.

The act also requires justice courts to submit to the department, on request, affidavits certifying convictions for provisions of the Parks and Wildlife Code that have enhanced penalties and to submit any other material such as fingerprints or photographs taken in connection with the offense. The affidavit and other documents are admissible in criminal proceedings to prove the defendant's identity if the defendant receives a copy of the affidavit and documents at least 15 days before trial.

HOUSE BILL 1591 **HOUSE AUTHOR:** Rangel
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Truan

House Bill 1591 includes Brooks, Kenedy, and Willacy counties under provisions of the Parks and Wildlife Code that cover predator control from aircraft.

HOUSE BILL 1656 **HOUSE AUTHOR:** Messer
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** McFarland

House Bill 1656, the Sportsman's Rights Act, prohibits activities that intentionally interfere with the lawful hunting or catching of wildlife. An offense under this act is a Class B misdemeanor.

HOUSE BILL 2463 **HOUSE AUTHOR:** Geistweidt
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Sims

Game ranchers in Texas who breed, buy, and sell exotic game animals have had problems with persons illegally hunting these animals. House Bill 2463 prohibits persons from hunting certain exotic animals on a public road, or on the right-of-way of a public road, or on another person's land without the consent of the landowner. The act also makes it illegal to possess the carcass of such an animal unless the possessor is the animal's owner, a public health officer, a law enforcement officer, or a veterinarian, or unless the possessor has the consent of the owner of the animal. Penalties are provided for violation of the act.

Parks

SENATE BILL 1355 **SENATE AUTHOR:** Blake
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Wallace

Senate Bill 1355 authorizes the State Purchasing and General Services Commission to solicit and accept private donations to be used for the Congress Avenue beautification program in the city of Austin. The program includes improvements along Congress Avenue from the Capitol north to Martin Luther King, Jr., Boulevard.

The bill further states that the legislature endorses the general plan of the commission for a Sesquicentennial Monument Park and intends that the commission pursue further design work for the park.

HOUSE BILL 1694 **HOUSE AUTHOR:** McWilliams
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** Howard

House Bill 1694 requires the Parks and Wildlife Department to grant an easement through Caddo Lake State Park to provide access to private real property located within the park.

HOUSE BILL 2444 **HOUSE AUTHOR:** Roberts
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Sharp

House Bill 2444 amends the Parks and Wildlife Code to permit nonprofit groups and political subdivisions of the state to remove silt that has filled the waters of Cedar Bayou in Aransas County for the sole purpose of opening and reopening that passage between the Gulf of Mexico and Mesquite Bay. The bill exempts those entities from paying the commission the usual fees for sand, gravel, marl, shell, and mudshell and allows the materials removed from Cedar Bayou to be deposited on private land.

PROBATE

Probate laws enacted by the 69th Legislature include, among others, amendments dealing with the guardianship of estates. House Bill 2034 pertains to the appointment of temporary guardians and to the designation of guardians by declarants who later become incompetent. House Bill 746 deals with the dissolution of guardianships for estates below a minimum value.

SENATE BILL 517 **SENATE AUTHOR:** Farabee
EFFECTIVE: 5-24-85 **HOUSE SPONSOR:** Tejeda

Senate Bill 517 amends various provisions of the Texas Trust Code relating to judicial modification or termination of trusts, the power of a trustee of certain trusts to provide for a residence and funeral expenses for a beneficiary, and the authority of a corporate trustee to deposit trust funds with itself as a permanent investment. The act also provides that in any proceedings under the code a court may make such awards of costs and attorney's fees as may seem equitable and just.

In addition, a citation is corrected in a Property Code provision relating to gifts to minors.

HOUSE BILL 475 **HOUSE AUTHOR:** Wright
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Mauzy

House Bill 475 permits a secured creditor of an estate to institute proceedings to determine heirship.

HOUSE BILL 476 **HOUSE AUTHOR:** Wright
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Mauzy

House Bill 476 authorizes the payment of a fee of $3 for each original cause or action filed in a probate court. The fees collected are to be used for the continuing education of the judge and staff of the probate courts or for the contribution of the county to fund the compensation for the presiding judge of the statutory probate courts. A judge may not spend funds for continuing education without the consent of the commissioners court of the county. The county auditor is responsible for auditing the fees collected under the provisions of this act.

HOUSE BILL 479 **HOUSE AUTHOR:** Wright
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Mauzy

House Bill 479 expressly grants statutory probate courts concurrent jurisdiction with district courts in actions by or against the personal representative of an estate. This act applies to all cases filed on or after January 1973.

HOUSE BILL 745 **HOUSE AUTHOR:** Wright
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Mauzy

House Bill 745 permits a person entitled to receive property or an interest in property under a will, by inheritance, or as a beneficiary under a life insurance contract to assign the property or interest in property to any person. Under the provision of this act, the assignment is a gift. If the assignment would defeat a spendthrift provision imposed in a trust, it may not be made.

HOUSE BILL 746 **HOUSE AUTHOR:** Wright
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Mauzy

House Bill 746 permits the termination of certain guardianships if the estate consists only of cash or the equivalent in an amount not exceeding $15,000. It also establishes provisions for the distribution of guardianship assets and payments in the case of a terminated guardianship or in the case of persons for whom no guardian has been appointed.

HOUSE BILL 747 **HOUSE AUTHOR:** Wright
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Mauzy

House Bill 747 amends the Texas Probate Code by adding to the definition of "habitual drunkard" and "common drunkard" one who by reason of the habitual use of a toxic inhalant is incapable of caring for himself or managing his property and financial affairs.

HOUSE BILL 749 **HOUSE AUTHOR:** Wright
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Mauzy

House Bill 749 provides that at any time after three years following the appointment of an independent executor of an estate, a person interested in the estate may petition the court for an accounting and distribution of the estate. The act further establishes procedures for the continued administration of the estate, if necessary.

HOUSE BILL 851 **HOUSE AUTHOR:** Buchanan
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Montford

House Bill 851 alters the method used to set certain probate fees, exempts the payment of a fee for filing strictly defensive pleadings, raises the fee for filing an adverse action to $35, and imposes a new fee for copies of documents obtained during particular stages in a pending probate action.

HOUSE BILL 1193 **HOUSE AUTHOR:** Parker
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Mauzy

House Bill 1193 permits the sale of estate property to a personal representative of the estate if the will expressly authorizes the sale. The act also authorizes a personal representative of a decedent or of a ward who has been adjudged incompetent to comply with the terms of a written executory contract signed by the decedent or by the ward before the ward became incompetent.

HOUSE BILL 2034 **HOUSE AUTHOR:** Wright
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Mauzy

House Bill 2034 outlines the requirements and procedures for the appointment of a temporary guardian. It also provides for an adult who has not been adjudged incompetent to designate, by written declaration, persons to serve as guardian of that person or of that person's estate in the event that the declarant becomes incompetent. The declarant may disqualify certain persons from serving as guardian by so naming them in the declaration. The declaration must be witnessed and must have attached an affidavit signed by the declarant and by the witnesses attesting to the competence of the declarant and the execution of the declaration. The declaration may be filed with the court at any time before a guardian is appointed. The act permits the court to appoint another person to serve as guardian if the persons named in the declaration are either disqualified or unavailable to serve as guardian. The declarant may revoke a declaration in the same manner provided for the revocation of a will.

PROPERTY INTERESTS

Legislation in this chapter includes Senate Bill 92, entitled the Texas Timeshare Act, and Senate Bill 1211, which amends laws concerning landlords' seizure of residents' property in lieu of overdue rent. Among the other measures, House Bill 2256 provides for restrictive covenants in subdivisions not subject to city zoning controls, and House Bill 14 requires disclosure to coastal property buyers that title may revert to the State of Texas in the event of significant shoreline erosion. House Bill 2076 and House Bill 1052 pertain to submetering and other means of allocating apartment utility costs.

Landlords and Tenants

SENATE BILL 1211 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Bush

Senate Bill 1211 amends Property Code provisions relating to residential landlord's liens and the return of security deposits on residential rental property. Children's toys not commonly used by adults are added to the list of items exempt from attachment of a lien. The provisions relating to seizure of nonexempt property are amended to specify that the property may be seized only if authorized by a written lease and only if the seizure can be accomplished without a breach of the peace. Also specified are notice requirements after seizure and the right of the landlord to collect a charge for packing, removing, or storing seized property, if authorized in a written lease.

The act provides that seized property may not be sold or disposed of unless authorized by written lease. Procedures for sale of seized property are set forth, including notice requirements, application of proceeds, and recovery of property by the tenant before sale.

If a landlord or his agent wilfully violates provisions relating to liens, the tenant is entitled to reasonable attorney's fees and actual damages, return of seized property, proceeds of any sale of seized property, and one month's rent or $500, whichever is greater, less any amount for which the tenant is liable.

Bankruptcy is added as a condition under which new owners are liable for return of security deposits.

SENATE BILL 1231 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Keller

The act provides that a landlord who prevails in a forcible entry and detainer or a forcible detainer action is entitled to a judgment of possession of the premises, awards of costs and attorney's fees as provided by provisions of the Property Code, and a writ of possession. A prevailing tenant is entitled to a judgment for costs and, if appropriate, reasonable attorney's fees. The act specifies the procedures for the issuance and enforcement of a writ of possession, including the duties and rights of the officer executing the writ.

HOUSE BILL 1119 **HOUSE AUTHOR:** Danburg
EFFECTIVE: see below **SENATE SPONSOR:** Santiesteban

House Bill 1119 clarifies language in provisions of the Property Code relating to eviction of a tenant through forcible entry and detainer action, including sections relating to substitution of parties, jurisdiction of justice courts, notice to vacate for default, attorney's fees and cost of suit, and the effect of a forcible entry and detainer suit or a forcible detainer suit on other suits. A provision relating to appeal of a final judgment of a county court is amended to provide that such appeals on the issue of possession may not be appealed unless the premises in question are being used for residential purposes only and to provide when a judgment may be stayed pending appeal.

The act also provides that in forcible detainer suits in justice courts for nonpayment of rent or holding over beyond a rental term, the parties may represent themselves or be represented by persons who are not attorneys.

Amendment to provisions relating to notice to vacate for default, attorney's fees and costs of suit, and appeal of county court judgments are effective September 1, 1985. The remainder of the act is effective August 26, 1985.

HOUSE BILL 1550 **HOUSE AUTHOR:** Messer
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Barrientos

House Bill 1550 clarifies existing provisions of the Property Code relating to the rights of tenants, landlords, and landlord agents. A drafting error is corrected, and the effect of the provisions on other rights and remedies of tenants and landlords is specified.

HOUSE BILL 1908 **HOUSE AUTHOR:** Eckels
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Henderson

This act creates a warehouseman's lien, which gives a warehouseman a lien on an evicted tenant's personal property to the extent of any storage and moving charges incurred by the warehouseman. The lien may be applied to property removed from a tenant's premises as the result of a forcible entry and detainer action and stored in a bonded public warehouse. Property subject to the lien may be sold in accordance with certain provisions of the Business & Commerce Code. The act applies only to property removed after September 1, 1985.

Miscellaneous

SENATE BILL 92 **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Cain

Senate Bill 92, the Texas Timeshare Act, provides a regulatory framework for the promotion and sale of timeshare interests in real property. The act requires a person who sells timeshare interests to register a plan of the operation and a disclosure statement with the Texas Real Estate Commission. The act further requires that a comprehensive disclosure statement be provided to a purchaser before closing. A prospective buyer is required to sign a written acknowledgment of receipt of the disclosure statement. Furthermore, the act provides a three-day recision period for purchasers who do not inspect the accommodations prior to purchasing. If the purchaser decides to cancel the contract within the allotted three days, he is entitled to a full refund within 20 days.

SENATE BILL 906 **SENATE AUTHOR:** Jones
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Schlueter

Senate Bill 906 provides for the revision of the escheat laws by expanding the types of property to be covered and by shortening the time period required before the property may be subject to an escheat action. Under this act personal property is presumed abandoned after only three years rather than the previous requirement of seven years. This act also makes provisions for the escheat of dividends from corporate stocks that have been unclaimed for five years. Under this act, requirements for reporting abandoned property are recodified into a new chapter of the Property Code.

SENATE BILL 1152 **SENATE AUTHOR:** Traeger
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Patrick

Under previous law, any loan secured by a secondary mortgage on residential real estate had to be repaid in equal installments. Senate Bill 1152 provides for more flexible repayment plans including the use of open-end loans for nonhomestead real estate. The purpose of this act is to bring the laws regulating certain secondary mortgage loans into conformity with the Consumer Credit Code. The act also expands the authority of the consumer credit commissioner to regulate the practices of persons involved in the negotiating and arranging of loans.

SENATE BILL 1232 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Perez

Senate Bill 1232 clarifies existing law relating to interests in land exempt from a creditor's claim. The act provides for courts rather than sheriffs to conduct the homestead designation procedure in aid of enforcement of a judgment debt. Furthermore, only one commissioner, rather than three, is required to designate a homestead should the judgment debtor fail to do so. Commissioners and surveyors will be allowed to collect "reasonable fees" for their service as opposed to the prior set fees of $2 and $5.

SENATE BILL 1280 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 6-12-85 **HOUSE SPONSOR:** Cain

Previously, a billboard owner who maintained a sign on another's property after the expiration of a lease was only liable for the rent due for the overtime, as provided in the expired lease. This act provides that trespass occurs if a person erects a sign on property without the landowner's permission or if a person fails to remove or abandon a sign on expiration of an agreement or lease with the landowner. If such trespass occurs, the landowner is entitled to damages in the amount of all payment, rents, or benefits due the sign owner during the period of trespass.

HOUSE BILL 14 **HOUSE AUTHOR:** Criss
EFFECTIVE: 10-1-86 **SENATE SPONSOR:** Brooks

In the aftermath of Hurricane Alicia, many owners of beachfront property found their lands reclassified as public beach land. Under the Open Beaches Act of the Natural Resources Code the line of mean low tide and the line of vegetation are the boundaries of public beach land and construction is not allowed in this area. Natural causes may alter the coastline, and the effect is the reclassification of property. Owners of property subject to reclassification may lose exclusive use of their land and may even be held liable for the removal of structures located on the reclassified land.

House Bill 14 is designed to protect the purchaser of beachfront property by requiring that a statement of the consequences of the Open Beaches Act be provided prior to closing. The absence of this statement will be considered a deceptive act under the Business & Commerce Code. House Bill 14 affects only a transaction dealing with property in a county that borders the Gulf of Mexico.

HOUSE BILL 531 **HOUSE AUTHOR:** McKinney
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Blake

House Bill 531 changes the requirement for the publishing of a notice of a public hearing regarding a subdivision replat. The act requires that notice be published at least three times on or between the 30th and the seventh days before the date of the hearing.

HOUSE BILL 1052 **HOUSE AUTHOR:** Jackson
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Truan

House Bill 1052 authorizes the Public Utility Commission of Texas to regulate the allocation of costs in an apartment house with a nonsubmetered central utility system. The act requires that the method of calculation be stated in the rental agreement along with a statement of the average apartment unit monthly bill for the previous calendar year. Furthermore, House Bill 1052 requires that the landlord maintain all necessary records and make them accessible to the tenants during normal business hours.

HOUSE BILL 1686 **HOUSE AUTHOR:** O. Garcia
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Traeger

If owners of 20 percent of the land area included in a proposed zoning change protest the change, the governing body of the city or town may adopt the change only by a three-fourths majority vote. House Bill 1686 changes the procedures for computing the percentage of land area owned by individuals protesting a zoning change. The act requires that the area of streets and alleys be included in the computation.

HOUSE BILL 1736 **HOUSE AUTHOR:** Uher
EFFECTIVE: 6-5-85 **SENATE SPONSOR:** Traeger

House Bill 1736 permits a mechanic who has received a bad check to retake possession of the repaired property until payment is made. Prior law only permitted the retaking of possession if payment on the check was stopped. The mechanic may take possession of the property if it can be accomplished without a breach of the peace.

HOUSE BILL 2076 **HOUSE AUTHOR:** Robnett
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Brooks

House Bill 2076 allows owners of apartment buildings and mobile home parks to submeter utilities in accordance with the rules of the Public Utility Commission of Texas.

HOUSE BILL 2256 **HOUSE AUTHOR:** Colbert
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Whitmire

House Bill 2256 provides a method by which property owners in a residential subdivision that is not subject to a comprehensive zoning ordinance, such as those in Houston or Wichita Falls, may protect the residential nature of their neighborhood from nonconforming use by creating restrictive covenants that apply to the subdivision or by extending, adding to, or modifying existing restrictions. The act authorizes the creation of a petition committee composed of property owners to gather the necessary support through a petition drive. Property owners who do not agree with the proposal may exclude their property from the effect of the petition. House Bill 2256 also provides for the removal of any existing restrictions based on race, religion, or national origin.

HOUSE BILL 2288 **HOUSE AUTHOR:** Jackson
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Farabee

The governing body of a city or town may impose rent controls by ordinance if a housing emergency exists. House Bill 2288 defines a housing emergency for the purpose of establishing rent controls. The act states that the conditions for declaring a housing emergency shall be limited to those set forth in the Texas Disaster Act of 1975.

PROPERTY TAXATION

Texans in 1982 by constitutional amendment abolished property taxation at the state level. The enactments in this chapter affect property taxation by counties, cities, school districts, and other local-government units. The majority of 1985 legislation consisted of amendments relating to appraisal and assessment procedures.

General Administration

SENATE BILL 538 **SENATE AUTHOR:** Jones
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Schlueter

The State Property Tax Board conducts an annual study to determine the value of all taxable property within each school district for the purpose of school finance. The act expands the list of property to be excluded in making that determination. The new exclusions include property value not taxable because of statutory or constitutional provisions and the value of private automobiles not used for the production of income.

SENATE BILL 1125 **SENATE AUTHOR:** Jones
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Schlueter

The act amends provisions of the Tax Code requiring the governing body of a taxing unit to publish certain information regarding effective tax rates when adopting a new tax rate. A taxing unit is now required to publish, along with its effective tax rate and unencumbered funds balances, a schedule of the unit's debt obligations showing the amount of principal and interest that will be paid in the next year from property tax revenues. The act also redefines the term "debt" for the purposes of effective tax rate calculations.

In addition, a tax rate must now be adopted in two parts. The first part relates to a debt service rate and the second relates to the portion of the tax rate needed to fund maintenance and operation expenses of the unit. Provisions are repealed permitting a taxing unit to publish a proposed rate increase in terms of total tax levied rather than as an increase in the tax rate.

The act grants taxpayers standing to sue taxing units to enforce compliance with the rate computation, publication, and adoption procedures.

SENATE JOINT RESOLUTION 15 **SENATE AUTHOR:** Edwards
FOR ELECTION: 11-4-86 **HOUSE SPONSOR:** S. Johnson

Article VIII, Section 8, of the state constitution provides that for the purpose of property taxation the value of railroad rolling stock be apportioned by the comptroller among the counties according to the number of miles of road in each county. This proposed amendment would revise the section to state that the apportionment be made as provided by general law, eliminating the specific reference to the comptroller.

Taxable Property and Exemptions

SENATE BILL 602 **SENATE AUTHOR:** Jones
EFFECTIVE: 6-7-85 **HOUSE SPONSOR:** Schlueter

The act requires that a local option homestead exemption be adopted by a taxing unit before May 1 of the tax year.

SENATE BILL 809 **SENATE AUTHOR:** Traeger
EFFECTIVE: 1-1-86 **HOUSE SPONSOR:** Kuempel

The state constitution authorizes the legislature to exempt by general law from taxation "institutions of purely public charity." The Tax Code implements this authority and specifies the conditions that an organization must meet to qualify as a charitable institution exempt from property taxation. This act amends the conditions to allow certain charitable organizations to pledge their assets upon dissolution indirectly, through their members, to the state or to organizations that qualify as charitable under a section of the federal Internal Revenue Code. This act also allows an organization to qualify as charitable if it provides for the organized solicitation and collection for distributions through gifts, grants, and agreements to nonprofit charitable, education, religious, and youth organizations that provide direct human, health, and welfare services and if it meets certain other organizational requirements.

SENATE BILL 1364 **SENATE AUTHOR:** Krier
EFFECTIVE: 5-15-85 **HOUSE SPONSOR:** Madla

Senate Bill 1364 amends the Property Redevelopment and Tax Abatement Act by expanding the areas eligible for reinvestment zone agreements to abate property taxes in exchange for improvements conforming with a comprehensive development plan. An incorporated city or town may now designate reinvestment zones and execute tax abatement agreements in the extraterritorial jurisdiction of the city. To encourage economic development, a county commissioners court may now designate reinvestment zones and execute tax abatement agreements in any areas of the county not contained in the taxing jurisdiction of an incorporated city or town. Property may be located simultaneously in reinvestment zones designated by a city and by a county.

Appraisal and Assessment

SENATE BILL 67 **SENATE AUTHOR:** Jones
EFFECTIVE: 1-1-86 **HOUSE SPONSOR:** Schlueter

This act requires the chief appraiser of an appraisal district, on receiving a taxpayer report claiming a decrease in the appraised value of oil and gas property, to review and verify the appraisal and note his determination on the back of the report. The appraiser no longer has to physically visit the property, however.

SENATE BILL 79 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** R. Lewis

The Tax Code provides that members of an appraisal district board of directors serve two-year terms beginning on January 1 of each even-numbered year. This act permits the taxing units that participate in an appraisal district to institute staggered terms for the board of directors. A change to staggered terms is optional.

SENATE BILL 515 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Armbrister

The Tax Code provides that information about real or personal property sales prices voluntarily disclosed to an appraisal district office after a commitment of confidentiality is confidential and not open to public inspection. This act amends the law to include as confidential such information given directly to the State Property Tax Board, and it also provides protection from civil liability for a person who discloses sales information to an appraisal office or the State Property Tax Board.

SENATE BILL 575 **SENATE AUTHOR:** Jones
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Schlueter

The act directs that an appraisal review board must complete substantially all timely filed protests before approving the appraisal records and may not approve the records if unresolved pending protests represent more than five percent of the total taxable value of the taxing unit. Since values under protest are not included in the appraisal records, this provision ensures that a taxing unit has generally complete approved records when considering the tax rate.

SENATE BILL 623 **SENATE AUTHOR:** Jones
EFFECTIVE: 6-11-85 **HOUSE SPONSOR:** Schlueter

The act authorizes a tax assessor who assesses taxes for more than one taxing unit to issue, rather than one unified bill, a separate tax bill for a unit that does not adopt a tax rate within 60 days of the certification of the approved tax roll. The additional cost of the separate billing will be borne by the taxing unit that is late in adopting its rate.

SENATE BILL 760 **SENATE AUTHOR:** Jones
EFFECTIVE: 6-12-85 **HOUSE SPONSOR:** Shea

The Tax Code specifies the procedure by which a taxpayer may protest to an appraisal review board certain actions of the chief appraiser. This act changes the deadline for written notice of protest from prior to the date the board approves the appraisal records to either before July 1 or not later than the 20th day after the date on which the appraisal records are submitted to the board, whichever is later.

The act also provides for a late protest if there has been a failure by the chief appraiser or board to deliver a notice to which a property owner is entitled. A late protest involving a failure to deliver notice must be filed nevertheless before the date that the taxes on the property to which the notice applies become delinquent.

SENATE BILL 908 **SENATE AUTHOR:** Jones
EFFECTIVE: 1-1-86 **HOUSE SPONSOR:** R. Lewis

The State Property Tax Board has been required to conduct a biennial study to determine the "weighted average level of appraisal" in each appraisal district using a reasonable and representative sample of properties. This figure is used as a basis for property owner protests on the grounds of unequal appraisal. This act replaces the weighted average level of appraisal with the median level of appraisal and requires the board to conduct its study to determine the median level of appraisal annually rather than biannually.

SENATE BILL 978 **SENATE AUTHOR:** Jones
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Shea

The act sets forth a procedure by which an appraisal review board may correct substantial errors in the appraisal roll. Current law provides only for the correction of clerical errors not affecting the amount of a tax. The procedure is initiated by a motion filed jointly by the chief appraiser and a property owner.

HOUSE BILL 1188 **HOUSE AUTHOR:** Schlueter
EFFECTIVE: 5-24-85 **SENATE SPONSOR:** Jones

A taxpayer's appeal to district court of an order of an appraisal review board may not proceed if the taxpayer does not make a partial payment of the taxes due before the delinquency date. This act allows a taxpayer to seek a court hearing to review and determine compliance with the partial payment requirement and gives the taxpayer 30 days to complete compliance if the court finds that the taxpayer has complied substantially but not fully with the payment requirement.

HOUSE BILL 1202 **HOUSE AUTHOR:** Pennington
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Whitmire

The act provides procedures for the recall of a member of an appraisal district board of directors by the governing bodies of the taxing units that originally elected the board member. Procedures are also specified for replacing a board member removed as the result of a recall.

HOUSE BILL 2044 **HOUSE AUTHOR:** Schlueter
EFFECTIVE: 1-1-86 **SENATE SPONSOR:** Jones

A chief appraiser of an appraisal district is required to prepare appraisal records listing all property that is taxable in the district and stating the appraised value. This act requires the chief appraiser also to list tax-exempt property owned by the state, except property owned or held by the State Department of Highways and Public Transportation.

HOUSE BILL 2045 **HOUSE AUTHOR:** Schlueter
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Jones

House Bill 2045 amends state law relating to the manner in which agricultural land is appraised by modifying the definition of "net to land." Under new provisions, the term refers to the average net income derived from the use of open-space land that would have been earned during the five-year period preceding the year before the appraisal of the land. Under prior law, the term referred to the five-year period immediately preceding the time of the appraisal.

HOUSE BILL 2067 **HOUSE AUTHOR:** Heflin
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** Brown

This act provides that the board of directors of an appraisal district in a county with a population of at least 1,500,000 may appoint not more than 15 additional members to the appraisal review board to serve as needed to hear taxpayer protests and to assist the board with other functions. The additional members are not voting members of the appraisal review board. The powers and duties of additional members are also specified.

HOUSE BILL 2298 **HOUSE AUTHOR:** Shea
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Leedom

This act clarifies the proper parties in an appeal of an appraisal review board order. A chief appraiser's appeal to district court of a taxpayer protest must be brought against the appraisal review board and the property owner. A taxing unit's appeal of a challenge must be brought against the appraisal district, the appraisal review board, and the property owner.

HOUSE BILL 2300 **HOUSE AUTHOR:** Shea
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Jones

The act permits the taxing units participating in an appraisal district to change the fiscal year of the district. The fiscal year of a district is the calendar year unless the governing bodies of three-fourths of the taxing units that may vote for board appointments adopt resolutions to change the fiscal year.

HOUSE BILL 2301 **HOUSE AUTHOR:** Shea
EFFECTIVE: 6-7-85 **SENATE SPONSOR:** Jones

The act changes the date by which a property owner must deliver rendition statements and property reports to a chief appraiser from May 1 to April 1. Extensions are permitted but in no event beyond May 15. The act also sets May 15 as a mandatory deadline for the chief appraiser to submit appraisal records to taxing units and provides that taxing units may sue the chief appraiser or the appraisal review board to compel compliance with certain deadlines in the process of compiling and certifying the appraisal roll.

Collections and Delinquency

SENATE BILL 607 **SENATE AUTHOR:** Jones
EFFECTIVE: 6-12-85 **HOUSE SPONSOR:** Schlueter

This act permits a tax collector, with approval of the taxing unit's governing body, to adopt a policy of accepting partial payments of property taxes. Partial payment does not affect the date that the tax becomes delinquent, but penalties and interest would be incurred only on the portion of a tax that remains unpaid on the date the tax becomes delinquent.

HOUSE BILL 2043 **HOUSE AUTHOR:** Schlueter
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Jones

This act provides for a delayed delinquency date for individual tax bills mailed after January 10. Under prior law, a delayed date could be set only if all or substantially all of a taxing unit's bills were mailed after January 10.

HOUSE BILL 2299 **HOUSE AUTHOR:** Shea
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Leedom

The act provides that the annual notice of current delinquency and the five-year notice of delinquency need not be delivered if the tax collector does not know the delinquent taxpayer's name and address. It also repeals the requirement for newspaper publication of delinquency for a taxpayer whose name or address is unknown.

HOUSE BILL 2434 **HOUSE AUTHOR:** Carriker
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Farabee

This act permits a taxing unit to waive penalties and interest on a delinquent tax bill if an act or omission of its personnel caused or contributed to the delinquent payment and if the tax is paid within 21 days after the taxpayer becomes aware of the delinquency.

PUBLIC LANDS

The 69th Legislature passed sunset renewal laws continuing the School Land Board (Senate Bill 493), the Veterans' Land Board (Senate Bill 316), and the Board for Lease of University Lands (Senate Bill 261), and transferred to the School Land Board authority previously exercised by certain other boards with regard to state-park and state-agency lands (also Senate Bill 493). The three renewal laws are found in the chapter on sunset legislation.

This chapter summarizes Senate Bill 43, which creates an asset management division within the General Land Office to evaluate state-owned real property. Many other measures summarized in this chapter deal with the sale or other conveyance of specific properties. The chapter on energy, along with portions of House Bill 1912 described here, covers new legislation pertaining to oil, gas, and mineral leases on public lands.

General Land Office and Land Boards

SENATE BILL 43 **SENATE AUTHOR:** Leedom
EFFECTIVE: 5-15-85 **HOUSE SPONSOR:** Schlueter

Senate Bill 43 provides for an accounting and central review of certain state real property and creates a funding source for capital budgeting needs. The act creates the assets management division in the General Land Office for the purpose of reviewing and evaluating lands owned by the state and making recommendations regarding use and disposition. The division shall review the real property inventory of each state agency not less than every four years and shall conduct a review during the year before an agency is scheduled for abolition under the sunset act. The division is directed to prepare a list of the current market values of all state-owned real property not later than September 1, 1988. If the legislature authorizes a real estate transaction involving real property owned by the state, the division shall take control of the property and complete the transaction on behalf of the state. The proceeds from the transaction are to be deposited in the Texas capital trust fund, which is created by the act. The fund may be used to finance the acquisition of real and personal property; the purchase, construction, or renovation of a state building; or the administration of the asset management division. The fund may not exceed $500 million.

Real property administered by institutions of higher education and the State Department of Highways and Public Transportation are exempt, to certain extents, from provisions of this act.

HOUSE BILL 1952 **HOUSE AUTHOR:** Shaw
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Santiesteban

House Bill 1952 amends various chapters of the Natural Resources Code relating to the powers and duties of the General Land Office and the School Land Board. The act requires channel and dock companies to apply for easements on state land. Previously such companies, under their charters, could acquire easements at their discretion and free of charge. This change applies to easements acquired after January 1, 1985.

The act also strengthens the ability of the General Land Office to pursue payment of royalties from mineral leases of land in which the state owns an interest. Such leases must now be filed with the General Land Office to be effective. In addition, provisions are enacted that will facilitate the state in obtaining information from the federal government about oil and gas development on the outer continental shelf.

Changes are enacted regarding the lease and purchase of a vacancy (an area of unsurveyed public school land not listed on the records of the land office as public school land) and the issuance of a permit to prospect. The penalty and interest provisions that apply to unpaid royalties from oil and gas leases are applied to hard mineral leases.

SENATE JOINT RESOLUTION 21 **SENATE AUTHOR:** Caperton
FOR ELECTION: 11-5-85 **HOUSE SPONSOR:** C. Evans

Senate Joint Resolution 21 authorizes the School Land Board to sell permanent school fund land and use the proceeds to acquire other land benefitting the school fund.

SENATE BILL 192 **SENATE AUTHOR:** Sharp
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Tallas

Senate Bill 192 allows the Texas Board of Corrections to sell certain state-owned real property in Fort Bend and Harris counties. It also authorizes the additional conveyance of certain property on which the central unit of the Texas Department of Corrections is located and directs the department to develop a plan for the orderly conveyance, disposition, and relocation of the entire central unit.

The sale of the specified tracts of land shall be transacted through the asset management division of the General Land Board, and the School Land Board shall have first option to purchase the property. Sale proceeds are to be deposited in the Texas capital trust fund and will be set aside for the use of the Texas Department of Corrections to acquire new land, construct new facilities, or improve existing facilities.

SENATE BILL 210 **SENATE AUTHOR:** Leedom
EFFECTIVE: 5-9-85 **HOUSE SPONSOR:** Cain

Senate Bill 210 authorizes the Dallas County Mental Health and Mental Retardation Center to sell certain real property and to acquire other property from the sale proceeds to be used in carrying out the center's programs. If the newly acquired land is not used for this purpose, the state's interest in the property shall revert to the state for the use and benefit of the Texas Department of Mental Health and Mental Retardation.

SENATE BILL 380 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Gavin

Senate Bill 380 authorizes the board of regents of Midwestern State University to sell certain state-owned property in Wichita County for the purpose of funding faculty and scholarship endowments.

SENATE BILL 545 **SENATE AUTHOR:** Traeger
EFFECTIVE: 6-11-85 **HOUSE SPONSOR:** Waldrop

Senate Bill 545 allows the Texas Youth Commission to sell certain state-owned real property in Navarro County. The proceeds of the sale are appropriated to the commission for the purpose of constructing the South Texas Regional Facility in Hidalgo, as well as for the repair or renovation of the Corsicana State Home in Navarro County.

SENATE BILL 613 **SENATE AUTHOR:** Howard
EFFECTIVE: 5-10-85 **HOUSE SPONSOR:** Patterson

Senate Bill 613 allows the Texas Employment Commission to sell certain state-owned real property in Paris, Texas. The bill provides that the proceeds from the conveyance of the property be appropriated to the commission for use in acquiring other land or for construction or improvement of facilities.

SENATE BILL 762 **SENATE AUTHOR:** Sharp
EFFECTIVE: 5-9-85 **HOUSE SPONSOR:** Tallas

Senate Bill 762 directs the commissioner of the General Land Office to convey to Fort Bend County a right-of-way on certain state-owned property for the purpose of constructing a county road.

SENATE BILL 839 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** T. Smith

Senate Bill 839 repeals legislation enacted by the 60th Legislature relating to the sale and disposition of the proceeds of certain property located in Travis County and known as the Brackenridge Tract, which is owned by The University of Texas.

SENATE BILL 1224 **SENATE AUTHOR:** Blake
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Hightower

Senate Bill 1224 authorizes the General Land Office to convey two specified tracts of unsold vacant school land that it holds to the board of regents of Texas A&M University. In exchange for this property, the commissioner of the General Land Office may accept title to certain real property in Cherokee County under the control of the university.

The Tyler County land is located in the Kirby State Forest, and its conveyance will allow Texas A&M University to benefit from the harvest of timber. The property in Cherokee County conveyed to the General Land Office will be utilized to benefit the public free school fund.

SENATE BILL 1300 **SENATE AUTHOR:** Jones
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Rudd

Senate Bill 1300 directs the State Purchasing and General Services Commission to sell certain state-owned real property in Travis County. Also authorized is the transfer of an additional specified tract of land in Travis County to the commission by the Parks and Wildlife Department.

The bill appropriates $1.5 million to the State Purchasing and General Services Commission from the sale of its land for the construction of warehouse facilities on the land acquired from the Parks and Wildlife Department.

SENATE BILL 1301 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Rudd

Senate Bill 1301 directs the Texas Employment Commission to sell certain state-owned land in Travis County and provides that the proceeds from the sale of the property be deposited in the commission's unemployment compensation trust fund.

SENATE BILL 1350 **SENATE AUTHOR:** Leedom
EFFECTIVE: 6-5-85 **HOUSE SPONSOR:** Schlueter

Senate Bill 1350 relates to the conveyance of certain state-owned real property in Williamson County. The bill directs the General Land Office to transfer to the Parks and Wildlife Department a portion of the described tract of land for the development of an urban park and authorizes the sale of the remaining property. The School Land Board shall have the first option to purchase the land.

The bill appropriates $40 million of the sale proceeds to the general revenue fund and $18,500,000 to the Texas Department of Mental Health and Mental Retardation. The department shall use the allocation to undertake certain capital improvements, including the purchase of land and construction of facilities for a rehabilitation center to replace the one located on the property authorized for sale under the provisions of this bill.

HOUSE BILL 539 **HOUSE AUTHOR:** Barton
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** Barrientos

House Bill 539 authorizes the board of directors of the Texas School for the Blind to sell or lease certain state-owned property in Travis County for an amount not less than the current appraised sale or leasehold value of the land. The sale or rental income proceeds are appropriated to the school to be used for the construction of a facility for severely handicapped students.

HOUSE BILL 1012 **HOUSE AUTHOR:** L. Evans
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Washington

House Bill 1012 expands the authority granted to the directors of Texas Southern University in regard to the acquisition and disposition of property for university purposes. The bill amends state law that limited the acquisition of property to land in Harris County that was contiguous or adjacent to the campus and specified the tracts of land that could be sold, leased, or exchanged. These restrictions have been removed to permit the board to acquire or dispose of any property it considers necessary for the benefit of Texas Southern University.

HOUSE BILL 1235 **HOUSE AUTHOR:** Sutton
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Kothmann

House Bill 1235 permits the board of regents of The University of Texas System to sell to the city of San Antonio the state's reversionary interest in certain real property located in Bexar County. The bill requires that the city of San Antonio comply with any deed restrictions placed on the land by its original donors.

HOUSE BILL 1247 **HOUSE AUTHOR:** D. Hudson
EFFECTIVE: 6-12-85 **SENATE SPONSOR:** Lyon

House Bill 1247 allows the Public Safety Commission to convey to the city of Tyler certain state-owned real property located in Smith County, as well as all of the state's interest in improvements made on the specified tract of land. The commission shall deposit the proceeds from the sale into the Texas capital trust fund.

HOUSE BILL 1426 **HOUSE AUTHOR:** Sutton
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Kothmann

House Bill 1426 authorizes the State Purchasing and General Services Commission to sell certain state-owned real property in Bexar County in exchange for the fair market value of the land. The proceeds from the sale are appropriated to the commission for the purpose of repairing and renovating a specified state office building complex in San Antonio.

HOUSE BILL 1973 **HOUSE AUTHOR:** Guerrero
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Barrientos

House Bill 1973 requires the Texas Board of Mental Health and Mental Retardation to lease a certain tract of land in Travis County to the Austin Child Guidance Center for the purpose of providing nonprofit services to the mentally ill or psychologically impaired.

The center shall lease the property for $1 per year for a term of 25 years beginning September 1, 1986, with an option to renew. The bill also authorizes the center to undertake building construction and property improvements. The lease may be canceled at any time if land use does not conform to the specified purpose of the legislation.

HOUSE BILL 2438 **HOUSE AUTHOR:** Kuempel
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Traeger

House Bill 2438 directs the commissioner of the General Land Office to sell certain state-owned real property in Comal County. The commissioner may retain an amount equal to the costs of conducting the sale and shall deposit the balance of the proceeds into the Texas capital trust fund of the state treasury.

Miscellaneous

SENATE BILL 644 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 5-22-85 **HOUSE SPONSOR:** Emmett

Senate Bill 644 amends state law regarding construction of buildings that would obscure the view of the State Capitol. The bill designates 30 Capitol view corridors to be protected, and, with some exceptions, prohibits the construction within these corridors of structures exceeding the maximum height allowances as determined by the formula set out in the bill.

Other provisions allow any person to file a court action to enjoin the violation of the height restrictions and authorize the governing body of Austin to adopt local ordinances to mitigate the impact of the bill's regulations on affected landowners.

HOUSE BILL 2096 **HOUSE AUTHOR:** Wallace
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Brooks

House Bill 2096 authorizes the State Preservation Board to select a vendor to sell sesquicentennial commemorative products in the Capitol during 1986. The board shall determine the location and appearance of the vending area and may charge a fee to the vendor, which shall be treated as a donation to the board.

HOUSE BILL 2302 **HOUSE AUTHOR:** Delco
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Barrientos

Current law does not allow counties to exchange real estate belonging to the county for real estate belonging to private entities or individuals. This act allows counties to make such exchanges provided the land is for public use and no county land could be exchanged for less than fair market value, as determined by an appraisal obtained by the county and that a county publish notice of a proposed exchange of land. An exchange transaction under this act may be partly for cash and partly for the trade or exchange of the real estate interest.

PUBLIC OFFICIALS AND EMPLOYEES

This chapter describes legislation concerning public officials and employees. These laws affect persons employed in all levels of public service and include topics such as insurance, workers' compensation, retirement, fire and police personnel, and others.

General Legislation

SENATE BILL 569 **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Stiles

Senate Bill 569 abolishes the Texas Merit System Council and transfers the duties performed by that council relating to the recruitment, advancement, training, compensation, and treatment of certain employees to those individual state agencies required by federal law to use a merit system of personnel administration.

SENATE BILL 599 **SENATE AUTHOR:** Farabee
EFFECTIVE: 5-24-85 **HOUSE SPONSOR:** Laney

Under previous law, persons who had been continuously employed for two years in a position subject to the nepotism law were exempt from the provisions of that statute. Senate Bill 599 reduces the minimum length of service from two years to one year to be eligible for this exemption. The act also prohibits the appointed or elected relative of persons exempted by this law from participating in any deliberation or decision directly affecting the exempted person.

SENATE BILL 681 **SENATE AUTHOR:** Jones
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Martinez

Senate Bill 681 amends certain acts relating to the powers and duties of a notary public and to the use of certain official seals by notaries and other persons.

The act amends the notary public act by requiring the secretary of state to furnish instructional materials concerning the powers, duties, and responsibilities of the office of notary public to each notary public at the time the commission is issued. The fee for issuing a commission is increased to cover the costs of providing such materials and for the purpose of hiring an investigator to aid in minimizing the unauthorized use of the office of notary public. The authority of a notary public is clarified, and the fees that may be charged for the services of a notary are increased.

The act also regulates the use of the Great Seal of Texas by private individuals. A person who wishes to use the Great Seal of Texas for a private commercial purpose is required to obtain a license from the secretary of state.

SENATE BILL 926 **SENATE AUTHOR:** Washington
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** L. Evans

Senate Bill 926 requires each state agency that submits an annual report to the governor's office relating to equal employment opportunities to include in the report information relating to the number of handicapped persons employed by the agency.

SENATE BILL 1128 **SENATE AUTHOR:** Glasgow
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Gavin

Senate Bill 1128 provides that members of the State Board of Insurance are state officials, are not required to keep time work records, and are not authorized to accrue vacation and sick leave time. Members are to be compensated as provided in the General Appropriations Act. The act also permits members of the board to meet in closed session when considering appeals of certain cases if all evidence on which the decision is made is presented to the board in accordance with the open meetings law.

SENATE BILL 1376 **SENATE AUTHOR:** Jones
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Rudd

This act exempts the state and other political subdivisions of the state from an existing legal requirement that employees not exempt from the overtime pay provisions of the federal Fair Labor Standards Act of 1938

be paid at least semimonthly. This continues current state practice in light of a recent application of the overtime pay provisions to certain state and local government employees.

The act also provides that an employer who complies with the federal eight-hour day requirements is considered to be in compliance with the state requirements and is not civilly or criminally liable for violation of those requirements.

SENATE BILL 1400 **SENATE AUTHOR:** Howard
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Jackson

Senate Bill 1400 updates the language used in statutes relating to standards of conduct for appointed state officers to reflect changes in the titles of certain state agencies. It also adds to the list of persons subject to those statutes members of the governing boards of state senior colleges and universities.

HOUSE BILL 473 **HOUSE AUTHOR:** Richardson
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Montford

House Bill 473 establishes a program to reduce state expenditures by establishing an incentive for state employees to offer suggestions for cost-saving ideas. Under this program, an employee who makes a recommendation that when implemented results in increased state revenues, reduced state expenditures, or improved quality of state services is eligible to receive an award in recognition of the employee's contribution to the state. If the recommendation results in a net annual savings or increase in revenue of $100 or more, the employee is eligible to receive a bonus of 10 percent of the net savings or revenue increase up to a maximum of $5,000. For savings of less than $100, a certificate of appreciation is awarded. The act creates the State Employee Incentive Commission and specifies the membership, powers, and duties of the commission. It also outlines procedures to be used in submitting a cost-saving idea for consideration to the commission. Any patent claims, copyright claims, trademark claims, and other claims that arise from an employee recommendation are assigned to the state.

HOUSE BILL 802 **HOUSE AUTHOR:** Hall
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Traeger

House Bill 802 is the enabling legislation for an amendment to the Texas Constitution approved by the voters in November 1984 that authorizes payment of assistance to the dependent parents and siblings of police officers, fire fighters, and certain other public servants who are killed violently while on duty.

HOUSE BILL 874 **HOUSE AUTHOR:** Gavin
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Montford

This act permits investments under a deferred compensation plan for public employees to be made by direct contract with a mutual fund rather than through an insurance agent, bank, savings and loan, or credit union. It also authorizes the administrator of a deferred compensation program to adopt rules concerning the selection of vendors of investment contracts, the sales practices and advertising materials of the vendors, and the disclosure of information concerning investment contracts. The act further states that any state employee participating in a deferred compensation plan may designate the agent, broker, or company through which the investment product is purchased. The comptroller may, however, for good cause, restrict any agent, broker, or company from participating in the program. In addition, the comptroller is directed to consider bids from companies requiring the use of their own agents when soliciting bids for deferred compensation plans authorized under Section 401(k) of the Internal Revenue Code.

HOUSE BILL 903 **HOUSE AUTHOR:** Valigura
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Caperton

House Bill 903 permits executive-branch and judicial-branch state agencies to create work reduction programs for full-time employees. Under these strictly voluntary programs, participating full-time employees are allowed to work fewer hours per week with a proportionate reduction in salary and benefits. Participants must sign a written agreement to stay in the program for at least six months. Agencies must post notice of the availability of the voluntary program, and administrative staff are prohibited from discussing the program with employees unless the employee originates the discussion.

HOUSE BILL 1226 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Montford

House Bill 1226 authorizes the comptroller of public accounts or another designated administrator to establish a deferred compensation plan for public employees under Section 401(k) of the Internal Revenue Code. The administrator of the plan is directed to solicit bids for investment products and to contract with not less than three nor more than five vendors to furnish deferred compensation investment products. Although these contracts are limited to a length of five years, the administrator of the plan may renew or renegotiate the contract for an additional period. If the amounts deferred by a state employee cannot be transferred immediately to the participating vendor, the comptroller may place the funds with the treasury until the transfer, and those funds will earn interest while awaiting transfer.

This act further permits a participant in such a deferred compensation plan to borrow against his or her account and provides for repayment of the loan through payroll deductions.

HOUSE BILL 1561 **HOUSE AUTHOR:** Pennington
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Williams

House Bill 1561 permits counties to establish and operate an electronic funds transfer system to transfer salaries, travel and subsistence payments, and other forms of compensation directly into the accounts of officers and employees. The authorized payee must make a written request to participate in the electronic funds transfer system. Transfers are made only into accounts held in financial institutions. The act provides for the creation of administrative procedures as necessary to operate the system.

HOUSE BILL 1824 **HOUSE AUTHOR:** Laney
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Sarpalius

Current law allows certain state and local education and health-related entities to enter into agreements with their employees for the purchase of annuities or for contribution to certain authorized investments. This act authorizes the governing boards of local entities to provide for automatic payroll deduction for such purchases or contributions.

The act also provides that employees, of both the state and local entities, are entitled to designate any agent, broker, or company through which the annuity or investment is to be purchased.

HOUSE BILL 1966 **HOUSE AUTHOR:** Oliveira
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Caperton

Under current law, salaried appointed state officers and appointed officers of major state agencies are required to file a financial statement with the office of the secretary of state within 30 days of their appointment. House Bill 1966 provides that persons appointed to fill vacancies in elective offices are also required to file the financial statements and directs the secretary of state to send copies of the financial statement form to those persons within seven days of the appointment.

HOUSE BILL 1976 **HOUSE AUTHOR:** Guerrero
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Barrientos

House Bill 1976 amends the open records act to exempt the home addresses and home telephone numbers of public employees from public access. An employee or official of any governmental body may elect to allow public access to the information relating to that employee or official.

HOUSE BILL 2287 **HOUSE AUTHOR:** P. Hill
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Krier

House Bill 2287 removes the different statutory age requirements for men and women to be eligible for the reserve militia and subject to military duty. The act also repeals certain labor and education statutes that discriminate on the basis of sex and therefore do not conform to the Texas equal rights amendment.

SENATE BILL 295 **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Patrick

Senate Bill 295 requires the basic group insurance coverage provided to employees of state colleges and universities to be comparable, rather than at least equal, to coverage commonly provided to employees of private industry and to other state employees. The act also requires an institution of higher learning to offer an employee optional insurance coverage if the cost of the basic coverage exceeds the amount appropriated by the legislature for an employee. If the employee chooses the basic coverage rather than the optional coverage, the institution may deduct from the employee's monthly wages up to one-half of the amount that the insurance premium exceeds the state's contribution, and the institution will pay the difference. For employees paid from funds other than those appropriated by the General Appropriations Act, the institution must contribute an amount equal to the amount appropriated for each employee under the General Appropriations Act. If the premium payment exceeds the employer contribution because the employee chooses optional dependent coverage, the excess premium will be deducted from the monthly wages of the employee.

This act also authorizes the administrative council that oversees the state college and university group insurance program to provide reasonable flexibility for institutions to design a plan around existing local conditions and requires the administrative council to take competitive bids for insurance coverage once every six, rather than every four, years.

SENATE BILL 771 **SENATE AUTHOR:** Farabee
EFFECTIVE: 5-24-85 **HOUSE SPONSOR:** Gavin

Senate Bill 771 authorizes the Board of Trustees of the Employees Retirement System of Texas to establish procedures for deciding questions relating to coverage and payment under the group insurance program for state employees. It grants the executive director of the retirement system exclusive authority to make an initial decision regarding the questions, and the director's decisions may be appealed only to the board of trustees. Suits filed before the effective date of the act are subject to prior law. The act provides a schedule for the appeal of an administrative decision rendered prior to the effective date of the act.

SENATE BILL 910 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Cain

Current law enacted in 1973 requires all political subdivisions to either become self-insurers or provide workers' compensation insurance coverage for their employees. The 1973 act provided for various effective dates for political subdivisions with small annual budgets. Senate Bill 910 deletes the obsolete statutory provision that provided for the various effective dates.

SENATE BILL 1222 **SENATE AUTHOR:** Blake
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Uher

Senate Bill 1222 exempts from those premiums on which a gross premiums tax is levied the gross premiums paid on group health, accident, and life insurance policies by a single nonprofit trust established to provide coverage primarily for county employees.

HOUSE BILL 927 **HOUSE AUTHOR:** Blanton
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Edwards

House Bill 927 authorizes boards of trustees of school districts to establish health care plans and funds for school district employees and their dependents and includes certain requirements for these plans. It specifically states that money for a local health care fund may not be deducted from an employee's salary without the employee's authorization.

HOUSE BILL 2219 **HOUSE AUTHOR:** Willis
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Blake

House Bill 2219 requires each state agency to include in the administrative statement of its biennial budget request a summary of its workers' compensation injuries and a report on the agency's efforts to increase job safety.

HOUSE BILL 2220 **HOUSE AUTHOR:** Willis
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Mauzy

State employees who sustain an injury in the course of employment are entitled to benefits under workers' compensation. The state employees division of the attorney general's office is responsible for administering the plan for workers' compensation insurance for state employees. When the injury is caused by a third party, and the injured employee files for workers' compensation benefits, the state employees division is entitled to any money recovered in a claim against the third party. House Bill 2220 provides that all money recovered by the state employees division under these conditions is to be deposited into the state workers' compensation fund.

Retirement

SENATE BILL 105 **SENATE AUTHOR:** Caperton
EFFECTIVE: see below **HOUSE SPONSOR:** Bush

This act creates a new retirement plan, entitled the Judicial Retirement System of Texas Plan Two, for district and appellate judges whose service begins after the bill takes effect. Plan Two will operate on earnings and contributions from working judges and the state and is the first retirement system for judges of district and appellate courts to have advanced (or actuarial) funding.

Under the new plan, judges will contribute six percent of their state salaries, and the state is obligated to contribute at a rate sufficient to enable the plan to operate without actuarial liability. Benefits under the existing retirement plan, which is renamed the Judicial Retirement System of Texas Plan One, are linked to the salaries of currently sitting judges while benefits under Plan Two are linked to a retiree's salary during his or her last 60 months of service.

In addition, this act removes prohibitions against the practice of law in court by retired judges who do not elect to be available for assignment as visiting judges and adds new conditions to the list of those that render a retiree ineligible for appointment as a visiting judge.

The act is effective on September 1, 1985, or after internal revenue certification, whichever is later.

SENATE BILL 381 **SENATE AUTHOR:** Traeger
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** Richardson

This act authorizes the State Pension Review Board to require, by rule, clarification of information provided by a public retirement system that is required by law and required to be filed with the board. If a rule is adopted, it may not be enforced against a public retirement system if compliance would cause the system to incur a major expense.

SENATE BILL 387 **SENATE AUTHOR:** Howard
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Rudd

Senate Bill 387 creates a group insurance program for retirees who were public school employees and for their surviving spouses and dependents. The program will begin operation September 1, 1986, and will be administered by the Teacher Retirement System of Texas (TRS). Coverage under the program may include life, accident, and health benefits and insurance against loss of salary, and there will be basic and optional plans. All members of the Teacher Retirement System of Texas who are not covered by the State Employees Uniform Group Insurance Program or the College and University Group Insurance Program are required to contribute .25 percent of their salaries for the program. The state will contribute an amount based on TRS members' salaries, beginning at .35 percent and rising to .5 percent. Participants in the program are required to pay premiums to cover optional plans.

SENATE BILL 420 **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Richardson

Senate Bill 420 relates to reporting requirements for various public retirement systems. It requires the annual financial report of a public retirement system, except for reports by certain very small systems, to include the financial statements and schedules examined in the most recent audit and calls for the statements to conform to generally accepted accounting principles. The act also specifies requirements concerning reports filed by public retirement systems with the State Pension Review Board and requires an annual statement of total accumulated service credit to be prepared for each member of a public retirement system. Until September

1, 1988, the State Pension Review Board may exempt a public retirement system from the requirement that it provide each member such an annual statement if the requirement will create an administrative hardship for the system. Copies of the most recent report to the State Pension Review Board must be kept by each public retirement system at its main office for public review.

SENATE BILL 546 **SENATE AUTHOR:** Traeger
EFFECTIVE: 6-12-85 **HOUSE SPONSOR:** Clark

Senate Bill 546 makes numerous changes in the law governing the Texas County and District Retirement System. The changes include the addition of sections permitting the system to reduce monthly payments on request of an annuitant and to make payments to certain other persons if a member is proven incapable. The act also establishes procedures for the distribution of the assets in the account of a subdivision that no longer participates in the system and for the assumption of obligations by an employer that takes over an entity previously participating in the system; allows a member to name a beneficiary without choosing a specific retirement plan and allows the beneficiary to select the plan if the member dies before retirement; authorizes the payment of supplemental death benefits to survivors, under certain conditions, if the member died within six months following the last day worked; increases the guaranteed regular interest rate on members' contributions from 4.5 percent to seven percent beginning January 1, 1985; requires employers to pay employee contributions beginning January 1, 1986; prevents political subdivisions other than counties from joining the system without approval from the system board of trustees; provides new combinations of age and service that may be used by an employer to determine eligibility for benefits; changes standards for amortization of actuarial liabilities; permits retirees to resume employment, without accruing subsequent retirement credit, with a participating employer; and makes other changes.

SENATE BILL 635 **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Clark

Senate Bill 635 changes accounting procedures for the state contribution for military service credited in the state employees retirement system.

SENATE BILL 636 **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Clark

The Employees Retirement System of Texas currently operates seven trust funds that are used to provide retirement and death benefits to state employees. Senate Bill 636 consolidates six of these funds into one trust fund having six distinct accounts. This consolidation is expected to achieve a cost savings for the state by simplifying the accounting and reporting procedures for the system, facilitating cash management, and reducing the flow of journal vouchers through the office of the comptroller of public accounts.

SENATE BILL 713 **SENATE AUTHOR:** Jones
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Rudd

Senate Bill 713 lowers the state's contribution to the Employees Retirement System of Texas from eight percent of total annual compensation to 7.4 percent. The employee contribution remains the same. The state contribution to the Teacher Retirement System of Texas is changed from 8.5 percent of total annual compensation to eight percent. The employee contribution rate to the teacher retirement system is lowered from 6.5 percent to 6.4 percent for service after August 31, 1985. This act also increases by five percent the amount of benefits paid by the state employees retirement system on employee and appointed officer retirements or deaths occurring before September 1, 1983. The increase in payments will be funded from the retirement annuity reserve fund, and if necessary, from the state accumulation fund.

The act also sets a limit of less than 31 years for the amortization period of the unfunded actuarial liabilities of both the state employees and teacher retirement systems. Any change in the contribution rates or in the benefit program that will cause the amortization period to equal or exceed 31 years is prohibited.

SENATE BILL 745 **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Rudd

Senate Bill 745 changes the source of state contributions to the Teacher Retirement System of Texas and to the optional retirement program for employees whose salaries are paid from auxiliary enterprises of institutions of higher education, such as bookstores and cafeterias, or for employees whose salaries are paid

from professional fees generated from state medical and dental institutions. Under prior law, contributions were paid from the general revenue fund. Senate Bill 745 provides that the contributions will be paid from the revenues generated by the auxiliary enterprises or professional fees.

SENATE BILL 993 **SENATE AUTHOR:** Farabee
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Clark

The law enforcement and custodial officer supplemental retirement program in the Employees Retirement System of Texas provides for early retirement and additional benefits for certain commissioned law officers and for custodial officers of the department of corrections. Senate Bill 993 expands the definition of "custodial officer" for the purposes of the retirement system. The act provides that the department of corrections shall determine a person's eligibility to receive credit as a custodial officer and directs the department to furnish such information to the retirement system. The state auditor will verify the accuracy of the reports submitted to the retirement system for this purpose. Persons classified as custodial officers as of the effective date of this act will continue as such unless they change positions to one that does not qualify for custodial service under the provisions of this act. Any subsequent change of position will only qualify for credit in the retirement system if the position meets the requirements for custodial service described in this act.

SENATE BILL 1093 **SENATE AUTHOR:** Caperton
EFFECTIVE: 6-15-85 **HOUSE SPONSOR:** D. Hudson

Senate Bill 1093 makes changes in provisions relating to types of post-retirement employment in education permitted for retirees in the Teacher Retirement System of Texas without the retirees losing benefits under the system and provides for authorization of full-time employment of a retiree for up to five consecutive months on application of the prospective employee and with certain stipulations by the employer.

The act changes the effective date of retirement and methods for revoking retirement in certain circumstances. It also changes descriptions of membership in the retirement system to include persons employed "for at least one-half time," rather than those employed "on a full-time basis."

HOUSE BILL 743 **HOUSE AUTHOR:** Millsap
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Edwards

House Bill 743 increases the lump-sum death benefits payable on the death of a member or retiree of the Teacher Retirement System of Texas from $1,500 to $2,500.

HOUSE BILL 1191 **HOUSE AUTHOR:** Earley
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Truan

On January 1, 1968, the state took over the operation of ferries in Port Aransas and the Padre Island Causeway from Nueces County, and the employees who operated the ferries became employees of the Texas Highway Department. These employees are not eligible to receive retirement benefits from Nueces County for the period before 1968. House Bill 1191 gives these employees credit toward state retirement benefits for the time they worked as ferry operators for Nueces County.

HOUSE BILL 2089 **HOUSE AUTHOR:** C. Evans
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Barrientos

House Bill 2089 changes the definition of "annual compensation" on which contributions and benefits in the Teacher Retirement System of Texas are determined; the change is from a description of the type of payments included in compensation to a list of specific types included. The act also authorizes the retirement system to make audits of compensation records in the offices of school districts and other institutions that participate in the system.

Fire and Police Personnel

SENATE BILL 540 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Green

Senate Bill 540 makes several changes relating to the fire fighters' and police officers' civil service system in cities in Texas having a population of 1,500,000 or more. It extends civil service status to peace officers employed by any city department in a specialized police division and outlines the rights of fire fighters or police

officers who are under investigation for alleged misconduct. The act also establishes a grievance procedure to address employment matters not requiring disciplinary action. Provisions of the firemen's and policemen's civil service act pertaining to use of an independent third party hearing examiner for an appeal of an administrative decision and to procedures following the criminal indictment of a fire fighter or police officer are extended to apply in any city having a population of more than 10,000.

This act makes additional changes affecting sick leave, examination procedure, and disciplinary action for personnel in cities of more than 1,500,000. Other provisions add certain eligibility requirements for persons applying for beginning positions with a police department.

The city council or legislative body of cities having a population of 1,500,000 or more are currently permitted to authorized assignment pay, which is in addition to regular pay, for certain public employees. This act adds hazardous duty response team personnel and bilingual personnel serving as interpreters or translators for their department to the list of employees eligible to receive assignment pay.

The act further requires that vacancies in fire and police departments must be filled by permanent appointment within 60 days after the vacancy occurs. The appointment must be made from eligibility lists furnished by the Firemen's and Policemen's Civil Service Commission, with certain exceptions. If there is no such list, the vacancy is to be filled from the list which the commission will provide within 90 days following the vacancy. The police chief or fire chief may appoint any person having five years' experience in the department and the additional qualifications required for the position to the rank of assistant chief with the approval of the governing body of the city.

The act also changes the administration of a retirement system for fire fighters. It increases the retirement allowance for fire fighters who retire after 20 years' service and raises the amount of benefits paid for nonoccupationally related disability or death. Other provisions make totally disabled adult children entitled to receive pension benefits on the death of the member or retiree. The act further creates eligibility for occupational disability and death benefits under certain conditions for full-time employees who have been employed at least six years with the department and who become disabled or die from heart or lung disease or cancer.

SENATE BILL 689 **SENATE AUTHOR:** Williams
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Colbert

Senate Bill 689 establishes procedures for granting legislative leave without pay to police officers and fire fighters in cities having a population of 1,500,000 or more so they may appear before or petition the state legislature during a regular or special session.

SENATE BILL 754 **SENATE AUTHOR:** Montford
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Laney

Senate Bill 754 pertains to the retirement systems for fire fighters in certain cities. It adds requirements for minimum fire fighter participation in elections for board members, for changing benefits or eligibility requirements, and for altering contributions to the systems by fire fighters. The act also changes the required contribution of cities subject to the law. Further, it permits the reinstatement of previously forfeited service; permits the investment of assets in certain instruments of insurance companies, money market funds, and mutual funds; modifies a system's use of actuarial services; and establishes guidelines for the payment of expenses incurred by a covered retirement system.

SENATE BILL 1186 **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Vowell

Senate Bill 1186 limits the participation of fire alarm operators in retirement systems for fire fighters and police officers in cities having populations of more than 400,000 and less than 600,000 (El Paso) to those operators who are also employed as fire fighters. The bill also permits changes in the systems to be proposed for and adopted by members of only one of the two departments (fire or police) included within each system.

SENATE BILL 1193 **SENATE AUTHOR:** Krier
EFFECTIVE: 6-12-85 **HOUSE SPONSOR:** Adkisson

State law governing who may become a member of the city of San Antonio fireman's and policeman's pension fund provided that a person be "not more than thirty-five (35) years of age." Senate Bill 1193 clarifies this language by providing that a person is eligible for membership if he has not reached his 36th birthday.

HOUSE BILL 504 **HOUSE AUTHOR:** A. Luna
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Whitmire

House Bill 504 states that in cities having a population in excess of 1,500,000, a fire fighter may not be required to work more than an average of 46.7 hours per week during a calendar year. If a fire fighter is required to work more than 48 hours per week, he or she must be compensated for the overtime hours at a rate equal to one and one-half times that person's regular rate of compensation.

HOUSE BILL 528 **HOUSE AUTHOR:** Watson
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Edwards

House Bill 528 authorizes any certified fire fighter who operates an ambulance and any member of the fire fighter's immediate family to be reimbursed for a vaccination required because the fire fighter is exposed to a contagious disease during the course of employment. Reimbursement will be made by the employing governmental entity, or the vaccination may be given, without charge, by medical personnel designated by the employing governmental entity.

HOUSE BILL 595 **HOUSE AUTHOR:** Polumbo
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Henderson

This act adds certain eligibility requirements for persons applying for beginning positions with a police department in a city having a population of 1,500,000 or more.

HOUSE BILL 892 **HOUSE AUTHOR:** Dutton
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Whitmire

House Bill 892 permits the chief of a fire or police department in a city having a population of 1,500,000 or more to assign an officer or employee under his jurisdiction or supervision to uncompensated duty, with the consent of the employee. The duty may be in place of or in combination with a period of disciplinary suspension without pay. The officer or employee must agree in writing to accept the uncompensated duty, and the officer or employee may not earn or accrue any benefit from length of service, wage, or salary while performing uncompensated duty.

HOUSE BILL 1029 **HOUSE AUTHOR:** Delco
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Barrientos

House Bill 1029 makes several changes in retirement systems for fire fighters in cities having populations of at least 300,000 but not more than 375,000 (Austin). The major changes include an increase in the computation of standard retirement benefits and increases in city and fire fighter contributions. The bill also specifies procedures for external management of investments and actuarial valuation of assets, changes procedures for administration of death and disability benefits, and requires employer payment of employee contributions beginning January 1, 1986.

HOUSE BILL 1046 **HOUSE AUTHOR:** A. Luna
EFFECTIVE: 6-10-85 **SENATE SPONSOR:** Washington

House Bill 1046 authorizes assignment pay for fire fighters or police officers in cities having a population of 1,500,000 or more who serve as bilingual personnel.

HOUSE BILL 1310 **HOUSE AUTHOR:** Patronella
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Whitmire

The city councils or legislative bodies of cities having a population of 1,500,000 or more are currently permitted to authorize assignment pay, which is in addition to regular pay, for certain public employees. This act adds hazardous duty response team personnel to the list of employees eligible to receive assignment pay.

HOUSE BILL 1481 **HOUSE AUTHOR:** Watson
EFFECTIVE: 6-14-85 **SENATE SPONSOR:** Lyon

This act limits the number of hours that fire fighters in certain cities may be required to work during a given work cycle. It also permits overtime payment to fire fighters and other members of the fire department who are required, in an emergency, to work more hours in a work cycle than are authorized in this act.

HOUSE BILL 1592 **HOUSE AUTHOR:** Hightower
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Lyon

House Bill 1592 pertains to the licensing of certain peace officers in Texas. It provides that persons elected to the office of constable after September 1, 1985, must obtain licensing as a law enforcement officer no later than two years after assuming office, and establishes penalties for failure to do so or to remain licensed. House Bill 1592 also provides that the Commission on Law Enforcement Officer Standards and Education may not issue a probationary license to a peace officer or reserve law enforcement officer who was not appointed before July 1, 1986. The commission is directed to adopt rules permitting law enforcement agencies to petition for a temporary probationary license for a peace officer or reserve law enforcement officer when the agency can show that it has a manpower shortage. Permanent licenses may not be issued to a peace officer or reserve law enforcement officer who was not appointed before July 1, 1986, unless the officer has completed proper training and passed any required licensing examination.

The act establishes minimum entry level age requirements for licensing as a peace officer or reserve law enforcement officer, with certain exceptions. Candidates for licensing by the commission must be shown to be free of drug dependency or illegal drug use. The commission is directed to adopt rules regarding standards to be used in reporting the declaration of applicants' psychological and emotional health. The commission is also directed to adopt rules regarding requirements for reactivating a license after a break in employment.

House Bill 1592 also permits a department of county park rangers to be established in Harris County. The act outlines the duties, authority, and administration of such departments, and states that persons commissioned as county park rangers under this act are peace officers.

HOUSE BILL 1657 **HOUSE AUTHOR:** Messer
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Parmer

House Bill 1657 makes several changes relating to the fire fighters' and police officers' civil service system in cities having a population of 10,000 or more. It substitutes gender-neutral language where appropriate, requires civil service commissioners to be United States citizens, provides for the removal of a commissioner, and makes changes affecting the appointment, promotion, discipline, suspension, demotion, and termination of fire fighters and police officers.

HOUSE BILL 1830 **HOUSE AUTHOR:** Green
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Williams

House Bill 1830 requires vacancies in fire and police departments in cities having a population of 1,500,000 or more to be filled by permanent appointment within 60 days after the vacancy occurs. The appointment must be made from eligibility lists furnished by the Firemen's and Policemen's Civil Service Commission. If there is no such list, the vacancy is to be filled from a list which the commission will provide within 90 days following the vacancy.

STATE TAXES AND TAX ADMINISTRATION

This chapter provides descriptions of legislation relating to state taxes and to local taxes involving state administration. Enactments relating to property taxation are summarized in another chapter.

A significant measure included in this chapter is House Bill 1949, which revises state taxation of telecommunication services. Also included are selected provisions of House Bill 955, designed to encourage the selection of a Texas port as the site for a major Navy facility.

Telecommunication Taxation

HOUSE BILL 1949 **HOUSE AUTHOR:** Gibson
EFFECTIVE: 10-1-85 **SENATE SPONSOR:** Farabee

This act makes telecommunication services, other than interstate long distance service and local trunk service, subject to the state sales and use tax. To eliminate problems of multiple taxation, the act clarifies the application of gross receipts taxes on telephone companies and repeals the gross receipts tax on telegraph services, which became subject to the sales and use tax. Interstate long distance service is untaxed and basic local exchange telephone service is subject to the gross receipts tax. Privately owned coin-operated telephones will be subject to the sales tax, and receipts from coin-operated telephones owned by a telephone company will continue to be subject to a gross receipts tax.

Telecommunication services are exempt from city and transit authority sales taxes unless imposed by a majority vote of the governing body of the city or transit authority.

National Defense Impacted Region Assistance Act of 1985

HOUSE BILL 955 **HOUSE AUTHOR:** A. Smith
EFFECTIVE: see below **SENATE SPONSOR:** Brown

House Bill 955 is the National Defense Impacted Region Assistance Act of 1985, which provides state financial assistance to any region of the state that is affected by new construction or expansion of a major United States Navy facility. Because the legislature believes that the location of this proposed facility in Texas would provide substantial economic benefit to the state, it passed this act ensuring adequate provision of government services as an incentive to the Navy to choose a site in Texas.

Among its provisions, the act amends the Tax Code to exempt from the sales tax property bought by a contractor for use in improving realty in connection with the construction of the naval facility. The Texas home port trust fund, to be administered by the governor, is created to provide for public works improvements related to the naval facility. Seventeen million dollars is transferred from the water assistance fund and appropriated to the new fund.

Effective September 1, 1986, the Tax Code is also amended to allocate the portion of the cigarette tax previously allocated to the local parks, recreation, and open space fund to the Texas home port trust fund until $8 million has been allocated. Then, for the balance of the 1987 fiscal year, this portion of the cigarette tax reverts to the local parks fund. If no naval facility is located in Texas, all of these funds go to the local parks fund.

In any event, the Texas home port trust fund lapses on the fourth anniversary of the commencement of construction of the naval facility and all funds revert to the general revenue fund. Improvements made with these funds may be leased to the United States government, but ownership remains with the state, navigation district, or political subdivision.

The act, with the exception noted above, is effective on the date the governor issues an official proclamation declaring the Department of the Navy's decision to locate its facility in Texas. The act expires if the proclamation is not issued on or before January 1, 1986.

General Administration

SENATE BILL 248 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Berlanga

This act makes several changes relating to tax administration by the state comptroller. The areas of law affected include tax liens, the statute of limitations relative to nonfilers who owe taxes, collection of insurance premium taxes, franchise tax reports and payments, and deadlines for the payment of a deficiency determination.

Until taxes secured by a lien are paid, property acquired by a taxpayer after the lien was filed is also attached. Insurance premium taxes on unauthorized insurance will now be collected by the State Board of Insurance in the same manner as other premium taxes. The time a taxpayer has to pay a deficiency determination is reduced from 50 to 40 days.

SENATE BILL 317 **SENATE AUTHOR:** Sharp
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Gibson

The act permits, in the case of public calamity or natural disaster, the state comptroller to set a special report or payment date for the sales and use tax in lieu of the dates prescribed in the Tax Code.

SENATE BILL 473 **SENATE AUTHOR:** Howard
EFFECTIVE: 4-30-85 **HOUSE SPONSOR:** McKinney

The act provides that the state comptroller may not issue or renew any permit or license to a person who does not hold the proper permit or license required for a different tax or activity that is administered by the comptroller or who is delinquent in the payment of any tax collected by the comptroller. The comptroller may also suspend or revoke a permit or license of a person who is violating any provision of the Tax Code relating to state taxes or of the Bingo Enabling Act. The act provides for administrative procedures and appeals.

HOUSE BILL 731 **HOUSE AUTHOR:** O. Garcia
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Traeger

The act requires the attorney general to bring suit for an injunction against a person engaged in the erroneous or wrongful collection of state taxes. Prior to filing an injunction, the attorney general must notify the person to cease any wrongful collection and provide 15 days for compliance.

Sales and Use Taxes

SENATE BILL 237 **SENATE AUTHOR:** Traeger
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Blanton

The act makes various changes regarding the administration of the local and metropolitan transit authority (MTA) sales taxes, gross receipts tax on utility companies and car companies, motor fuel tax, and franchise tax. The divergent use of a taxable item purchased under a resale certificate is made subject to the local and MTA sales taxes. The act also provides for the qualification of owners of three-quarter and one ton trucks as prepaid diesel users to reduce taxpayer recordkeeping, for a minimum franchise tax of $68, and for the application of the franchise tax to corporations affected by a corporate merger.

SENATE BILL 374 **SENATE AUTHOR:** Jones
EFFECTIVE: 10-1-85 **HOUSE SPONSOR:** Rudd

The act repeals the exemption from the state use tax for property acquired outside the state but used in this state by licensed and certified carriers. The primary effect of the repeal is to make pipe acquired outside the state and moved into the state for use subject to the state use tax.

SENATE BILL 1409 **SENATE AUTHOR:** Traeger
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Hall

This act provides standards and documentation requirements for claiming the sales and use tax exemption for property exported from this state to another country.

HOUSE BILL 2048 **HOUSE AUTHOR:** Schlueter
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Harris

The act provides that the sales tax receipts from the sale of an amusement service be allocated to the city and transit authority in which the performance or delivery of the service takes place.

Other State Taxes

SENATE BILL 232 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Melton

The act deletes an exemption from the franchise tax for a transportation company or sleeping, palace car, and dining company required to pay an annual tax measured by its gross receipts. In recent years, no corporation had qualified for the exemption.

SENATE BILL 442 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Shaw

The act revises certain powers and duties of the state treasurer regarding the sale of cigarette tax stamps. The treasurer will no longer be required to sell stamps in unbroken sheets of 100, and the treasurer, rather than the state auditor, shall prescribe the form of drafts drawn to purchase stamps.

SENATE BILL 472 **SENATE AUTHOR:** Howard
EFFECTIVE: see below **HOUSE SPONSOR:** Morales

In 1984, the retail sale of cigarettes, cigars, and tobacco products became subject to the state sales and use tax. This act eliminates certain permit and reporting requirements at the retail level imposed under the cigarette tax and cigar and tobacco products tax.

The requirement that a person who represents cigarette and tobacco products manufacturers must have a solicitors permit is also eliminated. The act repeals a requirement that distributing agents for cigarette and tobacco products make certain daily reports to the state comptroller.

The provisions of the act noted in the two preceding paragraphs are effective March 1, 1986. The act also repeals, effective August 26, 1985, various cigarette tax and cigar and tobacco products tax provisions relating to confidentiality and disclosure of information held by the comptroller and relating to enforcement by the comptroller.

SENATE BILL 1014 **SENATE AUTHOR:** Santiesteban
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Blanton

Revenue from alcoholic beverages taxes is apportioned to the general revenue fund, to tax enforcement, to public education, and, in the case of the tax on mixed beverages, to certain cities and counties. This act clarifies the disposition of penalties from the gross receipts tax on mixed beverages by directing that revenue consisting of penalties be deposited to the credit of the general revenue fund.

SENATE BILL 1316 **SENATE AUTHOR:** Jones
EFFECTIVE: 6-3-85 **HOUSE SPONSOR:** Schlueter

Generally, state taxes paid under protest are held in a suspense account and are not available for appropriation. This act provides that gross insurance premium taxes paid under protest after January 1, 1985, but before November 15, 1987, are to be deposited directly in the general revenue fund, and protest payments for these taxes currently held in suspense are to be transferred to the general revenue fund.

HOUSE BILL 1463 **HOUSE AUTHOR:** Gibson
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Glasgow

Prior to this act, the taxes on motor fuels did not apply to fuel brought into the state in motor vehicle tanks with a capacity of less than 42 gallons. This act revises the exemption by increasing the qualifying tank capacity to less than 60 gallons.

HOUSE BILL 2411 **HOUSE AUTHOR:** Pierce
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Traeger

This act amends provisions of the Tax Code relating to motor fuel taxes by eliminating the requirement that a gasoline or diesel fuel cargo tank be calibrated by the comptroller to certify actual liquid volume. Advances in tank manufacture and in metering of liquid transfer had negated the need for the requirement.

STATUTORY REVISION

In 1963, the 58th Legislature authorized a permanent statutory program for the systematic and continual study and revision of state statutes. The 69th Legislature enacted six bills related to this statutory revision program.

Election Code

SENATE BILL 616 **SENATE AUTHORS:** Edwards; Harris
EFFECTIVE: 1-1-86 **HOUSE SPONSOR:** Hackney

Senate Bill 616 adopts the Election Code, a substantive revision of the statutes relating to election law. The general organization of the Election Code is:

TITLE 1. INTRODUCTORY PROVISIONS
TITLE 2. VOTER QUALIFICATIONS AND REGISTRATION
TITLE 3. ELECTION OFFICERS AND OBSERVERS
TITLE 4. TIME AND PLACE OF ELECTIONS
TITLE 5. ELECTION SUPPLIES
TITLE 6. CONDUCT OF ELECTIONS
TITLE 7. ABSENTEE VOTING
SUBTITLE A. ABSENTEE VOTING
SUBTITLE B. SPECIAL FORMS OF ABSENTEE VOTING
SUBTITLE C. RESTRICTED BALLOT
TITLE 8. VOTING SYSTEMS
TITLE 9. CANDIDATES
TITLE 10. POLITICAL PARTIES
SUBTITLE A. INTRODUCTORY PROVISIONS
SUBTITLE B. PARTIES NOMINATING BY PRIMARY ELECTION
SUBTITLE C. PARTIES NOMINATING BY CONVENTION
TITLE 11. PRESIDENTIAL ELECTIONS
TITLE 12. ELECTIONS TO FILL VACANCY IN OFFICE
TITLE 13. RECOUNTS
TITLE 14. ELECTION CONTESTS
TITLE 15. (reserved)
TITLE 16. MISCELLANEOUS PROVISIONS

All of the old Texas Election Code except Chapter 14, regulating political funds and disclosure, is repealed by this act. A separate bill that would have recodified Chapter 14 as Title 15 of the new code did not pass.

The act provides that if a provision of the code conflicts with another act of the 69th Legislature, the other act prevails. If the other act makes the same substantive change but the text differs, the text in the new code prevails.

Objection to any provision of the new code by the U.S. Justice Department under the federal Voting Rights Act does not affect the validity of the rest of the act. The secretary of state is directed to identify the corresponding provision of prior law in the Texas Election Code, and that old provision shall continue in effect in place of the new provision.

The new Election Code, in addition to reorganizing election law, makes a number of substantive changes to eliminate inconsistencies, clarify provisions, delete or replace obsolete or unworkable laws, standardize or improve procedures, and adopt new practices. The substantive changes are too numerous to list in a brief summary, but among the major ones are the following:

(1) The current five-year waiting period for felons to become registered voters is replaced with a two-year waiting period from the date of discharge or completion of probation.

(2) A regulatory system for volunteer deputy registrars is provided that clarifies the roles of the voter registrar and the deputies in the registration system.

(3) The county executive committee of a political party is required to provide training programs for its election officers; election judges in elections ordered by the governor or a county authority are required to complete a training program provided by the county clerk.

(4) Voting booths are required to be used at all polling places, rather than at each polling place in a city with a population of 10,000 or more.

(5) The requirements of the federal Overseas Citizens Voting Rights Act of 1975, currently being implemented by directive of the secretary of state, are implemented in the new Election Code.

(6) A specific procedure by which candidates for office may be declared ineligible by certain administrative authorities is provided.

(7) The primary ballot pledge of support for the party's nominees is replaced with a statement that the voter is a member of a particular party and understands that he is ineligible to vote or participate in another political party's primary election or convention during the current voting year.

(8) The biennial state convention for major political parties currently held in September is moved to June.

(9) A standard procedure for obtaining and conducting a recount in any election, regardless of the method of voting, is provided.

Civil Practice and Remedies Code

SENATE BILL 797 **SENATE AUTHOR:** McFarland
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Messer

Senate Bill 797 adopts the Civil Practice and Remedies Code, a nonsubstantive revision of the statutes relating to civil procedure and civil remedies and liabilities. The general organization of the Civil Practice and Remedies Code is:

TITLE 1. GENERAL PROVISIONS
TITLE 2. TRIAL, JUDGMENT, AND APPEAL
SUBTITLE A. GENERAL PROVISIONS
SUBTITLE B. TRIAL MATTERS
SUBTITLE C. JUDGMENTS
SUBTITLE D. APPEALS
TITLE 3. EXTRAORDINARY REMEDIES
TITLE 4. LIABILITY IN TORT
TITLE 5. GOVERNMENTAL LIABILITY
TITLE 6. MISCELLANEOUS PROVISIONS

Laws Omitted from Enacted Codes

SENATE BILL 805 **SENATE AUTHOR:** Traeger
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Saunders

Senate Bill 805 is a nonsubstantive codification of various laws omitted from previously enacted codes, including the Human Resources Code, the Tax Code, the Education Code, the Business & Commerce Code, the Agriculture Code, the Government Code, and the Property Code.

Titles 1 and 3, Government Code

SENATE BILL 813 **SENATE AUTHOR:** Blake
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Millsap

Senate Bill 813 adopts Titles 1 and 3 of the Government Code. Title 1 contains the general provisions for the code, and Title 3 is a nonsubstantive revision of the statutes relating to the legislative branch of government. The general organization of Title 3 is:

TITLE 3. LEGISLATIVE BRANCH
SUBTITLE A. LEGISLATURE

CHAPTER 301. LEGISLATIVE ORGANIZATION
CHAPTER 302. SPEAKER OF THE HOUSE OF REPRESENTATIVES
CHAPTER 303. GOVERNOR FOR A DAY AND SPEAKER'S DAY
CHAPTER 304. EMERGENCY INTERIM LEGISLATIVE SUCCESSION
CHAPTER 305. REGISTRATION OF LOBBYISTS
[Chapters 306-310 reserved for expansion]
SUBTITLE B. LEGISLATION
CHAPTER 311. CODE CONSTRUCTION ACT
CHAPTER 312. CONSTRUCTION OF LAWS
CHAPTER 313. NOTICE FOR LOCAL AND SPECIAL LAWS
CHAPTER 314. FISCAL NOTES AND COST PROJECTIONS
CHAPTER 315. ECONOMIC IMPACT STATEMENT
CHAPTER 316. APPROPRIATIONS
[Chapters 317-320 reserved for expansion]
SUBTITLE C. LEGISLATIVE AGENCIES
CHAPTER 321. STATE AUDITOR
CHAPTER 322. LEGISLATIVE BUDGET BOARD
CHAPTER 323. TEXAS LEGISLATIVE COUNCIL
CHAPTER 324. LEGISLATIVE REFERENCE LIBRARY
CHAPTER 325. SUNSET LAW
CHAPTER 326. COOPERATION BETWEEN LEGISLATIVE AGENCIES

Title 2, Government Code

SENATE BILL 1228 **SENATE AUTHOR:** Mauzy
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** C. Evans

Senate Bill 1228 adopts Title 2 of the Government Code, a nonsubstantive revision of the statutes relating to the judiciary. The general organization of Title 2 is:
TITLE 2. JUDICIAL BRANCH
SUBTITLE A. COURTS
SUBTITLE B. JUDGES
SUBTITLE C. PROSECUTING ATTORNEYS
SUBTITLE D. JUDICIAL PERSONNEL AND OFFICIALS
SUBTITLE E. JURIES
SUBTITLE F. COURT ADMINISTRATION
SUBTITLE G. (reserved for State Bar Act, Board of Law Examiners, and statutes relating to licensing of attorneys)
SUBTITLE H. INFORMATION RESOURCES

Code of Criminal Procedure

SENATE BILL 854 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Rudd

Senate Bill 854 designates Chapters 1 through 100 of the Code of Criminal Procedure, 1965, as Title 1 of the code and adopts Title 2, a nonsubstantive revision of miscellaneous statutes relating to criminal procedure that were saved from repeal but not incorporated into the code as enacted in 1965. The general organization of Title 2 is:
TITLE 2. CODE OF CRIMINAL PROCEDURE
CHAPTER 101. GENERAL PROVISIONS
CHAPTER 102. COSTS PAID BY DEFENDANTS
SUBCHAPTER A. GENERAL COSTS
SUBCHAPTER B. CRIMINAL JUSTICE PLANNING FUND

CHAPTER 103. COLLECTION AND RECORDKEEPING
CHAPTER 104. CERTAIN EXPENSES PAID BY STATE OR COUNTY

TRANSPORTATION AND HIGHWAYS

Transportation laws passed by the 69th Legislature include many relating to motor vehicles and their operation. The most important is the mandatory seat belt law, Senate Bill 500, which applies to front seat occupants four years old or older travelling in automobiles and pickup trucks. An earlier law, enacted by the 68th Legislature in 1984 during its 2nd Called Session, requires child restraint systems for all passengers under the age of four, front seat or back. Other new motor vehicle laws of general interest include House Bill 1593 (state government chapter) raising driver's license and vehicle inspection fees, House Bill 913 (this chapter) increasing the penalty for illegally passing a stopped school bus, and House Bill 1819 (alcoholic beverages chapter) increasing the penalty for driving while intoxicated whenever the driver is found with an open container of alcohol. This chapter also summarizes enactments—Senate Bill 662, House Bill 1986, and House Bill 938—affecting the allocation and use of state highway and public transportation funds.

Seat Belts

SENATE BILL 500 **SENATE AUTHOR:** Lyon
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Messer

Senate Bill 500 establishes Texas' mandatory safety belt law, which requires the use of safety belts by front seat occupants of cars and of trucks with a manufacturer's rated carrying capacity of not more than 1,500 pounds.

The act applies to persons riding in the front seat of a vehicle equipped with safety belts. A motor vehicle operator who allows a child between the ages of four and 15 to ride in the front seat of the vehicle while unsecured by a safety belt is also in violation of the new law.

Punishment for this offense is not less than $25 nor more than $50, and although Senate Bill 500 takes effect on September 1, 1985, violations will not be subject to penalties until December 1, 1985. A violation of this law will not be included among those offenses which, if committed habitually, may result in a driver's license suspension.

Persons who obtain medical waivers or who are employees of the United States Postal Service traveling on their mail routes are exempted from the act. The act also disallows the use or nonuse of safety belts as evidence in a civil trial and directs the State Department of Highways and Public Transportation to develop public education programs encouraging compliance with the new law.

Under a regulation established by the United States Department of Transportation, all passenger cars manufactured for sale in this country must be equipped with automatic crash protection devices such as air bags and automatic seat belts by September 1, 1989. If by April 1, 1989, however, states representing two-thirds of the nation's population have enacted mandatory seat belt use laws that meet with federally established criteria, the automatic crash protection ruling will be rescinded. Texas' safety belt law currently does not entirely comply with federal guidelines.

Highway Administration

SENATE BILL 662 **SENATE AUTHOR:** Traeger
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Rudd

This act amends existing law to raise the limitation on the Department of Public Safety's use of the state highway fund no. 6 from $30 million to $60 million per fiscal year. The funds are used for policing the state highway system, for administration of laws pertaining to traffic and safety on public roads, and for retirement, social security, and health insurance for employees of the department.

HOUSE BILL 1986 **HOUSE AUTHOR:** Cain
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Traeger

House Bill 1986 permits transportation corporations to undertake highway construction and improvement projects that are approved by and sold to the State Highway and Public Transportation Commission on

completion. The corporation may enter into the contracts with the commission only if the commission determines that the proposed projects are intended to become part of the federal and state highway system.

For the purpose of joint funding of highway construction, the act authorizes transportation corporations to contract with home-rule cities, counties, county road districts, and road utility districts. The act also authorizes transportation corporations to issue bonds and notes.

HOUSE BILL 2516 **HOUSE AUTHOR:** J. Harris
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Brown

House Bill 2516 designates the portion of State Highway 288 located from the Brazoria County line to Freeport as the Brazoria Parkway and grants the State Department of Highways and Public Transportation the authority to design, construct, and maintain markers along the parkway.

Public Transportation

HOUSE BILL 938 **HOUSE AUTHOR:** Hackney
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Traeger

House Bill 938 reallocates money in the public transportation fund between the formula program and the discretionary program to increase the amount available for the formula program. Only urbanized areas are eligible to receive grants under the formula program.

The act also allows participation in the discretionary program by any entity that is authorized by the governor and federal transportation secretary to operate a public transportation system in an area other than an urbanized area.

HOUSE BILL 1856 **HOUSE AUTHOR:** Gibson
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Glasgow

The Public Transportation Fund exists in the state treasury to distribute money to cities for mass transit purposes. Under the provisions of House Bill 1856, a nonprofit corporation organized before September 1, 1985, to provide public transportation in a rural area is eligible to apply for and receive money from the fund if the State Department of Highways and Public Transportation determines that the corporation intends to become self-supporting.

Vehicle Titles and Registration

SENATE BILL 39 **SENATE AUTHOR:** Blake
EFFECTIVE: 5-24-85 **HOUSE SPONSOR:** Millsap

Senate Bill 39 repeals an obsolete provision of the Certificate of Title Act concerning trailers' and semitrailers' identification numbers. Another law passed for the same purpose as the repealed legislation and since amended remains in effect and reflects currently recognized practices of the State Department of Highways and Public Transportation.

SENATE BILL 332 **SENATE AUTHOR:** Caperton
EFFECTIVE: 1-1-86 **HOUSE SPONSOR:** A. Luna

State law provides for mandatory identification marking on several classes of commercial motor vehicles operating on Texas' roads and highways. Senate Bill 332 requires that certain truck-tractors, road-tractors, and vehicles having more than three axles comply with this regulation. The act also exempts eight classes of commercial motor vehicles from the identification requirement.

SENATE BILL 1139 **SENATE AUTHOR:** Henderson
EFFECTIVE: 6-14-85 **HOUSE SPONSOR:** Hilbert

Senate Bill 1139 authorizes a toll road authority in a county with a population of 2.4 million to regulate or prohibit the placement of signs on toll roads. The act sets a penalty for violations of this new law and provides for compensation to sign owners and owners of real property for losses resulting from the removal of signs. Currently the act applies only to Harris County.

SENATE BILL 1289 **SENATE AUTHOR:** Blake
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** McKinney

State law provides that certain vehicles operated by or for the use of disabled persons may be issued identification devices that allow these vehicles to be parked in specially designated areas. Senate Bill 1289 adds to the types of vehicles covered by this law motorcycles that have been specifically modified for use by disabled persons.

HOUSE BILL 794 **HOUSE AUTHOR:** Jackson
EFFECTIVE: 5-24-85 **SENATE SPONSOR:** Traeger

Legislation enacted in 1983 allows a county to impose a local motor vehicle registration fee of $5 for its road and bridge fund. Many counties imposed this optional fee effective January 1, 1985. Because a vehicle registration fee can be renewed up to two months before its expiration date, some counties began collecting the fee in November and December, 1984.

Under the provisions of House Bill 794, the acts of the county tax assessor-collector in a county that imposes this fee are validated if the fee was collected or refunded during the last two months of 1984. A receipt for motor vehicle registration issued on or after November 1, 1984, but before February 1, 1985, is conclusive evidence of the payment of the registration fee that was due. The act does not affect any matter that was in litigation or that had been held invalid by a court on the effective date of the act.

HOUSE BILL 919 **HOUSE AUTHOR:** Hackney
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Edwards

Under the provisions of House Bill 919, certain four-wheel vehicles designed for off-highway travel are included among the types of motor vehicles that must comply with the state certificate of title law.

HOUSE BILL 1281 **HOUSE AUTHOR:** Wallace
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Brooks

House Bill 1281 allows a seller to charge a documentary fee when closing a retail installment sale of a motorcycle, moped, or all-terrain vehicle. If charged, the fee must apply to both cash and credit buyers, must not exceed $25, and must be separately itemized on the contract. The act also provides that a notice accompany the contract stating that the fee is not required by law.

HOUSE BILL 1365 **HOUSE AUTHOR:** G. Luna
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Krier

Ordinarily, to prosecute a person for receipt of stolen property, it must be established that the person had knowledge of the property's stolen character at the time of receipt. This measure declares that a person engaged in the business of motor vehicle salvage is presumed to have knowledge of the vehicle's or part's stolen character if the person fails to maintain an accurate and legible inventory of vehicles and parts, fails to obtain a transfer document or certificate of title, or fails to remove and safely store an unexpired license plate. A person who purchases or receives a used or secondhand motor vehicle is presumed to have knowledge of the vehicle's stolen character if the person fails to report a vehicle delivered without certificate of title or fails to file with the county tax assessor-collector the registration license receipt and evidence of title received at the time the vehicle was delivered.

Definitions are provided for "certificate of title" and "used or secondhand motor vehicle." In addition, the Certificate of Title Act is amended to require title transfer at the time the motor vehicle is transferred.

HOUSE BILL 1403 **HOUSE AUTHOR:** Cain
EFFECTIVE: 6-15-85 **SENATE SPONSOR:** Traeger

House Bill 1403 redefines the term "motor vehicle registration year" to be consistent with the state's year-round registration system. The act also provides that vehicle registrations are to be renewed during the two-month period prior to the applicable registration year and that the renewal fee is the fee that is in effect on the first day of the registration year.

HOUSE BILL 1805 **HOUSE AUTHOR:** A. Moreno
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Uribe

Under the provisions of House Bill 1805, a motor vehicle not manufactured for sale or distribution in the United States may not be titled in Texas until certain documents are submitted by an applicant. These

documents must state that the vehicle meets federal safety requirements and conforms with federal emission requirements, and that all gas guzzler taxes due on the vehicle have been paid.

Another provision requires that an application for certificate of title for a vehicle not previously registered and titled in this country must be accompanied by certain documents showing the origin, former ownership, or registration and title cancellation of the vehicle. Those documents must be provided in English.

Drivers' Licenses

SENATE BILL 550 **SENATE AUTHOR:** Caperton
EFFECTIVE: 9-1-85 **HOUSE SPONSOR:** Finnell

Senate Bill 550 amends state law relating to conduct that will result in the suspension or denial of a minor's driver's license or permit by adding violations of the Texas Controlled Substances Act to already established prohibitions against driving while intoxicated. The act specifies the period for which a driver's license or permit may be suspended or denied and also provides for the issuance of a provisional license or permit to minors under certain conditions.

SENATE BILL 844 **SENATE AUTHOR:** Farabee
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Adkisson

A medical advisory board has assisted the Department of Public Safety for many years in determining whether driver's license applicants are medically qualified to receive licenses. Senate Bill 844 revises the law pertaining to the board, which is now administered in conjunction with the Medical Standards on Motor Vehicle Operations Division of the Texas Department of Health.

The medical advisory board is specifically given the right to require an applicant to undergo medical or other examinations at the applicant's expense. As an exception to confidentiality of information relating to an applicant's condition, a physician is authorized to notify the board of patients who have disorders or disabilities that are determined to be disqualifications for the issuance of a driver's license.

Special Licenses and Designations

HOUSE BILL 1264 **HOUSE AUTHOR:** Hilbert
EFFECTIVE: 6-11-85 **SENATE SPONSOR:** Henderson

House Bill 1264 amends the Uniform Act Regulating Traffic on Highways by expanding the definition of "authorized emergency vehicle" to include vehicles driven by certified Emergency Medical Services employees who are answering a fire alarm or responding to a medical emergency.

HOUSE BILL 2329 **HOUSE AUTHOR:** Cain
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Blake

House Bill 2329 enacts new law requiring that certain construction equipment defined as "special mobile equipment" be marked with identification numbers and provides a penalty for noncompliance with this regulation. An offense is also committed if unmarked equipment is transported over public roads and highways. The act sets a lesser penalty for persons in violation of this provision who produce a document containing certain information regarding the equipment, its ownership, and its transportation. A penalty of greater severity results if no such document is submitted or if a document is forged. The same penalty applies in cases in which the identification number on the equipment has been removed, altered, or covered.

HOUSE BILL 2420 **HOUSE AUTHOR:** Wallace
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Brooks

In 1982, federally enacted regulations preempted state programs relating to the registration and issuance of special license plates for motor vehicles used by official consuls of foreign governments. House Bill 2420 deletes several provisions of state law that are no longer in effect as a result of the changes in federal law.

Under the former provisions, the State Department of Highways and Public Transportation also issued exempt license plates to honorary consuls who serve without diplomatic immunity in Texas as representatives of foreign governments. House Bill 2420 replaces the former statutes by establishing procedures for the issuance of specially designated but nonexempt plates to these government representatives.

Senate Bill 1267, summarized in the business and occupational regulation chapter, relates to permits for movement of manufactured housing.

Insurance Requirements

SENATE BILL 298 **SENATE AUTHOR:** Parmer
EFFECTIVE: 4-30-85 **HOUSE SPONSOR:** Finnell

As defined by state law, "motor bus companies" are subject to Railroad Commission of Texas regulations relating to certification, operating fees, and liability insurance. By excluding transportation subcontractors funded by the Texas Department on Aging from the definition of "motor bus companies," Senate Bill 298 exempts from commission regulations companies providing free, not-for-hire services to the elderly. The bill also requires the department on aging to establish minimum insurance standards for its transportation providers.

SENATE BILL 488 **SENATE AUTHOR:** Sharp
EFFECTIVE: 5-24-85 **HOUSE SPONSOR:** Armbrister

Certain persons or companies providing transportation services are defined by law as "motor carriers" or "contract carriers," a designation that places these entities under the authority of the Railroad Commission of Texas. Senate Bill 488 exempts from commission regulations persons or companies contracted to transport a mobile classroom or simulator driver education unit from one school district to another. The bill requires that those carriers first show proof of insurance coverage for each motor vehicle used for that purpose.

HOUSE BILL 2481 **HOUSE AUTHOR:** Danburg
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Washington

Under state law, a person's conviction of failure to maintain adequate automobile insurance coverage results in the suspension of the person's driver's license and motor vehicle registration unless the person establishes and maintains proof of financial responsibility for five years from the date of conviction. House Bill 2481 amends the Texas Motor Vehicle Safety-Responsibility Act by requiring that a citation issued by a police officer for failure to maintain financial responsibility must state that final conviction may result in the suspension of a driver's license if the above provision is not met. The act also requires the presiding judge at a hearing at which a person is convicted of this violation to notify the defendant of the possibility of the driver's license suspension if proof of responsibility is not established and maintained as required by law.

Vehicle Loads, Dimensions, and Equipment

SENATE BILL 16 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Saunders

Senate Bill 16 amends state law relating to width regulations imposed on certain vehicles traveling on public roads that are not interstate highways. The bill exempts tractors and farm equipment from all width restrictions and extends the width limitations of vehicles carrying cylindrically shaped bales of hay.

SENATE BILL 1114 **SENATE AUTHOR:** Sarpalius
EFFECTIVE: 8-26-85 **HOUSE SPONSOR:** Laney

Senate Bill 1114 allows the State Department of Highways and Public Transportation to issue annual permits allowing certain oversized and overweight implements of husbandry to be transported over state highways.

The act also exempts certain implements of husbandry from width restrictions if the distance over which the equipment is moved is less than 50 miles. The act also authorizes county judges to issue annual permits for the movement of overwide implements of husbandry on county roads.

HOUSE BILL 271 **HOUSE AUTHOR:** Madla
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Parker

House Bill 271 removes former restrictions relating to the method of payment required to obtain moving permits for manufactured homes. The act also provides that the permits apply to any manufactured home

regardless of size and that route approval can be secured from the issuing office of the State Department of Highways and Public Transportation by telephone.

HOUSE BILL 797 — **HOUSE AUTHOR:** Rudd
EFFECTIVE: 8-26-85 — **SENATE SPONSOR:** Montford

House Bill 797 directs the State Department of Highways and Public Transportation to establish a new system through which permits authorizing the movement of certain oversize and overweight vehicles may be issued by telephone. The act also authorizes the payment of permit fees by credit card.

The act also specifies the holidays on which the department is authorized to impose additional weight and size restrictions on vehicles operating on state highways and exempts oil field equipment transport vehicles from current length limits for trucks.

HOUSE BILL 1344 — **HOUSE AUTHOR:** Barton
EFFECTIVE: 8-26-85 — **SENATE SPONSOR:** Brooks

The 68th Legislature enacted legislation allowing municipal police officers in a city of over 1.5 million population to enforce weight limit laws. House Bill 1344 extends this law enforcement authority to police officers in all cities with a population of 10,000 or more citizens.

HOUSE BILL 1947 — **HOUSE AUTHOR:** Delco
EFFECTIVE: 9-1-85 — **SENATE SPONSOR:** Barrientos

House Bill 1947 restricts the use of beacons and flashing lights to authorized emergency vehicles, school buses, and certain other vehicles operating the lights for warning purposes.

HOUSE BILL 2496 — **HOUSE AUTHOR:** Cain
EFFECTIVE: 6-11-85 — **SENATE SPONSOR:** Lyon

House Bill 2496 establishes an optional procedure for the issuance of permits authorizing the movement of unladen lift equipment motor vehicles that exceed the maximum weight and width limitations set by state law. The act directs the State Highway and Public Transportation Commission to formulate rules and regulations regarding the issuance of those permits, and provides that the permits shall not apply to carriers operating under the jurisdiction of the Railroad Commission of Texas.

Vehicle and Traffic Offenses

SENATE BILL 392 — **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-85 — **HOUSE SPONSOR:** P. Hill

The 68th Legislature enacted a law allowing a duplicate of a notice of a parking violation to serve as the complaint form in order to reduce the record-keeping burdens of the state's courts. Under the provisions of Senate Bill 392, traffic offenses for which the maximum punishment is a fine only are also permitted to be processed in this manner by the courts.

HOUSE BILL 913 — **HOUSE AUTHOR:** Millsap
EFFECTIVE: 9-1-85 — **SENATE SPONSOR:** Parmer

House Bill 913 increases the fine for the offense of passing or overtaking a signaling school bus that has stopped to load or unload passengers. The act makes this offense punishable by a fine of not less than $50 nor more than $200.

Miscellaneous

SENATE BILL 444 — **SENATE AUTHOR:** Sharp
EFFECTIVE: 4-16-85 — **HOUSE SPONSOR:** Messer

Senate Bill 444 authorizes the Railroad Commission of Texas to perform any act and issue any rules or orders as permitted by the Federal Railroad Safety Act of 1970. By implementing the federal act, Senate Bill 444 allows the commission to promulgate rules and address safety hazards not already covered by existing federal or municipal regulations.

HOUSE BILL 875 **HOUSE AUTHOR:** Adkisson
EFFECTIVE: 8-26-85 **SENATE SPONSOR:** Barrientos

House Bill 875 amends the litter abatement act by redefining the term "junked vehicle" to apply to an inoperative vehicle that has either expired license plates or an invalid safety inspection certificate, or that has been inoperable for a continuous period of more than 45 days.

HOUSE BILL 1259 **HOUSE AUTHOR:** Cain
EFFECTIVE: 9-1-85 **SENATE SPONSOR:** Traeger

Under state law, vehicle accidents of certain severity must be reported to local authorities if the accident has occurred within a municipality or to the county sheriff or nearest office of the Department of Public Safety if the accident occurs outside the limits of a municipality. Under the provisions of House Bill 1259, accidents occurring not more than 100 feet outside a city's limits can be reported to either the local police department or the county sheriff. When a section of roadway falls under the jurisdiction of more than one municipality or more than one county, these units may enter into cooperative agreements regarding the maintenance of accident reports.

APPENDIXES AND INDEXES

A. List of Vetoed Legislation
B. Proposed Constitutional Amendments
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LIST OF VETOED LEGISLATION

Of legislation passed during the regular session, the governor vetoed 12 senate bills, two senate concurrent resolutions, 32 house bills, and four house concurrent resolutions. In addition, the governor vetoed line-item appropriations in House Bill 20. No legislation passed during the 1st called session was vetoed.

Senate Bill 189, relating to communications with participants in the decision-making process in a contested case under state agency jurisdiction; making certain exceptions (by Blake; Messer).

Senate Bill 334, relating to employment and compensation of a mental health administrator for the Probate Court No. 3 of Harris County (by Whitmire; Patronella).

Senate Bill 518, relating to the imposition of certain duties on the Board of Pardons and Paroles and to the eligibility of certain inmates for release on parole (by Farabee; Waldrop).

Senate Bill 737, relating to the listing of certain leaseholds and other interests in certain property owned by a city or town in the appraisal records used to prepare a tax roll (by McFarland; C. Evans).

Senate Bill 765, relating to the manufacture for sale out of state of gambling devices, equipment, or paraphernalia to be shipped out of state (by Harris; S. Johnson).

Senate Bill 1081, relating to the regulation by municipalities of certain private for-hire vehicles, however propelled, providing passenger taxicab transportation services; authorizing the regulation by municipalities of such services (by Whitmire; A. Luna).

Senate Bill 1126, relating to the State Board of Insurance summary procedures for routine matters (by Glasgow; Eckels).

Senate Bill 1155, relating to the required procedure for proceedings involving certain utilities (by Traeger; Patrick).

Senate Bill 1225, relating to the creation and establishment of a conservation and reclamation district under Article XVI, Section 59, of the Constitution of Texas known as Sunnyvale Municipal Utility District No. 1 (by Leedom; A. Hill).

Senate Bill 1247, relating to provisions applied in recertification of certain areas in a municipality to be served retail electric utility service (by Leedom; A. Hill).

Senate Bill 1320, amending Subdivision (10), Section 2, Development Corporation Act of 1979, as amended (Article 5190.6, Vernon's Texas Civil Statutes), relating to the definition of the term "project" (by Howard; Messer).

Senate Bill 1454, relating to a supplemental appropriation to the National Guard Armory Board (by Traeger; Hollowell).

Senate Concurrent Resolution 100, directing the Texas Coastal and Marine Council to investigate the feasibility of ports in Texas creating incineration facilities to help reduce the litter (by Truan; Roberts).

Senate Concurrent Resolution 143, granting D. Dave Bentrup and Verla A. Bentrup permission to sue the State of Texas and the Texas Alcoholic Beverage Commission (by Brown; T. Smith).

House Bill 20, General Appropriations Act; item veto (by Rudd; Jones).

House Bill 36, relating to the inclusion of social security numbers in a decree in a suit affecting the parent-child relationship (by Toomey; Mauzy).

House Bill 226, relating to the state's liability for and defense of certain claims against certain public servants (by T. Smith; Montford).

House Bill 341, relating to regional administration by certain health-related state agencies (by Stiles; Parker).

House Bill 482, relating to the persons authorized to collect expenses incurred in defending a will (by Wright; Mauzy).

House Bill 580, relating to application of width regulations to farm tractors and certain implements of husbandry on public highways (by Carriker; Farabee).

House Bill 741, relating to requiring public hearings or voter approval for leasing improved school district property (by Tejeda; Krier).

House Bill 748, relating to the appointment of probate surrogates for the statutory probate courts (by Wright; Mauzy).

House Bill 784, relating to the levy, collection, and use of a junior college branch campus maintenance and capital expenditure tax (by Uher; Sharp).

House Bill 910, relating to issuance of tax receipts and removing from delinquent tax records certain property taxes that are presumed to have been paid (by Geistweidt; Jones).

House Bill 1273, relating to the regulation of obstructions to air navigation; repealing Articles 46i-1 through 46i-9, Revised Statutes (by Pierce; Howard).

House Bill 1323, relating to action by the Texas Court of Criminal Appeals on a writ of habeas corpus based on newly discovered evidence (by Danburg; Washington).

House Bill 1389, relating to prohibiting the imposition of penalties for the late filing of inconsequential amendments to sworn statements of political contributions and expenditures (by Wolens; McFarland).

House Bill 1543, relating to the assignment and transfer of students to schools within a school district (by Messer; Howard).

House Bill 1706, relating to authorizing a new type of temporary alcoholic beverage permit (by D. Hudson; Lyon).

House Bill 1717, relating to the sale of certain mixtures of gasoline and alcohol; providing penalties (by Horn; Brown).

House Bill 1776, relating to the definition of "bet" for the purposes of the Penal Code prohibition against gambling (by Messer; Harris).

House Bill 1879, relating to the validation of certain municipal annexations and other related governmental acts and proceedings (by Russell; Howard).

House Bill 2153, relating to motor vehicles used to transport or manufacture concrete (by Richardson; Montford).

House Bill 2174, relating to staffing requirements for certain emergency medical services vehicles (by Melton; Sarpalius).

House Bill 2316, relating to the contents of a voter registration application form (by S. Thompson; Caperton).

House Bill 2349, relating to school crosswalks (by Sam Hudson; Brooks).

House Bill 2377, relating to the creation, administration, powers, duties, operations, and financing of the Sunnyvale Municipal Utility District No. 1 (by A. Hill; Leedom).

House Bill 2399, relating to medical malpractice coverage for certain institutions (by R. Smith; Caperton).

House Bill 2419, relating to the jurisdiction of the County Court at Law of Williamson County (by Riley; Sharp).

House Bill 2439, relating to the powers, duties, functions, personnel, and division of, annexation of territory to, and validation of the creation of the Denton County Fresh Water Supply District No. 1 (by Campbell; McFarland).

House Bill 2449, relating to the creation, administration, powers, duties, operation, and financing of the Montgomery County Municipal Utility District No. 69 (by Valigura; Parker).

House Bill 2450, relating to the creation, administration, powers, duties, operation, and financing of the Montgomery County Municipal Utility District No. 70 (by Valigura; Parker).

House Bill 2451, relating to the creation, administration, powers, duties, operation, and financing of the Montgomery County Municipal Utility District No. 71 (by Valigura; Parker).

House Bill 2452, relating to the creation, administration, powers, duties, operation, and financing of the Montgomery County Municipal Utility District No. 72 (by Valigura; Parker).

House Bill 2453, relating to the creation, administration, powers, duties, operation, and financing of the Montgomery County Municipal Utility District No. 73 (by Valigura; Parker).

House Bill 2454, relating to the creation, administration, powers, duties, operation, and financing of the Montgomery County Municipal Utility District No. 74 (by Valigura; Parker).

House Bill 2497, relating to the organization, boundaries, purposes, powers, duties, functions, authority, and financing of the Colden Road Utility District (by Campbell; Leedom).

House Concurrent Resolution 72, granting Albert P. Gorelick and Florence M. Gorelick permission to sue the state (by McWilliams; Howard).

House Concurrent Resolution 86, granting Billy Bob Berry permission to sue the state (by Bush; Mauzy).

House Concurrent Resolution 137, granting permission to Jim Scoggins and Gerry Gammage to sue the state (by S. Hudson; Harris).

House Concurrent Resolution 235, granting Black Gold Express permission to sue the state (by Wright; Henderson).

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

The 69th Legislature passed 16 joint resolutions proposing 17 constitutional amendments. Fourteen proposed amendments will appear on the November 5, 1985, election ballot, and the remaining three amendments will appear on the November 4, 1986, ballot. This list includes the description that will appear on the ballots and indicates the ballot number for the 1985 election. Enabling legislation, if any, whose effect is contingent on adoption of an amendment is also indicated in parentheses.

For Election on November 5, 1985

HOUSE JOINT RESOLUTION 6
HOUSE AUTHOR: Craddick
SENATE SPONSOR: Santiesteban

This resolution presents for ratification two ballot propositions:

1. The constitutional amendment to authorize the issuance of an additional $980 million of Texas Water Development Bonds, to create special water funds for water conservation, water development, water quality enhancement, flood control, drainage, subsidence control, recharge, chloride control, agricultural soil and water conservation, and desalinization, to authorize a bond insurance program, and to clarify the purposes for which Texas Water Development Bonds may be issued. (Amendment No. 1) (HB2)

2. The constitutional amendment authorizing the issuance and sale of $200 million of Texas agricultural water conservation bonds. (Amendment No. 2)

HOUSE JOINT RESOLUTION 19
HOUSE AUTHOR: Patterson
SENATE SPONSOR: Sarpalius

The constitutional amendment authorizing the issuance of general obligation bonds to provide financing assistance for the purchase of farm and ranch land. (Amendment No. 10) (HB196)

HOUSE JOINT RESOLUTION 27
HOUSE AUTHOR: Stiles
SENATE SPONSOR: Parker

The constitutional amendment authorizing Chambers County to be divided into two to six precincts. (Amendment No. 7)

HOUSE JOINT RESOLUTION 54
HOUSE AUTHOR: Wright
SENATE SPONSOR: Brown

The constitutional amendment to authorize the legislature to enact laws permitting a city or town to spend public funds and levy assessments for the relocation or replacement of water laterals on private property. (Amendment No. 3) (HB260, part)

HOUSE JOINT RESOLUTION 72
HOUSE AUTHOR: Hollowell
SENATE SPONSOR: Jones

The constitutional amendment to protect public funds by authorizing prior approval of expenditure or emergency transfer of state appropriations. (Amendment No. 9)

HOUSE JOINT RESOLUTION 89
HOUSE AUTHOR: Schoolcraft
SENATE SPONSOR: Montford

The constitutional amendment to authorize the legislature to regulate the provision of health care by hospital districts. (Amendment No. 5)

SENATE JOINT RESOLUTION 6
SENATE AUTHOR: Farabee
HOUSE SPONSOR: Cain

The constitutional amendment to permit state prisoners to be placed in penal facilities of another state pursuant to an interstate agreement. (Amendment No. 6)

SENATE JOINT RESOLUTION 9
SENATE AUTHOR: Williams
HOUSE SPONSOR: Tejeda

The constitutional amendment providing $500 million in additional bonding authority for the veterans' housing assistance program and changing the definition of those veterans eligible to participate in the veterans' land program and the veterans' housing program by authorizing the legislature by law to define an eligible veteran for the purposes of those programs. (Amendment No. 8) (SB316, part)

SENATE JOINT RESOLUTION 10
SENATE AUTHOR: Montford
HOUSE SPONSOR: P. Hill

The constitutional amendment granting the Supreme Court of Texas and the Court of Criminal Appeals of Texas jurisdiction to answer questions of state law certified from a federal appellate court. (Amendment No. 12)

SENATE JOINT RESOLUTION 14
SENATE AUTHOR: Caperton
HOUSE SPONSOR: C. Evans

The constitutional amendment providing for the reapportionment of the judicial districts of the state by the Judicial Districts Board or by the Legislative Redistricting Board, and providing for the administration and jurisdiction of constitutional courts. (Amendment No. 13) (SB290)

SENATE JOINT RESOLUTION 16
SENATE AUTHOR: Brown
HOUSE SPONSOR: T. Smith

The constitutional amendment relating to the manner in which a person is charged with a criminal offense and to certain requirements applicable to state writs and processes. (Amendment No. 11) (SB169)

SENATE JOINT RESOLUTION 21
SENATE AUTHOR: Caperton
HOUSE SPONSOR: C. Evans

The constitutional amendment authorizing proceeds from the sale of land dedicated to the permanent school fund to be used to acquire other land for that fund. (Amendment No. 4) (SB493, part)

SENATE JOINT RESOLUTION 27
SENATE AUTHOR: Montford
HOUSE SPONSOR: Rudd

The constitutional amendment to provide for:

(1) the abolition of the office of county treasurer in Andrews County and El Paso County;

(2) the abolition of the office of county surveyor in Collin, Dallas, Denton, El Paso, Henderson, and Randall counties. (Amendment No. 14)

For Election on November 4, 1986

HOUSE JOINT RESOLUTION 73
HOUSE AUTHOR: A. Smith
SENATE SPONSOR: Montford

The constitutional amendment allowing political subdivisions the opportunity to engage in and transact business with authorized mutual insurance companies in the same manner as with other insurance companies.

SENATE JOINT RESOLUTION 15
SENATE AUTHOR: Edwards
HOUSE SPONSOR: S. Johnson

The constitutional amendment to allow the legislature to provide by general law for the apportionment of the value of railroad rolling stock among counties for purposes of property taxation.

SENATE JOINT RESOLUTION 33
SENATE AUTHOR: Glasgow
HOUSE SPONSOR: Haley

The constitutional amendment requiring each house to include in its rules of procedure a rule that each bill contain a title expressing the bill's subject, and providing for the continuing revision of state laws.

RESOLUTIONS AUTHORIZING INTERIM RESEARCH

Interim Studies by House or Senate Committees

SENATE RESOLUTION 368

Author: Leedom
Subject: Agency services management
Committee: The Senate Committee on Agency Services Management shall be composed of four persons appointed by the lieutenant governor, two of whom are senators; two citizens appointed by the governor; one staff member of the Legislative Budget Board designated by its director; one staff member from the state auditor's office to be designated by the state auditor; one staff member of the state comptroller of public accounts' office to be designated by the comptroller; one staff member of the governor's office to be designated by the governor; one staff member from the Coordinating Board, Texas College and University System, to be appointed by the commissioner of higher education; one staff member of the Department of Public Safety to be appointed by the director; one member of the Texas Department of Mental Health and Mental Retardation to be appointed by the commissioner; one staff member of the State Department of Highways and Public Transportation to be appointed by the engineer-director of the State Department of Highways and Public Transportation; one staff member from the Texas Department of Human Resources to be appointed by the commissioner; one staff member from the State Purchasing and General Services Commission to be appointed by the executive director; and one staff member from the Texas Department of Corrections to be appointed by the director.
Duties: The committee is directed to study state agency energy consumption and efficiency, transportation costs, state printing costs, health services benefits for state employees, high-tech equipment utilization, membership fees and conference attendance, and personnel usage to improve the utilization and management of these services.

SENATE RESOLUTION 481

Author: Parker
Subject: School facilities
Committee: An interim committee shall be established and composed of six members: the chairman of the Senate Education Committee and two other members of the committee designated by the chairman; and the chairman of the State Board of Education and two other members of the board designated by the chairman.
Duties: The committee shall study existing school facilities around the state to determine if they meet current educational needs and to compile a list of any inadequacies that may be found. The committee shall also examine the impact of student enrollment projections, statutory limits on class size, and the prekindergarten program on facility and staffing needs and finance.

SENATE RESOLUTION 4 (1st C.S.)

Author: Brooks
Subject: Coastline erosion
Committee: The Interim Committee on Coastline Rehabilitation shall be composed of five senators to be appointed by the lieutenant governor, three public members representing major coastal centers to be appointed by the governor, two public members experienced in beach issues to be appointed by the governor, and three ex officio members to be selected from the attorney general's office, the General Land Office, and the Parks and Wildlife Department.
Duties: The committee shall study the problems associated with coastline erosion.

HOUSE RESOLUTION 8 (1st C.S.)

Author: G. Lewis
Subject: Indigent health care services
Committee: The House Special Committee on Health Care Services for Low-Income Texans shall be composed of 11 members of the house of representatives to be appointed by the speaker of the house.

Duties: The committee shall monitor new indigent health-care programs provided for in recent legislation and make any needed recommendations to improve the delivery of these services.

Interim Studies by Joint Committees

HOUSE CONCURRENT RESOLUTION 105

Author: Shaw
Senate Sponsor: Parker
Subject: Higher education
Committee: The Select Committee on Higher Education shall be composed of the governor; lieutenant governor; speaker of the house of representatives; chairman of the Senate Committee on Education; chairman of the House Committee on Higher 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; and the chairman of the Coordinating Board, Texas College and University System.
Duties: The committee is established to study all issues relating to higher education in Texas.

HOUSE CONCURRENT RESOLUTION 156

Author: Emmett
Senate Sponsor: Washington
Subject: Reducing prisoner recidivism
Committee: The Joint Special Committee on the Family Role in Reducing Recidivism shall be composed of three senators appointed by the lieutenant governor, three state representatives appointed by the speaker of the house, and one member of the general public experienced in the field of family or child counseling appointed by the governor. An advisory council shall also be appointed by the governor to assist the committee.
Duties: The committee will examine strengthening the family and community ties of inmates of correctional facilities to reduce prisoner recidivism.

HOUSE CONCURRENT RESOLUTION 203

Author: Campbell
Senate Sponsor: Truan
Subject: Texas shrimp and oyster industry
Committee: The Joint Interim Committee on the Texas Shrimp and Oyster Industry shall be composed of 15 members: three members of the House Environmental Affairs Committee to be appointed by the speaker; three members of the Senate Natural Resources Committee to be appointed by the lieutenant governor; seven public members to be appointed by the governor, two of whom represent differing economic segments of the oyster industry in Texas, two of whom represent differing economic segments of the shrimp industry in Texas, and one person active in environmental concerns; and two members of the Parks and Wildlife Commission to be appointed by the chairman of the commission.
Duties: The committee shall study differing management plans for shrimp and oysters by reviewing recent plans developed by the Parks and Wildlife Department, reports prepared by the House Committee on Environmental Affairs and the Texas Coastal and Marine Council, and input from the various segments of the shrimp and oyster industry.

SENATE CONCURRENT RESOLUTION 181

Author: Jones
House Sponsor: Gavin
Subject: Taxation
Committee: The Joint Task Force on Premium Tax shall be composed of three public members appointed by the governor; three members appointed by the lieutenant governor, two of whom must be senators; and three members appointed by the speaker of the house, two of whom must be state representatives.
Duties: The committee shall study Articles 4.11 and 21.46 of the Insurance Code to determine the equitability of life, accident, and health premium tax laws and retaliatory tax laws.

HOUSE CONCURRENT RESOLUTION 1 (1st C.S.)

Author: Jackson
Senate Sponsor: Farabee
Subject: Energy
Committee: The Joint Special Committee on Cogeneration shall be composed of 19 members: the chairman of the Senate State Affairs Committee who shall serve as cochairman of the committee; the chairman of the Senate Natural Resources Committee; five persons appointed by the lieutenant governor; the chairman of the House State Affairs Committee who shall serve as cochairman of the committee; the chairman of the House Energy Committee; five persons to be appointed by the speaker of the house; and five persons appointed by the governor.
Duties: The committee shall examine issues relating to the use of cogeneration and small power production in meeting Texas' energy needs.

Interim Studies by Agencies or Advisory Committees

HOUSE CONCURRENT RESOLUTION 99

Author: A. Smith
Senate Sponsor: Barrientos
Subject: Educational needs of autistic students
Agency: Central Education Agency
Duties: The agency is directed to study the educational needs of high-functioning autistic students and, based on these findings, evaluate and make any needed changes to improve existing policies.

HOUSE CONCURRENT RESOLUTION 100

Author: A. Smith
Senate Sponsor: Barrientos
Subject: Teacher turnover in special education
Agency: Central Education Agency
Duties: The agency shall seek to reduce the high teacher turnover rate in special education by examining areas with low teacher turnover and identifying the possible causes of this problem.

HOUSE CONCURRENT RESOLUTION 125

Author: A. Smith
Senate Sponsor: Brooks
Subject: Autism
Committee: The Autism Task Force shall be composed of a representative of the governor's office appointed by the governor, a senator appointed by the lieutenant governor, a state representative appointed by the speaker of the house, an employee of the Texas Department of Mental Health and Mental Retardation, the Texas Department of Health, the Texas Department of Human Services, the Texas Rehabilitation Commission, the Texas Education Agency, and the Texas Planning Council for Developmental Disabilities, to be appointed by the executive heads of each agency, and four members of the general public to be appointed by the governor with expertise in one of the following areas: community residential services for autistic citizens, educational services for autistic citizens, a member of a relevant consumer organization, or a person who has a family member with autism.
Duties: The Autism Task Force, originally created by the 68th Legislature in 1983, is reestablished to assess the needs of autistic citizens, assist in the provision of services, and act as an advisory committee to the Texas Planning Council for Developmental Disabilities.

HOUSE CONCURRENT RESOLUTION 181

Author: Barton

Senate Sponsor: Brooks
Subject: Latch-key children
Agency: Texas Health and Human Services Coordinating Council
Duties: The council is authorized to conduct a study on latch-key children that focuses on targeting the population involved, determining which resources are currently available to these children, and determining which services will be needed by these children in the future.

HOUSE RESOLUTION 139

Author: Craddick
Subject: The family role in public education
Agency: Central Education Agency, State Board of Education
Duties: The Central Education Agency shall explore the role of the family in public education emphasizing the sociological impact of public education on the family, the effect of families on education policies, and legal and administrative procedures available for parents in conflict with school policies. Upon summation, the agency shall submit its findings to the State Board of Education for further examination and recommendations.

SENATE CONCURRENT RESOLUTION 1

Author: Leedom
House Sponsor: Wright
Subject: Financial management services for local governments
Agency: State Treasury Department
Duties: The department is directed to investigate the potential benefits of enhancing and supplementing financial management services that are made available to political subdivisions.

SENATE CONCURRENT RESOLUTION 8

Author: Caperton
House Sponsor: Keller
Subject: Projected correctional needs
Agency: Texas Department of Corrections
Duties: The department is directed to undertake additional analysis that may be necessary to project the facility and operational needs of the department through the 1996-97 fiscal biennium and to identify alternative means of meeting those needs.

SENATE CONCURRENT RESOLUTION 83

Author: Lyon
House Sponsor: Haley
Subject: Student screening for developmental problems
Agency: Central Education Agency
Duties: The agency is directed to study and determine methods for screening all students entering public school for the first time for significant development lags that could lead to learning disabilities.

SENATE CONCURRENT RESOLUTION 90

Author: Parmer
House Sponsor: Hinojosa
Subject: Food banks
Agency: Texas Department of Agriculture
Duties: The department is directed to study the feasibility of providing tax incentives that encourage donations to food banks and the transportation of foodstuffs to food banks.

SENATE CONCURRENT RESOLUTION 123

Author: Brooks
House Sponsor: Dutton
Subject: Insurance
Agency: State Board of Insurance
Duties: The agency is directed to study the feasibility of providing long-term insurance programs for the elderly. The study shall contain an analysis of services that are included in long-term care, the problems that are currently barring the provision of long-term care benefit programs and third-party reimbursements, relevant data from private insurance companies and state agencies, and information regarding long-term care insurance programs that are currently in existence or are being developed in other states.

SENATE CONCURRENT RESOLUTION 126

Author: Leedom
House Sponsor: Haley
Subject: New facility for Texas School for the Deaf
Agency: Texas School for the Deaf
Duties: The agency shall study a possible location and design for a new campus.

SENATE CONCURRENT RESOLUTION 128

Author: Brooks
House Sponsor: Vowell
Subject: Mentally disabled offenders
Agency: Texas Department of Mental Health and Mental Retardation, Texas Department of Corrections
Duties: These agencies shall collaborate in an effort to develop new community-based alternatives for mentally disabled offenders.

Miscellaneous

HOUSE CONCURRENT RESOLUTION 138

Author: Millsap
Senate Sponsor: Blake
Duties: House Concurrent Resolution 138 authorizes the presiding officer of each house to provide for the creation and funding of joint study committees during the legislative interim.

LEGISLATIVE POLICY RESOLUTIONS

House Concurrent Resolution 2, expressing support of enhanced health education in grades kindergarten through 12 (Millsap; Brooks).

House Concurrent Resolution 6, directing state agencies to cooperate in the implementation of recommendations of the Legislative Task Force on Cancer in Texas (Hilbert; Brooks).

House Concurrent Resolution 75, directing the State Board of Education to require that teacher education programs include instruction relating to dyslexia (Hammond; Lyon).

House Concurrent Resolution 88, expressing support for Texas Department of Health programs relating to Alzheimer's disease (Finnell; Brooks).

House Concurrent Resolution 107, requesting the Texas Department of Human Resources to use any unexpended funds appropriated to the department for purposes of administering the Temporary Emergency Food Assistance Program (Price; Parmer).

Senate Concurrent Resolution 57, directing the Commission on Standards for the Teaching Profession to include training in child abuse recognition in teacher education programs (Lyon; A. Garcia).

Senate Concurrent Resolution 62, directing the Texas Department of Mental Health and Mental Retardation and the State Board of Insurance to work with the insurance industry in developing a plan for reimbursement of the expenses for rehabilitative residential programs (Brooks; Vowell).

Senate Concurrent Resolution 63, requesting the Texas Department of Mental Health and Mental Retardation to continue to develop incentives for community residential services, both public and private (Brooks; Vowell).

Senate Concurrent Resolution 64, directing the Texas Commission on Alcoholism to design a system to divert alcoholic patients from the Texas state mental hospitals into community-based detoxification and residential programs (Brooks; Vowell).

Senate Concurrent Resolution 65, recognizing and requesting funds for the Public Information Emergency System (PIES) recently activated in the Houston-Galveston area (Brown; Pennington).

Senate Concurrent Resolution 74, urging Texas universities to make a concerted effort to attract eminent scholars in the arts and humanities (Edwards; G. Luna).

Senate Concurrent Resolution 92, directing state institutions of higher education to adopt a written intellectual property policy (Edwards; Godwin).

Senate Concurrent Resolution 97, requesting assistance of the U.S. Coast Guard in policing offshore rig and shipping operations for dumping litter (Truan; Oliveira).

Senate Concurrent Resolution 99, directing state agencies to establish public awareness programs regarding the problems of litter on Texas beaches (Truan; Roberts).

Senate Concurrent Resolution 121, directing the Texas Department of Water Resources and the Texas Water Commission to comply with the recommendations of the Governor's Select Committee on Water Quality Standards for the Colorado River (Sharp; Saunders).

Senate Concurrent Resolution 124, directing the Texas Department of Human Resources to establish an income eligibility cap for becoming eligible for nursing home care at an amount not to exceed $633.50 effective May 1, 1985 (Brooks; Barton).

Senate Concurrent Resolution 127, requesting the cooperation of the Texas Department of Human Resources and the Texas Department of Mental Health and Mental Retardation in planning for increasing and redirecting Medicaid funds to encourage community-based residential services (Brooks; Vowell).

Senate Concurrent Resolution 128, requesting the cooperation of the Texas Department of Mental Health and Mental Retardation and the Texas Department of Corrections in development of creative community based alternatives for mentally disabled offenders (Brooks; Vowell).

Senate Concurrent Resolution 129, requesting the cooperation of the Texas Department of Mental Health and Mental Retardation, the Central Education Agency, and the Texas Rehabilitation Commission in improving coordination of their services to persons with mental retardation (Brooks; Vowell).

Senate Concurrent Resolution 176, stating the intended purpose in the drafting of Senate Bill 772, Acts of the 68th Legislature, Regular Session, 1985 (Caperton; R. Smith).

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 1985 regular session, except for those bills listed separately at the end of the table. The table omits multiple advisory committees of a general nature and includes only those sunset or other termination dates that are explicitly cited in the bill or amended authorizing legislation. (Under the Texas Sunset Act, a state agency meeting certain definitional requirements is implicitly scheduled for sunset termination, if not otherwise provided for, 12 years from its creation. An advisory committee is implicitly scheduled, if not otherwise provided for, whenever the affiliated agency is scheduled.) House Bill 1585 entries exclude changes that merely (1) make an implicit date explicit or (2) schedule an agency or board for sunset review but not sunset termination. Codes for the second column are as follows:

X	Abolished
C	Created
V	Created if voters approve constitutional amendment
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 12-year sunset extension
*	Appointment authorized, at discretion of agency or state official

Bill	Change	Agency	Termination Sunset	Termination Other
HB2	C*	Bay and estuary advisory councils		
	C*	Regional underground water management advisory committees		
HB330	T	Legislative Study Committee on Temporary Emergency Relief Programs		None
HB460	C	Texas Commission on Economy and Efficiency in State Government		1989
HB473	C	State Employee Incentive Commission		
HB536	C	Multi-State Water Resources Planning Commission	1997	
HB553	C	Technology Training Board	1987	
HB653	C	Task Force on Personal Care Homes		1987
HB809	C	Texas World Trade Council (Amended by SB1409)	1997	
	C	Texas World Trade Development Authority	1997	
HB1023	C*	Statewide Advisory Committee to the Maternal and Infant Health Improvement Services Program		
HB1218	C	Texas Industrialized Building Code Council	1989	
HB1304	C	Computer Software Advisory Group		
HB1533	T	Texas Film Commission (See HB1585 below)	1995	
HB1573	C	Prison Industries Advisory Committee		
HB1581	RX	Texas Board of Health Dental Advisory Committee		
	RC	Dental Care Advisory Committee		
HB1585	T	Office of Administrator of the Interstate Compact on the Placement of Children	1987	
	T	Texas Conservation Foundation	1987	
	T	Texas Juvenile Probation Commission	1987	
	T	Office of Interstate Compact on Mental Health Administrator for Texas (See SB255 below)	1987	
	T	Texas Board of Private Investigators and Private Security Agencies	1987	
	T	Texas Department of Agriculture	1989	
	T	Texas Animal Health Commission	1989	

Bill	Change	Agency	Termination Sunset	Termination Other
	T	State Department of Highways and Public Transportation	1989	
	T	Commission on Human Rights	1989	
	T	Natural Fibers and Food Protein Commission	1989	
	T	Poultry Improvement Board	1989	
	T	State Seed and Plant Board	1989	
	T	Council for Social Work Certification	1989	
	T	Texas Guaranteed Student Loan Corporation	1989	
	T	Texas Surplus Property Agency	1989	
	T	State Aircraft Pooling Board	1991	
	T	Texas Alcoholic Beverage Commission (See HB1819 below)	1991	
	T	Office of Interstate Civil Defense and Disaster Compact Administrator	1991	
	T	Council on Disabilities	1991	
	T	Long-Term Care Coordinating Council for the Elderly	1991	
	T	Commission on Fire Protection Personnel Standards and Education	1991	
	T	Office of Firemen's Pension Commissioner	1991	
	T	Texas Health and Human Services Coordinating Council	1991	
	T	Commission on Jail Standards	1991	
	T	Criminal Justice Policy Council	1993	
	T	Commission on Law Enforcement Officer Standards and Education	1993	
	T	Department of Public Safety	1993	
	T	Public Utility Commission of Texas	1993	
	T	Office of Public Utility Counsel	1993	
	T	Texas Film Commission (See HB1533 above)	1995	
	T	Texas Tourist Development Agency	1995	
	T	Texas School for the Blind Governing Board	1997	
	T	Court Reporters Certification Board	1997	
	T	Texas School for the Deaf Governing Board	1997	
	T	Home Health Services Advisory Council	1997	
	T	Texas Judicial Council	1997	
	T	State Judicial Qualifications Commission	1997	
	T	State Law Library	1997	
	T	Lay Midwifery Board	1997	
	T	Office of State Prosecuting Attorney	1997	
	T	Legislative Audit Committee	None	
	T	Legislative Budget Board	None	
	T	Texas Legislative Council	None	
	T	Legislative Library Board	None	
HB1655	C	Advisory Commission on State Emergency Communications		1987
HB1819	T	Texas Alcoholic Beverage Commission (See HB1585 above)	1991	
HB1844	C*	Statewide Advisory Committee to the Primary Health Care Services Program		
HB2012		Advisory Council on Massage Therapy Screening Advisory Committee		
HB2091	X	Occupational Safety Board		
HB2358	C	Interagency Coordination Council on Solid Waste		
HB2375	RX	Automated Information Systems Advisory Council		
	RC	Automated Information and Telecommunications Council	1993	

Bill	Change	Agency	Termination Sunset	Termination Other
	X	Legislative Committee on State Telecommunications (See lists at end of table)		
SB53	C	Texas Cancer Council	1997	
SB140	C	Texas Music Commission	1997	
SB195	RX	State Commission for the Blind		
	RC	Texas Commission for the Blind	1997	
SB249	X	Texas Department of Water Resources		
	C	Water District and River Authority Study Committee		1987
SB255	T	Office of Interstate Compact on Mental Health Administrator for Texas (See HB1585 above)	1987	
SB262	RX	Office of State Forester		
	RC	Director of the Texas Forest Service	None	
SB283	C*	Executive Chiropractic Peer Review Committee		
SB291	RX	Office of State Entomologist		
	RC	Office of Chief Apiary Inspector	1997	
SB351	RX	Texas Department of Human Resources		
	RC	Texas Department of Human Services	1987	
	RX	Texas Board of Human Resources		
	RC	Texas Board of Human Services	1987	
SB371	C	Council on Child Abuse and Neglect Prevention	1999	
SB384	T	Texas Commission for the Deaf	1987	
	X	Technical Advisory Council for Planning and Operations		
SB387	C	Retirees Advisory Committee		
SB398	RX	Veterans Affairs Commission		
	RC	Texas Veterans Commission	1993	
SB493	X	Boards for Lease of State-Owned Lands (except for boards for lease of Parks and Wildlife Department lands and Texas Department of Corrections lands)		
SB569	X	Texas Merit System Council		
SB601	RX	Texas Commission on Alcoholism		
	RC	Texas Commission on Alcohol and Drug Abuse	1997	
	C	Task Force on Certification, Licensure, and Commitment Procedures for Substance Abusers		1987
	C*	Regional alcohol advisory committees		
SB725	T	Texas Air Control Board	1991	
	C	Clean Air Study Committee		1987
SB911	C	Joint Advisory Committee on Postsecondary Vocational-Technical Activities and Vocational-Technical Teacher Education Programs		
SB1002	C	Texas 1986 Sesquicentennial Commission Executive Committee		1987
SB1169	C	Texas National Research Laboratory Commission	1991	
SJR14	V	Judicial Districts Board		
None	X	Texas Closeup Advisory Council		
None	X	Texas Closeup Board		
None	X	Texas Coastal and Marine Council		
None	X	Texas Coordinating Commission for State Health and Welfare Services		
None	X	State Telephone Service Advisory Committee		

The following, a correction to the 1983 SUMMARY OF ENACTMENTS, is from the 68th Legislature, Regular Session, of that year:

Bill	Change	Agency	Termination Sunset	Termination Other
SB866	C	Agricultural Development Board		

The following consist of agency changes enacted by the 68th Legislature in its 2nd Called Session of 1984:

Bill	Change	Agency	Termination Sunset	Termination Other
HB72	C	Legislative Education Board		
HB89	C	Transportation Audit Committee	1995	
SB11	C	Texas Public Building Authority	1995	
SB35	C	Legislative Committee on State Telecommunications (But see HB2375 in main list above)		

TEXAS SENATE
69th LEGISLATURE

Name	Dist. No.	Residence
Gonzalo Barrientos	14	Austin
Roy Blake	3	Nacogdoches
Chet Brooks	11	Pasadena
J. E. (Buster) Brown	17	Lake Jackson
Kent Caperton	5	Bryan
Chet Edwards	9	Duncanville
Ray Farabee	30	Wichita Falls
Bob Glasgow	22	Stephenville
O. H. (Ike) Harris	8	Dallas
Don Henderson	7	Houston
Ed Howard	1	Texarkana
Grant Jones	24	Abilene
Glenn Kothmann	19	San Antonio
Cyndi Krier	26	San Antonio
John Leedom	16	Dallas
Ted Lyon	2	Mesquite
Oscar Mauzy	23	Dallas
Bob McFarland	10	Arlington
John Montford	28	Lubbock
Carl Parker	4	Port Arthur
Hugh Parmer	12	Fort Worth
H. Tati Santiesteban	29	El Paso
Bill Sarpalius	31	Amarillo
John Sharp	18	Victoria
Bill Sims	25	San Angelo
John Traeger	21	Seguin
Carlos Truan	20	Corpus Christi
Hector Uribe	27	Brownsville
Craig Washington	13	Houston
John Whitmire	15	Houston
Lindon Williams (resigned 5-27-85; replaced by Gene Green)	6	Houston

TEXAS HOUSE OF REPRESENTATIVES
69th LEGISLATURE

Name	Dist. No.	Residence
Tommy Adkisson	119	San Antonio
Fred Agnich	114	Dallas
Kenneth Armbrister	32	Victoria
Gordon (Doc) Arnold, Jr.	4	Terrell
Erwin W. Barton	144	Pasadena
Hugo Berlanga	34	Corpus Christi
Bill Blackwood	105	Mesquite
Bill Blanton	99	Farmers Branch
J. W. (Buck) Buchanan	88	Dumas
Richard J. (Dick) Burnett	66	San Angelo
Bob Bush	62	Sherman
David Cain	107	Dallas
Ben Campbell	61	Lewisville
Steven A. Carriker	78	Roby
Bill G. Carter	91	Fort Worth
Eddie Cavazos	35	Corpus Christi
Bill Ceverha	112	Dallas
Jerry Clark	20	Buna
Billy Clemons	17	Lufkin
Paul Colbert	132	Houston
Frank Collazo, Jr.	23	Port Arthur
D. Barry Connelly	126	Houston
Anne Cooper	47	San Marcos
Tom Craddick	76	Midland
Lloyd Criss	25	LaMarque
Debra Danburg	137	Houston
Wilhelmina Delco	50	Austin
Betty Denton	56	Waco
Harold Dutton	142	Houston
Robert Earley	33	Portland
Robert A. Eckels	133	Houston
Eldon Edge	45	Poth
Al Edwards	146	Houston
Edward M. (Ed) Emmett	127	Kingwood
Charles Evans	92	Hurst
Larry Evans	147	Houston
Charles Finnell	80	Holliday
Milton Fox	125	Houston
A. C. (Tony) Garcia	42	Pharr
Orlando Garcia	115	San Antonio
John Gavin	81	Wichita Falls
Gerald Geistweidt	67	Mason
Bruce Gibson	58	Cleburne
Smith Gilley	3	Greenville
Ron Givens	83	Lubbock

Name	Dist. No.	Residence
Ernestine Glossbrenner	44	Alice
J. Kelly Godwin	75	Odessa
Al Granoff	108	Dallas
Gene Green (resigned 5-27-85 to assume senate seat)	140	Houston
Lena Guerrero	51	Austin
Clint Hackney	139	Houston
Bill Haley	10	Center
W. N. (Billy) Hall, Jr.	43	Laredo
Bill Hammond	109	Dallas
Chris Harris	93	Arlington
Jack Harris	27	Pearland
Dudley Harrison	68	Sanderson
Talmadge Heflin	149	Houston
Allen Ross Hightower, Jr.	18	Livingston
Paul J. Hilbert	150	Houston
Anita Hill	101	Garland
Patricia Hill	102	Dallas
Juan Hinojosa	41	McAllen
Bill Hollowell	5	Grand Saline
Jim Horn	59	Lewisville
David Hudson	6	Tyler
Sam Hudson	100	Dallas
James Hury	24	Galveston
Lee F. Jackson	113	Dallas
Cliff Johnson	11	Palestine
Sam Johnson	60	Plano
Arves E. Jones, Sr.	71	El Paso
Ray Keller	104	Duncanville
Dr. L. B. Kubiak	13	Rockdale
Edmund Kuempel	46	Seguin
James E. (Pete) Laney	85	Hale Center
Don Lee	38	Harlingen
Bob Leonard, Jr.	97	Fort Worth
Gibson D. (Gib) Lewis (Speaker of the House)	89	Fort Worth
Ron Lewis	19	Mauriceville
Al Luna	143	Houston
Gregory Luna	116	San Antonio
Nancy McDonald	73	El Paso
Jan McKenna	94	Arlington
Dr. Mike McKinney	15	Centerville
Jim McWilliams	9	Marshall
Frank Madla	117	San Antonio
Roman Martinez	148	Houston
Bob Melton	57	Gatesville
Bill Messer	53	Belton
Mike Millsap	96	Fort Worth
Daniel C. Morales	124	San Antonio

Name	Dist. No.	Residence
Alejandro (Alex) Moreno, Jr.	40	Edinburg
Paul Moreno	72	El Paso
Rene Oliveira	39	Brownsville
Jesse Dean Oliver	111	Dallas
Jim Parker	65	Comanche
Kae T. Patrick	123	San Antonio
David Patronella	138	Houston
L. P. (Pete) Patterson	2	Brookston
Randy Pennington	130	Houston
Nicolas Perez	74	El Paso
Rick Perry	64	Haskell
George Pierce	122	San Antonio
Anthony L. (Tony) Polumbo	128	Houston
Al Price	22	Beaumont
Paul Ragsdale	110	Dallas
Irma Rangel	37	Kingsville
Bob Richardson	49	Austin
Randall Riley	52	Round Rock
Ted Roberts	36	Corpus Christi
Phyllis Robinson	31	Gonzales
Nolan J. (Buzz) Robnett	82	Lubbock
Jim Rudd	77	Brownfield
Sam Russell	8	Mount Pleasant
Robert Saunders	30	La Grange
Stan Schlueter	54	Killeen
Alan Schoolcraft	121	Universal City
Larry Don Shaw	69	Big Spring
Gwyn Clarkston Shea	98	Irving
Alex Short, Jr.	1	Texarkana
Ashley Smith	136	Houston
Carlyle Smith	106	Grand Prairie
Richard Smith	14	Bryan
Terral Smith	48	Austin
John Smithee	86	Amarillo
Chip Staniswalis	87	Amarillo
Mark Stiles	21	Beaumont
Lou Nelle Sutton	120	San Antonio
Jim Tallas	26	Houston
M. A. Taylor	55	Waco
Frank Tejeda	118	San Antonio
Garfield Thompson	95	Fort Worth
Gary Thompson	79	Abilene
Senfronia Thompson	141	Houston
Mike Toomey	135	Houston
D. R. (Tom) Uher	29	Bay City
Keith Valigura	16	Conroe
Jack Vowell	70	El Paso
Tom Waldrop	12	Corsicana
Ralph Wallace	145	Houston

Name	Dist. No.	Residence
Ed R. Watson	129	Deer Park
Foster Whaley	84	Pampa
Richard Williamson	63	Weatherford
Doyle Willis	90	Fort Worth
John Willy	28	Angleton
Ron Wilson	131	Houston
Steven D. Wolens	103	Dallas
Brad Wright	134	Houston
Gerald Yost	7	Longview

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 and that were passed and sent to the governor during the regular and 1st called sessions. An asterisk (*) indicates a bill vetoed by the governor.

SENATE

BARRIENTOS:

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SB 165
SB 166
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SB 402
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SB 644
SB 839
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SB 1105
SB 1211

Sponsored —

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HB 1973
HB 1976
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BLAKE:

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*SB 189
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Sponsored —

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BROOKS:

Authored —

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BROWN:

Authored —

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SB 792
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Sponsored —

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CAPERTON:

Authored —

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*HB 2399
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EDWARDS:

Authored —

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SB 616

Sponsored —

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HB 156
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HB 870
HB 919
HB 927
HB 934
HB 1303
HB 1304
HB 1531
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FARABEE:

Authored —

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SB 253
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SB 589
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GLASGOW:

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*SB 1126
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HARRIS:

Authored —

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HENDERSON:

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HOWARD:

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*HB 1543
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JONES:

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KOTHMANN:

Sponsored —

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KRIER:

Authored —

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Sponsored —

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LEEDOM:

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*HB 2377
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LYON:

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MAUZY:

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McFARLAND:

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PARKER:

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TRUAN:

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WASHINGTON:

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*SB 1081
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ADKISSON:

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BERLANGA:

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BLACKWOOD:

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BLANTON:

Authored —

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CLARK:

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CLEMONS:

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