

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-EIGHTH DAY — MONDAY, APRIL 24, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 203).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Place.

The invocation was offered by Lanny Henninger, minister, University Avenue Church of Christ, Austin.

LEAVE OF ABSENCE GRANTED

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

Place on motion of Seidlits.

SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled bills and resolutions:

HB 2, HB 721, HB 1207, HCR 99, HCR 156, HCR 169, SB 314, SB 371, SB 864, SB 1172, SCR 120

MESSAGE FROM THE SENATE

Austin, Texas, April 24, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 3 by Uher and Laney, in memory of Robert W. Calvert.

HB 856 by Harris, Jack (Sponsor-Sibley), relating to the scope of practice of a dentist performing oral and maxillofacial surgery (amended).

SJR 46 by Harris, Chris, proposing a constitutional amendment permitting an encumbrance to be fixed on homestead property for an owelty of partition and the refinance of a lien against a homestead.

SB 194 by Barrientos, et al., relating to the operation and expansion of the Communities in Schools program.

SB 342 by Wentworth, relating to the offense of unauthorized absence from a community corrections facility, county correctional center, or correctional assignment site.

SB 1196 by Sims and Lucio, relating to the boll weevil eradication program.

SB 1485 by Zaffirini, et al., relating to the child fatality review team committee and child fatality review teams.

SB 1511 by Nixon, Drew, et al., relating to the acceptance of gifts by state agencies.

SB 1606 by Wentworth, relating to the creation, administration, powers, duties, operation, and financing of the Travis County Municipal Utility District No. 3, Travis County Municipal Utility District No. 4, Travis County Municipal Utility District No. 5, Travis County Municipal Utility District No. 6, Travis County Municipal Utility District No. 7, Travis County Municipal Utility District No. 8, and Travis County Municipal Utility District No. 9.

Respectfully,
Betty King
Secretary of the Senate

CAPITOL PHYSICIAN

Speaker Laney presented Dr. Alan Blum of Houston as the "Doctor for the Day."

The house welcomed Dr. Blum and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

INTRODUCTION OF GUEST

HR 594, congratulating Kellye Amason on being crowned Miss Austin for 1995, having been previously adopted, was read.

The speaker recognized Representative Dukes, who introduced Kellye Amason.

Miss Amason addressed the house briefly.

HR 564 - ADOPTED

Representative Hartnett moved to suspend all necessary rules to take up and consider at this time **HR 564**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Hartnett,

HR 564, In memory of Officer Glenn Homs.

The resolution was read and was unanimously adopted by a rising vote.

On motion of Representative Allen, the names of all the members of the house were added to **HR 564** as signers thereof.

LEAVE OF ABSENCE GRANTED

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

Brady on motion of Hirschi.

HR 669 - ADOPTED

Representative B. Turner moved to suspend all necessary rules to take up and consider at this time **HR 669**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By B. Turner,

HR 669, Congratulating Evelyn Gould on her selection as Airport Manager of the Year.

The resolution was adopted without objection.

HR 668 - ADOPTED

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HR 668**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Thompson,

HR 668, Honoring Lois Jean Moore.

The resolution was adopted without objection.

INTRODUCTION OF GUESTS

HR 544, honoring James Brown, quarterback of The University of Texas Longhorns, having been previously adopted, was read.

The speaker recognized Representative Price, who introduced James Brown and his family, The University of Texas football coach John Mackovic and The University of Texas athletic director DeLoss Dodds.

RESOLUTIONS REFERRED TO COMMITTEE

The following resolutions were laid before the house and referred to committee:

SCR 126, Calling upon all Texans to support the Texas Military Museum and Archives.

To Committee on Rules and Resolutions.

By Davila,

HCR 172, Recognizing April 22-29, 1995, as National Infant Immunization Week.

To Committee on Rules and Resolutions.

By Stiles,

HR 660, In memory of Villamae Morehead Williams.

To Committee on Rules and Resolutions.

By Moffat,

HR 661, Honoring Johnson Elementary School.

To Committee on Rules and Resolutions.

By Davis,

HR 662, Recognizing April 25, 1995, as National Youth Service Day.

To Committee on Rules and Resolutions.

By J. Jones,

HR 663, Congratulating J. D. Hall on being named president of the Texas Association of Community College Trustees and Administrators.

To Committee on Rules and Resolutions.

By Rusling,

HR 664, Honoring Raymond J. Snokhous, Southern Texas Consul for the Czech Republic.

To Committee on Rules and Resolutions.

By Davis,

HR 665, Honoring the Reverend James W. Wiley.

To Committee on Rules and Resolutions.

By Davis,

HR 666, Honoring Helen Goodrum for her community service.

To Committee on Rules and Resolutions.

By West,

HR 667, In memory of Natalie Rothstein.

To Committee on Rules and Resolutions.

HB 1178 - WITH SENATE AMENDMENTS

Representative Thompson called up with senate amendments for consideration at this time,

HB 1178, A bill to be entitled An Act relating to authorizing municipalities to use the competitive sealed proposal procedure for certain purchases.

On motion of Representative Thompson, the house concurred in the senate amendments to **HB 1178** by (Record 204): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Brady; Place.

Absent — Elkins; Hudson; Price.

HB 1178 - TEXT OF SENATE AMENDMENTS

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 1178** as follows:

In SECTION 1, Sec. 252.021, delete Subsection (b) and insert the following:

"(b) Before a municipality with a population of less than 400,000 may enter into a contract for insurance that requires an expenditure of more than \$5,000 from one or more municipal funds, the municipality must comply with the procedure prescribed by this chapter for competitive sealed bidding.

(c) A municipality may use the competitive sealed proposal procedure only for high technology procurements or in a municipality with a population in excess of 400,000 the purchase of insurance."

Senate Amendment No. 2

Amend Senate Committee Amendment No. 1 to **HB 1178** as follows:

In SECTION 1, proposed Section 242.021(b) and (c), Local Government Code, strike "400,000" and insert "100,000".

HB 1097 ON SECOND READING

The speaker laid before the house, as postponed business, on its second reading and passage to engrossment,

HB 1097, A bill to be entitled An Act relating to administrative hearings for the Texas Natural Resource Conservation Commission provided by the State Office of Administrative Hearings.

HB 1097 was read second time on April 5 and was postponed until 10 a.m. today.

Representative Bosse moved to postpone consideration of **HB 1097** until 10 a.m. Wednesday, April 26.

The motion prevailed without objection.

SB 965 ON SECOND READING
(Harris - House Sponsor)

The speaker laid before the house, in lieu of **CSHB 585**, on its second reading and passage to third reading,

SB 965, A bill to be entitled An Act relating to hospital staff membership and privileges for physicians, podiatrists, and dentists.

The bill was read second time and was passed to third reading.

CSHB 585 - LAID ON THE TABLE SUBJECT TO CALL

Representative Harris moved to lay **CSHB 585** on the table subject to call.

The motion prevailed without objection.

CSHB 1415 ON SECOND READING

The speaker laid before the house, as postponed business, on its second reading and passage to engrossment, the complete committee substitute for **HB 1415**.

CSHB 1415, A bill to be entitled An Act relating to the detection and prevention of osteoporosis.

CSHB 1415 was read second time on April 20 and was postponed until 10 a.m. today.

Representative McDonald moved to postpone consideration of **CSHB 1415** until 10 a.m. Wednesday, April 26.

The motion prevailed without objection.

SB 786 ON SECOND READING
(Coleman - House Sponsor)

The speaker laid before the house, in lieu of **HB 1296**, on its second reading and passage to third reading,

SB 786, A bill to be entitled An Act relating to the student fee for the university center at the University of Houston.

The bill was read second time.

Amendment No. 1

Representative Heflin offered the following amendment to the bill:

Amend **SB 786** as follows:

On page 2, line 10, strike of more than 10 percent.

Amendment No. 1 was adopted without objection.

SB 786, as amended, was passed to third reading.

HB 1296 - LAID ON THE TABLE SUBJECT TO CALL

Representative Coleman moved to lay **HB 1296** on the table subject to call.

The motion prevailed without objection.

HB 27 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 27, A bill to be entitled An Act relating to an exemption from continuing education requirements for certain county commissioners.

The bill was read third time and was passed. (Finnell recorded voting no)

HB 1366 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1366**.

CShB 1366, A bill to be entitled An Act relating to information in county records and on death certificates concerning places in which remains are interred; providing civil penalties.

CShB 1366 was read second time and was passed to engrossment.

HB 2021 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 2021, A bill to be entitled An Act relating to the certification of certain health organizations to contract with or employ certain health practitioners.

The bill was read second time and was passed to engrossment. (Eiland recorded voting no)

SB 178 ON SECOND READING

(Chisum - House Sponsor)

The speaker laid before the house, in lieu of **HB 3036**, on its second reading and passage to third reading, the complete committee substitute for **SB 178**.

CSSB 178, A bill to be entitled An Act relating to the vehicle emissions inspection and maintenance program.

CSSB 178 was read second time.

Representative Chisum moved to postpone consideration of **CSSB 178** until 10 a.m. Wednesday, April 26.

The motion prevailed without objection.

HB 3036 - LAID ON THE TABLE SUBJECT TO CALL

Representative Chisum moved to lay **HB 3036** on the table subject to call. The motion prevailed without objection.

HB 3104 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 3104, A bill to be entitled An Act relating to an exemption of certain charitable gift annuities from regulation under the Insurance Code.

The bill was read second time and was passed to engrossment.

HB 943 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 943, A bill to be entitled An Act relating to performance audits of certain metropolitan transit authorities.

The bill was read second time and was passed to engrossment. (Cook and Moffat recorded voting no)

HB 466 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 466, A bill to be entitled An Act relating to the compilation and use of information pertaining to criminal combinations; providing a penalty.

The bill was read second time.

Amendment No. 1

Representative Mowery offered the following amendment to the bill:

Amend **HB 466** on page 3, line 8, by striking "Class B" and substituting "Class A".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative S. Turner offered the following amendment to the bill:

Amend **HB 466** on page 2, line 17, by striking "associated with a combination" and substituting "who is a member of a combination".

Representative Brimer moved to table Amendment No. 2.

The motion to table prevailed.

HB 466, as amended, was passed to engrossment. (De La Garza, Dutton, G. Lewis, Price, Thompson, and S. Turner recorded voting no)

HB 2162 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2162**.

CSHB 2162, A bill to be entitled An Act relating to the efficient administration of the criminal justice system.

CSHB 2162 was read second time.

Amendment No. 1

Representative Gallego offered the following amendment to **CSHB 2162**:

Amend **CSHB 2162** as follows:

(1) On page 7, strike lines 17 and 18 and substitute the following:

SECTION 1.010. Section 493.009, Government Code, is amended by amending Subsections (c), (g), and (h), and by adding Subsection (q) to read as follows:

(c) The program for persons required to participate in the program under Section 14, Article 42.12, Code of Criminal Procedure, must consist of treatment programs that do not exceed ~~[may vary in time from six months to]~~ 12 months in duration. ~~[The department shall also establish and provide treatment programs for persons in categories described by Subsections (g)(1)-(3) who are housed in beds otherwise provided for persons required to participate in the program under Section 14, Article 42.12, Code of Criminal Procedure.]~~

(2) On page 8, between lines 11 and 12, insert the following:

(q) The department may limit the number of persons participating in the program.

(3) In ARTICLE 3 of the bill, add a new SECTION to read as follows and renumber the remaining SECTIONS of ARTICLE 3 accordingly:

SECTION _____. Section 14(a), Article 42.12, Code of Criminal Procedure, as amended by Chapter 900, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(a) If a court places a defendant on community supervision under any provision of this article as an alternative to imprisonment, the judge may require as a condition of community supervision that the defendant serve a term of confinement and treatment in a substance abuse treatment facility operated by the Texas Department of Criminal Justice under Section 493.009, Government Code. A term of confinement and treatment imposed under this section must be an indeterminate term of not more than one year ~~[or less than six months]~~.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Chisum offered the following amendment to **CSHB 2162**:

Amend page 15, line 27 as follows:

Strike the following language: ~~(5) environmental conservation easements~~ and renumber accordingly.

Amendment No. 2 was adopted without objection.

(Brady now present)

Amendment No. 3

Representative Allen offered the following amendment to **CSHB 2162**:

Amend **CSHB 2162** as follows:

(1) In Article 1 (House Committee Report, Page 20, between lines 10 and 11), add the following SECTIONS:

SECTION 1.0331. Section 497.001, Government Code, is amended to read as follows:

Sec. 497.001. Prison Industries Office. The prison industries office is an office in the department [~~institutional division~~]. The office is under the control of the executive director [~~of the institutional division~~].

SECTION 1.0332. Section 497.002(b), Government Code, is amended to read as follows:

(b) To implement the purposes of the office, the executive director [~~of the institutional division~~] may establish and operate a prison industries program at each correctional facility that the executive director considers suitable for such a program.

SECTION 1.0333. Section 497.004, Government Code, is amended to read as follows:

Sec. 497.004. Inmate Labor, Pay. (a) The executive director [~~of the institutional division~~] shall use inmate labor in the prison industries program to the greatest extent feasible and shall develop and expand the prison industries program by pursuing arrangements with business for the use of inmate labor.

(b) The board may develop and administer an incentive pay scale for inmates [~~confined in the institutional division~~] who participate in the prison industries program. The program may be financed through contributions donated for this purpose by private businesses contracting with the department [~~institutional division~~]. The department [~~institutional division~~] shall apportion pay earned by an inmate under this subchapter to the following persons and entities, in amounts determined at the discretion of the department [~~division~~]:

(1) persons to whom the inmate has been ordered by a court to pay restitution;

(2) the inmate's family and dependents;

(3) the state, as reimbursement for the cost of the inmate's confinement;

(4) the compensation to victims of crime fund, created by Section 14, Crime Victims Compensation Act (Article 8309-1, Vernon's Texas Civil Statutes); and

(5) the inmate's trust fund.

SECTION 1.0334. Section 497.005, Government Code, is amended to read as follows:

Sec. 497.005. Proceeds From Prison Industries. Proceeds received from the operation of a prison industries program shall be deposited in the industrial revolving fund. The proceeds may be used by the department [~~institutional division~~] for the administration of this subchapter.

SECTION 1.0335. Section 497.006, Government Code, is amended to read as follows:

Sec. 497.006. Contracts. To encourage the development and expansion of the prison industries program, the prison industries office may enter into necessary contracts related to the prison industries program. With the approval of the board, the office may enter into a contract with a private business to

conduct a program on or off property operated by the department [~~institutional division~~].

SECTION 1.0336. Section 497.008, Government Code, is amended to read as follows:

Sec. 497.008. Lease of Land. To further the expansion and development of the prison industries program, the department [~~institutional division~~] may lease prison land to a private business. A lease under this section may not exceed a term of 50 years. The business must lease the land at fair market value and may construct or convert plant facilities on the land.

SECTION 1.0337. Section 497.009, Government Code, is amended to read as follows:

Sec. 497.009. Certification for Franchise Tax Credit. The department [~~institutional division~~] or the prison industries office on behalf of the department [~~institutional division~~] shall prepare and issue a certification that a corporation requires to establish eligibility for the franchise tax credit for wages paid to inmates or employees who were inmates under Subchapter L, Chapter 171, Tax Code.

SECTION 1.0338. Section 497.010, Government Code, is amended to read as follows:

Sec. 497.010. Compliance. The prison industries office may enter into a contract with a private business under Section 497.006 only if the contract specifies that the prison industries office and the private business will comply with the Private Sector/Prison Industry Enhancement Certification Program operated by the Bureau of Justice Assistance and authorized by 18 U.S.C. Section 1761 [~~42 U.S.C. Section 3701 et seq~~].

(2) In Article 1, (House Committee Report, Page 21, line 6 through page 30, line 26), strike SECTIONS 1.036-1.042, substitute the following and renumber the existing SECTIONS in Article 1 accordingly:

SECTION 1.036. Section 497.051, Government Code, is amended to read as follows:

Sec. 497.051. WORK PROGRAM PLAN. (a) The department shall establish policies for the administration of a conditional work program. The policies must include a work program contract that includes an agreement by the resident to contribute from the wages received by the resident for the resident's participation in private industry employment a percentage of the wages, in accordance with rules adopted by the board to comply with the federal prison enhancement certification program established under 18 U.S.C. Section 1761, and a percentage of the wages for:

(1) costs of supervision;

(2) restitution to the victim or victims of the resident; and

(3) savings to be retained for the resident in a designated account for the resident's benefit and receipt on release.

(b) This subchapter does not restore in whole or in part the civil rights of a work program resident.

(c) A work program resident employed under this subchapter is not subject to workers' compensation laws, and the resident and the resident's beneficiaries may not receive compensation under those laws, except that a private industry may provide workers' compensation benefits to a resident and a resident's

beneficiaries as necessary to certify a work program operated by the industry as a work pilot project described in 18 U.S.C. Section 1761. [DEFINITIONS: In this subchapter:

[~~(1) "Resident" means a person transferred to a secure community residential facility under this subchapter.~~

[~~(2) "Secure community residential facility" means a monitored structured environment where a resident's interior and exterior movements and activities can be supervised by specific destination and time.~~

[~~(3) "Work facility" means a secure community residential facility to which residents may be transferred under this subchapter.]~~

(3) In Article 1 (House Committee Report, page 92, immediately before line 1), insert the following new SECTIONS and renumber existing SECTIONS accordingly:

SECTION 1.____. Section 171.651, Tax Code, is amended to read as follows:

Sec. 171.651. Definitions. In this subchapter:

(1) "Department" means the Texas Department of Criminal Justice.

(2) "Inmate" means an inmate in a prison industries program operated by the prison industries office of the department [institutional division] under Subchapter A, Chapter 497, Government Code.

[~~(2) "Institutional division" means the institutional division of the Texas Department of Criminal Justice.]~~

SECTION 1.____. Sections 171.653(a) and (b), Tax Code, are amended to read as follows:

(a) The amount of the credit for wages paid by a corporation to an inmate is equal to 10 percent of that portion of the wages paid that the department [institutional division] apportions to the state under Section 497.004(b)(3), Government Code, as reimbursement for the cost of the inmate's confinement.

(b) A corporation is eligible for the credit under this section only if it receives before the due date of its franchise tax report for the privilege period for which the credit is claimed a written certification from the department [institutional division] stating the amount of the wages that the corporation paid to an inmate during the privilege period and the amount of those wages that the department [institutional division] apportioned to the state as reimbursement for the cost of the inmate's confinement.

SECTION 1.____. Sections 171.654(a) and (b), Tax Code, are amended to read as follows:

(a) The amount of the credit for wages paid by a corporation to an employee who was employed by the corporation when the employee was an inmate is equal to 10 percent of that portion of the wages paid that, were the employee still an inmate, the department [institutional division] would apportion to the state under Section 497.004(b)(3), Government Code, as reimbursement for the cost of the inmate's confinement.

(b) A corporation is eligible for the credit under this section only if:

(1) the employee who was formerly an inmate was continuously employed for not less than six months while an inmate and has been continuously employed by the corporation for at least one year after the date that the employee was released from prison;

(2) the nature of the employment is substantially similar to the employment the employee had with the corporation when the employee was an inmate or the employment requires more skills or provides greater opportunities for the employee;

(3) the corporation has provided the department [~~institutional division~~] a statement of the amount of wages paid the employee during the accounting period on which the credit is computed; and

(4) the corporation receives before the due date of its franchise tax report for the privilege period for which the credit is claimed a written certification from the department [~~institutional division~~] stating the amount of the wages that, were the employee still an inmate, the department [~~institutional division~~] would have apportioned to the state as reimbursement for the cost of the inmate's confinement.

(4) On page 92, line 3, between "Session, 1993)," and "499.006", insert "497.052, 497.053, 497.054, 497.055, 497.056, 497.057, 497.058, 497.059".

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Chisum offered the following amendment to **CSHB 2162**:

1) Amend page 27, line 22 as follows:

Insert the following language: after the word "release" add the word and:

(4) support of the resident's dependents, if any.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Chisum offered the following amendment to **CSHB 2162**:

Amend page 86, line 27 as follows:

Strike the following language: ~~(23) officers commissioned by the Texas High Speed Rail Authority~~ and renumber accordingly.

Amendment No. 5 was adopted without objection. (The vote was reconsidered later today, and Amendment No. 5 was withdrawn.)

Amendment No. 6

Representative Hamric offered the following amendment to **CSHB 2162**:

Amend **CSHB 2162**, SECTION 1.105, as follows:

1. Strike "and" from line 11, page 87.

2. Strike the period at the end of line 14, page 87, and substitute the following: "; and"

3. Add a new subdivision (30) to Article 2.12, Code of Criminal Procedure, to read as follows:

(30) investigators employed in the office of a county medical examiner.

Amendment No. 6 was adopted without objection. (The vote was reconsidered later today, and Amendment No. 6 was withdrawn.)

Amendment No. 7

Representative Giddings offered the following amendment to **CSHB 2162**:

Amend **CSHB 2162** as follows:

On page 93, at line 6, add a new section to be numbered appropriately, to read as follows:

SECTION _____. Section 507.006, Government Code, is amended to read as follows:

Sec. 507.006. USE OF FACILITY FOR TRANSFER INMATES.

(a) Notwithstanding any other provision of this subchapter the state jail division, with the approval of the board, may designate one or more state jail felony facilities to house inmates convicted on non-violent crimes who are eligible for confinement in a transfer facility under Section 499.152, but only if the designation does not deny placement in a state jail felony facility of defendants required to serve terms of confinement in a facility following conviction of state jail felonies.

(Black in the chair)

Representative Hightower moved to table Amendment No. 7.

(Speaker in the chair)

The motion to table prevailed.

(Speaker pro tempore in the chair)

Amendment No. 8

Representative Gallego offered the following amendment to **CSHB 2162**:

Amend **CSHB 2162** in ARTICLE 1 of the bill by adding an appropriately numbered SECTION to read as follows and by renumbering the existing SECTIONS in ARTICLE 1 accordingly:

SECTION 1.____. Section 493.010, Government Code, is amended to read as follows:

Sec. 493.010. CONTRACTS FOR MISCELLANEOUS HOUSING. The board, for the temporary or permanent housing of inmates, may enter into leases or contract with:

(1) public or private jails [~~subject to the restrictions of Subchapter A, Chapter 495~~]; or

(2) operators of alternative housing facilities.

Amendment No. 8 was adopted without objection.

Amendment No. 9

Representative Cook offered the following amendment to **CSHB 2162**:

Amend **CSHB 2162** on page 117 as follows:

(1) Between lines 13 and 14, insert the following:

(5) obtain a general equivalency diploma not later than one year after the date the person is released if the department determines that the person does not have a high school diploma or general equivalency diploma but has demonstrated an educational skill level that is equal to or greater than the average skill level of a student who has completed the sixth grade and half of the credits required to complete the seventh grade in a public school of this state, unless the department determines that the person lacks the intellectual capacity or the learning ability to obtain the diploma within that period;

- (2) On line 14, strike "(5)" and substitute "(6)".
- (3) On line 18, strike "(6)" and substitute "(7)".

Amendment No. 9 was adopted without objection.

Amendment No. 10

Representative Chisum offered the following amendment to **CSHB 2162**:

Amend **CSHB 2162** by striking the language on lines 12-15 on page 129 of the bill and substituting the following:

(3) is granted a continuance, not to exceed the 181st day after the arrest, or the attorney representing the person or the attorney representing the state is granted a continuance, not to exceed the 181st day after the arrest; or

Amendment No. 10 was adopted without objection.

Amendment No. 11

Representative Gray offered the following amendment to **CSHB 2162**:

Amend **CSHB 2162** in ARTICLE 2 of the bill (House Committee Report, page 96, between lines 4 and 5) by adding a new SECTION 2.0031 to read as follows:

SECTION 2.0031. Section 6, Article 42.18, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) The board, after consultation with the governor and the Texas Board of Criminal Justice, shall adopt a mission statement that reflects those responsibilities for the operation of the parole process that are assigned to the board and those responsibilities for the operation of the parole process that are assigned to the division, the department, or the Texas Board of Criminal Justice. The board shall include in the mission statement a description of specific locations at which the board intends to conduct business related to the operation of the parole process.

Amendment No. 11 was adopted without objection.

Amendment No. 12

Representative Gallego offered the following amendment to **CSHB 2162**:

Amend **CSHB 2162** as follows:

- (1) On page 168, strike lines 16 and 17 and substitute the following:

SECTION 3.014. Section 10, Article 42.13, Code of Criminal Procedure, is amended by amending Subsection (a) and by adding Subsection (f) to read as follows:

- (2) On page 169, line 8, strike "(e)" and substitute "(f)".
- (3) On page 169, strike lines 11-25 and substitute the following:

(f) The division annually shall compute for each department for community corrections program formula funding a percentage determined by assigning equal weights to the percentage of the state's population residing in the counties served by the department and the department's percentage of all felony defendants in the state under direct community supervision. The division shall use the most recent information available in making computations under this subsection. The board by rule may adopt a policy limiting for all departments

the percentage of benefit or loss that may be realized as a result of the operation of the formula.

Amendment No. 12 was adopted without objection.

Amendment No. 13

Representatives Hochberg and Crabb offered the following amendment to **CSHB 2162**:

Amend **CSHB 2162** as follows:

(1) Add an appropriately numbered section to read as follows and renumber the existing sections accordingly:

SECTION _____. Section 501.018, Government Code, is added to read as follows:

Sec. 501.018. Chaplaincy Services. (a) The department may operate a chaplaincy service.

(b) The chaplaincy service shall be non-discriminatory in its treatment of the religious beliefs of inmates.

(c) No employee, contractor, or volunteer in the chaplaincy service or in religious programs approved by the service shall denigrate any religion practiced by any inmate, nor attempt to change any inmate's religious affiliation without the consent of the inmate.

(d) All chapels provided for religious observation shall be non-denominational in design and decoration, and shall be available on a non-denominational basis.

(e) No inmate shall be required to attend or to participate in any religious program or activity as a condition of receiving food or other basic necessities. This shall not prohibit the restriction of attendance at religious ceremonies to inmates who practice the religion, even if food is part of those ceremonies, so long as food is also available to inmates who do not participate in the ceremony.

(f) If secure space is provided for the storage of religious items at an individual prison unit, the space shall be available for use by any chaplain providing services at that unit.

Amendment No. 13 was adopted without objection.

Amendment No. 14

Representative Delisi offered the following amendment to **CSHB 2162**:

Amend **CSHB 2162** on page 5, between lines 23 and 24, by inserting SECTION 1.0081 to read as follows:

SECTION 1.0081. Chapter 493, Government Code, is amended by adding Section 493.0061 to read as follows:

Sec. 493.0061. USE OR POSSESSION OF TOBACCO. (a) Except as provided by Subsection (b), the executive director shall prohibit a person in the custody of the department, an employee of the department, or a visitor to the department from using or possessing a tobacco product:

(1) in any office occupied by the department;

(2) on any property owned by the department;

(3) in any facility operated by the department; or

(4) in any motor vehicle used by the department for business purposes.

(b) The executive director shall permit an employee of the department or a family member of the employee to use or possess a tobacco product in the employee's personal vehicle while on property owned by the department or in lodging provided by the department for the personal use of the employee and employee's family, but only during a time in which there is no contact between the employee or family member and a person in custody.

(c) The department shall adopt policies designed to ensure compliance with this section.

(d) In this section, "tobacco product" means a cigar, cigarette, chewing tobacco, pipe tobacco, or other similar product containing tobacco prepared for personal use such as smoking, chewing, or dipping.

Representative Hightower moved to table Amendment No. 14.

The motion to table prevailed.

(Speaker in the chair)

Amendment No. 15

Representative Wilson offered the following amendment to **CSHB 2162**:

Amend **CSHB 2162** in Article 1 of the bill by adding an appropriately numbered SECTION to read as follows:

SECTION _____. Subchapter A, Chapter 501, Government Code, is amended by adding Section 501.021 to read as follows:

Sec. 501.021. USE OF INMATES IN TRAINING PROHIBITED. The department may not use an inmate in a program that trains dogs to attack individuals.

MESSAGE FROM THE SENATE

Austin, Texas, April 24, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

CSHB 327 by Goodman, Thompson, Combs, De La Garza, Cuellar, Henry, et al. (Sponsor-Harris, Chris), relating to the juvenile justice system, including the adjudication and disposition of children; providing for civil and criminal penalties (amended).

Respectfully,
Betty King
Secretary of the Senate

CSHB 2162 - (consideration continued)

Representative Hightower moved to table Amendment No. 15.

The motion to table was withdrawn.

Amendment No. 16

Representative Wilson offered the following amendment to Amendment No. 15:

Amend the Wilson amendment to read as follows:

Amend **CSHB 2162** in Article 1 of the bill by adding an appropriately numbered SECTION to read as follows:

SECTION _____. Subchapter A, Chapter 501, Government Code, is amended by adding Section 501.021 to read as follows:

Sec. 501.021. USE OF INMATES IN TRAINING PROHIBITED. The department may not use an inmate in a program that trains dogs to attack individuals without the inmates permission.

Amendment No. 16 was adopted without objection.

Amendment No. 15, as amended, was adopted without objection.

Amendment No. 17

Representative Wilson offered the following amendment to **CSHB 2162**:

Amend **CSHB 2162** in Article 1 of the bill by adding a new SECTION, appropriately numbered, to read as follows:

SECTION _____. Subchapter A, Chapter 501, Government Code, is amended by adding Section 501.020 to read as follows:

Sec. 501.020. CONJUGAL VISITATION POLICY. The department may adopt a policy by which an inmate may be allowed conjugal visitation.

Representative Hightower moved to table Amendment No. 17.

The motion to table prevailed.

Amendment No. 18

Representative Delisi offered the following amendment to **CSHB 2162**:

Amend **CSHB 2162** on page 5, between lines 23 and 24, by inserting SECTION 1.0081 to read as follows:

SECTION 1.0081. Chapter 493, Government Code, is amended by adding Section 493.0061 to read as follows:

Sec. 493.0061. USE OR POSSESSION OF TOBACCO. (a) Except as provided by Subsection (b), the executive director shall prohibit a person in the custody of the department or an employee of the department from using or possessing a tobacco product:

- (1) in any office occupied by the department;
- (2) on any property owned by the department;
- (3) in any facility operated by the department; or
- (4) in any motor vehicle used by the department for business purposes.

(b) The executive director shall permit an employee of the department or a family member of the employee to use or possess a tobacco product in the employee's personal vehicle while on property owned by the department or in lodging provided by the department for the personal use of the employee and

employee's family, but only during a time in which there is no contact between the employee or family member and a person in custody.

(c) The department shall adopt policies designed to ensure compliance with this section.

(d) In this section, "tobacco product" means a cigar, cigarette, chewing tobacco, pipe tobacco, or other similar product containing tobacco prepared for personal use such as smoking, chewing, or dipping.

Amendment No. 18 was adopted without objection.

Representative Chisum moved to reconsider the vote by which Amendment No. 5 was adopted.

The motion to reconsider prevailed.

Amendment No. 5 was withdrawn.

Representative Hamric moved to reconsider the vote by which Amendment No. 6 was adopted.

The motion to reconsider prevailed.

Amendment No. 6 was withdrawn.

CSHB 2162, as amended, was passed to engrossment.

HB 514 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 514, A bill to be entitled An Act relating to the employment of inmates of the institutional division of the Texas Department of Criminal Justice by contractors constructing institutional division facilities.

The bill was read second time.

Amendment No. 1

Representative Bosse offered the following amendment to the bill:

Amend **HB 514** as follows:

(1) On page 1, between lines 10 and 11, insert the following:

(b) The board shall not permit such voluntary employment of inmates unless the board determines that:

(1) such inmate employment will not result in the displacement of employed workers;

(2) such inmate employment will not be applied in skills, crafts or trades in which there is a surplus of labor reasonably available for the project in question; and

(3) without the use of such voluntary inmate labor the contractor will not be able to obtain a labor force reasonably sufficient to complete the project.

(2) Renumber subsections 497.097(b) through (d) as subsections 497.097(c) through (e) accordingly.

Representative Conley moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representative Dukes offered the following amendment to the bill:

Amend **HB 514** on page 2, between lines 2 and 3, by inserting the following:

(e) A contractor operating under a construction contract with the board, who in bidding for the contract specified the ratio between inmate laborers and general population laborers, may not subsequent to having been awarded the contract change that ratio without the express written consent of the board.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Carter offered the following amendment to the bill:

Amend **HB 514** as follows:

(1) On page 1, strike lines 12 and 13 and substitute the following:

"may not leave the premises of the facility or unit of the institutional division to which the inmate is assigned."

(2) On page 1, strike lines 15 and 16 and substitute the following:

"shall pay the inmate a wage comparable to wages paid for similar work in the area immediately surrounding the facility where the work is to be performed."

Amendment No. 3 was adopted without objection.

A record vote was requested.

HB 514, as amended, was passed to engrossment by (Record 205): 126 Yeas, 17 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Berlanga; Black; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; Dear; Denny; Driver; Dutton; Edwards; Eiland; Elkins; Farrar; Finnell; Giddings; Glaze; Goodman; Goolsby; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; Krusee; Kubiak; Kuempel; Lewis, G.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Turner, B.; Turner, S.; Uher; Van de Putte; West; Williamson; Wilson; Wohlgemuth; Wolens; Woolley; Yost.

Nays — Bailey; Bosse; De La Garza; Duncan; Ehrhardt; Gray; King; Lewis, R.; Munoz; Naishtat; Romo; Tillery; Torres; Walker; Willis; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Place.

Absent — Clemons; Delisi; Dukes; Gallego; Sadler.

STATEMENT OF VOTE

When Record No. 205 was taken, I was temporarily out of the house chamber. I would have voted yes.

Delisi

REASON FOR VOTE

It allows inmates to take jobs from law-abiding citizens.

Munoz

HB 1543 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1543**.

CSHB 1543, A bill to be entitled An Act relating to the regulation of banking and of entities under the jurisdiction of state banking regulatory officials; providing administrative and criminal penalties.

CSHB 1543 was read second time.

Amendment No. 1

Representative Thompson offered the following amendment to **CSHB 1543**:

Amend **CSHB 1543** by adding the following new appropriately numbered sections and renumbering subsequent sections accordingly:

SECTION _____. Section 5, Article 350, Revised Statutes, is amended to read as follows:

Sec. 5. FEES. The commissioner by rule shall set the license application fees, license fees, license renewal fees, ~~[and]~~ examination fees, and investigation fees in amounts reasonable and necessary to defray the cost of administering this article.

SECTION _____. Section 8, Article 350, Revised Statutes, is amended by amending Subsections (c) and (d) and adding Subsections (e), (f), and (g) to read as follows:

(c) A person is not eligible for a license or must surrender an existing license if ~~if, during the previous 10 years,~~ the person, an agent of the person for purposes of the currency exchange or transmission business, or a principal of the person, if a business:

(1) has been convicted within 10 years preceding the date of the application of a felony or a crime involving moral turpitude under the laws of this state, any other state, or the United States;

(2) has been convicted within 10 years of the date of the application of a crime under the laws of another country that involves moral turpitude or would be a felony if committed in the United States; ~~[or]~~

(3) owes delinquent taxes, fines, or fees to any local, state, or federal taxing or governmental entity.

(d) An applicant for a license or renewal of a license must demonstrate that the applicant:

(1) has not recklessly failed to file or evaded the obligation to file a currency transaction report as required by 31 U.S.C. Section 5313 during the previous three years;

(2) has not recklessly accepted currency for exchange or transmission during the previous three years in which a portion of the currency was derived from an illegal transaction or activity;

(3) will conduct its currency exchange or transmission business within the bounds of state and federal law; ~~and~~

(4) warrants the trust of the community; and

(5) has a minimum net worth of \$25,000 computed according to generally accepted accounting principals, for each location at which business is conducted, including any location or agency that receives or holds any funds intended to be transmitted by another location, except that an applicant may not be required to maintain a net worth of more than \$1 million.

(e) If the applicant is an individual who is a foreign citizen, the applicant must be a resident of the state. If the applicant is a person other than an individual, a majority of the principals of the applicant who the commissioner determines are actively involved in the currency exchange or transmission business in the state must be residents of the state.

(f) Before approving an application for a license under this article, the commissioner may investigate an applicant or a principal of the applicant. The commissioner shall charge and collect from the applicant a nonrefundable fee to cover the expense of an investigation under this subsection. If the applicant fails to pay a fee required by this subsection or the applicant or principal of the applicant fails to cooperate with an investigation conducted under this subsection, the commissioner may deny the application.

(g) A licensee shall maintain a minimum net worth for each license in the amount required under Subsection (d)(5).

SECTION _____. Section 10(a), Article 350, Revised Statutes, is amended to read as follows:

(a) A person who is licensed under this article shall post a bond with a qualified surety company doing business in this state that is acceptable to the commissioner or an irrevocable letter of credit issued by a qualified financial institution that is acceptable to the commissioner. The bond or letter of credit shall be in amount determined by the commissioner. The commissioner shall determine the amount of the bond or letter of credit based on the dollar volume of the licensee's currency exchange or transmission business and the number of locations from which the person operates, but the bond or letter of credit must be at least \$25,000 for a person conducting a currency exchange business and at least \$300,000 for a person conducting a currency transmission or currency transportation business.

SECTION _____. Section 11, Article 350, Revised Statutes, is amended to read as follows:

Sec. 11. EXAMINATION. (a) Each licensee is subject to a periodic examination of the licensee's business records by the commissioner at the expense of the licensee. For the purpose of carrying out this article, the

commissioner may examine all books, records, papers, or other objects that the commissioner determines are necessary for conducting a complete examination and may also examine under oath any principal associated with the license holder, including an officer, director, or employee of the licensee. If a person required by the commissioner to submit to an examination refuses to permit the examination or to answer any question authorized by this article, the commissioner may suspend the person's license until the examination is completed.

(b) The Banking Department may at its sole discretion, periodically conduct an unannounced examination to determine a licensee's compliance with this article.

(c) As part of every examination, the Banking Department shall determine whether the licensee is complying with all state and federal laws relating to the currency exchange, transportation, or transmission business.

SECTION _____. Article 350, Revised Statutes, is amended by adding Sections 22 and 23 to read as follows:

Sec. 22. DECEPTIVE ADVERTISING. (a) A licensee who advertises the prices to be charged by the currency exchange, transportation, or currency transmission business for services provided must specifically state in the advertisement any fee or commission that is included as part of the price to the consumer.

(b) The commissioner by rule shall establish requirements for the size and type of lettering a licensee must use in placing an advertisement for prices or rates to be charged by the business.

(c) A person who violates this section or a rule adopted under this section commits a false, misleading, or deceptive act or practice within the meaning of Subsections (a) and (b) of Section 17.46, Business & Commerce Code.

Sec. 23. NAME. The commissioner may not issue a license to an applicant if the commissioner determines the applicant's name is misleading or deceptive to consumers.

Amendment No. 1 was adopted without objection.

CSHB 1543, as amended, was passed to engrossment.

HB 1637 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1637**.

CSHB 1637, A bill to be entitled An Act relating to the duty of a landlord to provide smoke detectors in leased residential premises.

CSHB 1637 was read second time.

Amendment No. 1

Representative De La Garza offered the following amendment to **CSHB 1637**:

Amend **CSHB 1637** on page 3, line 16, by striking "Subdivision (1) or (3)" and substituting "this section".

Representative Brady moved to table Amendment No. 1.

The motion to table prevailed.

CSHB 1637 was passed to engrossment. (Cook recorded voting no)

HB 1824 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 1824, A bill to be entitled An Act relating to rates for water supply or sewer services charged by the City of El Paso to residents of a certain area of El Paso County.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

Representative Yost offered the following committee amendment to the bill:

Amend Section 1 of **HB 1824** by Pickett as follows:

At page 1, line 17, after the word "area;" delete the word "or" and add the word "and".

At page 1, between lines 19 and 20, add a new subsection (c) to read as follows:

(c) Notwithstanding subsections (a) and (b) of this Section, for a period of five years after the City of El Paso begins water supply or sewer service to the greater Canutillo service area, the City of El Paso may not charge residents of the service area a rate that exceeds 115 percent of the rate charged to the residents of the City of El Paso.

Amendment No. 2

Representative Pickett offered the following amendment to Amendment No. 1:

Amend Committee Amendment No. 1 to **HB 1824** on page 3, line 8 (Committee printing), by striking "five" and substituting "three".

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted.

HB 1824, as amended, was passed to engrossment.

HB 3003 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 3003**.

CSHB 3003, A bill to be entitled An Act relating to the control and eradication of cotton pests by the Department of Agriculture.

CSHB 3003 was read second time and was passed to engrossment.

HB 673 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 673, A bill to be entitled An Act relating to the assignment of a former statutory probate court judge.

The bill was read second time.

Amendment No. 1

Representative Wolens offered the following amendment to the bill:

Amend **HB 673** as follows:

(1) On page 1, by striking lines 5 and 6, and substituting the following:
"SECTION 1. Section 25.0022, Government Code, is amended by amending Subsections (j), (p), and (s) and adding Subsection (x) to read as follows:".

(2) On page 1, between lines 20 and 21, insert the following and renumber the remaining section appropriately:

"(x) To be eligible for assignment under this section a former or retired judge of a statutory probate court must:

(1) not have been removed from office; and

(2) certify under oath to the presiding judge, on a form prescribed by the state board of regional judges, that the judge did not resign from office after having received notice that formal proceedings by the State Commission on Judicial Conduct had been instituted as provided in Section 33.022 and before the final disposition of the proceedings.

SECTION 2. This Act takes effect September 1, 1995, and applies to a former or retired judge assigned on or after that date. An assignment of a former or retired judge made before the effective date of this Act is covered by the law in effect on the date the assignment was made, and the former law is continued in effect for that purpose."

Amendment No. 1 was adopted without objection.

MESSAGE FROM THE SENATE

Austin, Texas, April 24, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

SCR 129 by Ellis, commending Hermann Hospital for its worthy accomplishments.

SJR 36 by Montford, proposing a constitutional amendment to authorize the legislature to exempt from ad valorem taxation certain property of certain organizations chartered by the Congress of the Republic of Texas.

SB 325 by Patterson, Jerry, relating to payment of wages by electronic transfer.

SB 752 by Patterson, Jerry, relating to regulation of businesses conducting currency exchange, transportation, or transmission; creating offenses and providing penalties.

SB 1126 by Nixon, Drew, and Sims, relating to the modification of an existing facility under the Texas Clean Air Act.

SB 1262 by Montford, relating to the management, development, accounting, and disposition of certain state property.

SB 1633 by Truan, et al., relating to requiring the approval of the Texas Transportation Commission before a political subdivision or private entity may construct or finance the construction of a bridge across the Rio Grande.

SB 1654 by Montford, relating to the exemption from ad valorem taxation of real property owned by certain organizations chartered by the Congress of the Republic of Texas.

Respectfully,
Betty King
Secretary of the Senate

HB 673 - (consideration continued)

Amendment No. 2

Representative Thompson offered the following amendment to the bill:

Amend **HB 673** by adding the following appropriately numbered SECTIONS to read as follows and by renumbering existing SECTIONS accordingly:

SECTION _____. Section 74.054(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsections (b) and (c), the following judges may be assigned as provided by this chapter by the presiding judge of the administrative region in which the assigned judge resides:

(1) a regular district, constitutional county, or statutory county court judge in this state;

(2) a district or appellate judge who is a retiree under Subtitle D or E of Title 8, who has consented to be subject to assignment, and who is on the list maintained by the presiding judge under this chapter;

(3) a former district or appellate judge, retired or former statutory probate court judge, or retired or former statutory county court judge who certifies to the presiding judge a willingness to serve and who is on the list maintained by the presiding judge as required by this chapter;

(4) a retiree or a former judge whose last judicial office before retirement was justice or judge of the supreme court, the court of criminal appeals, or a court of appeals and who has been assigned by the chief justice to the administrative judicial region in which the retiree or former judge resides for reassignment by the presiding judge of that region to a district or statutory county court in the region; and

(5) an active court of appeals justice who has had trial court experience.

SECTION _____. Section 74.054, Government Code, is amended by adding Subsection (d) to read as follows:

(d) A retired judge of a statutory probate court may also qualify for assignment under Section 25.0022.

SECTION _____. Section 74.055(c), Government Code, is amended to read as follows:

(c) To be eligible to be named on the list, a retired or former judge must:

(1) have served as a judge for at least 48 months in a district, statutory probate, statutory county, or appellate court;

(2) have developed substantial experience in the judge's area of specialty;

(3) not have been removed from office;

(4) certify under oath to the presiding judge, on a form prescribed by the state board of regional judges, that the judge did not resign from office after having received notice that formal proceedings by the State Commission on Judicial Conduct had been instituted as provided in Section 33.022 and before the final disposition of the proceedings;

(5) annually demonstrate that the judge has completed in the past calendar year the educational requirements for active district, statutory probate, and statutory county court judges; and

(6) certify to the presiding judge a willingness not to appear and plead as an attorney in any court in this state for a period of two years.

SECTION _____. Section 74.059(c), Government Code, is amended to read as follows:

(c) A district, statutory probate, or statutory county court judge shall:

(1) diligently discharge the administrative responsibilities of the office;

(2) rule on a case within 90 days after the case is taken under advisement;

(3) request the presiding judge to assign another judge to hear a motion relating to the recusal of the judge from a case pending in his court; and

(4) if an election contest or a suit for the removal of a local official is filed in his court, request the presiding judge to assign another judge who is not a resident of the county to hold a regular or special term of court in that county to dispose of the suit.

SECTION _____. Sections 74.061(e) and (f), Government Code, are amended to read as follows:

(e) When a district, statutory probate, constitutional county, or statutory county court judge is assigned under this chapter to a court outside his own district or county, the judge, in addition to all other compensation authorized by law, is entitled to receive his actual expenses in going to and returning from his assignment and his actual living expenses while in the performance of his duties under the assignment. The county in which the duties are performed shall pay the expenses out of the general fund of the county on accounts certified and approved by the presiding judge of the administrative region for that county.

(f) When a district, statutory probate, constitutional county, or statutory county court judge is assigned under this chapter to a court outside his own district or county, the judge, in addition to all other compensation and expenses authorized by law, is entitled to receive a per diem of \$25 for each day or fraction of a day that the judge spends outside his district or county in the performance of his duties under the assignment. The state shall pay the per

diem in the same manner that it pays the judge's salary on certificates of approval by the chief justice or the presiding judge of the administrative region in which the judge resides.

SECTION _____. Section 25.0022(w), Government Code, is amended to read as follows:

(w) Chapter 74 does not apply to the assignment under this section of statutory probate court judges.

Amendment No. 2 was adopted without objection.

HB 673, as amended, was passed to engrossment. (Shields recorded voting no)

RESOLUTIONS CALENDAR

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

By Raymond, Hilderbran, and King,

HCR 44, Designating the prickly pear cactus as the official state plant of Texas.

The resolution was adopted.

HCR 172 - ADOPTED

Representative Davila moved to suspend all necessary rules to take up and consider at this time **HCR 172**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Davila,

HCR 172, Recognizing April 22-29, 1995, as National Infant Immunization Week.

The resolution was adopted without objection.

PROVIDING FOR LOCAL AND CONSENT BILLS AND RESOLUTIONS CALENDARS

Representative Rodriguez moved to set local and consent bills and resolutions calendars for 10 a.m. Friday, April 28.

The motion prevailed without objection.

RULES SUSPENDED

Representative Seidlits moved to suspend the 5-day posting rule to allow the Committee on State Affairs to consider **HB 175** and **HB 2856**.

The motion prevailed without objection.

Representative Berlanga moved to suspend the 5-day posting rule to allow the Committee on Public Health to consider **SB 297** and **HB 1172**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Licensing and Administrative Procedures, on adjournment today, Desk 66.

Civil Practices, on adjournment today, Desk 32.

Economic Development, on adjournment today, Desk 61, to consider posted bills.

Ways and Means, on adjournment today, Desk 70, to consider **HB 1358**, **HB 2596**, **HJR 72**, and **HJR 106**.

County Affairs, Subcommittee on **HB 2926**, on adjournment today, Desk 123, to consider **HB 2926**.

Land and Resource Management, on adjournment today, Desk 1, to consider **HB 463**, **HB 895**, **HB 2480**, **HB 2481**, **HB 2762**, **HB 3092**, **HB 3193**, **SB 14**, **SB 1327**, and **SB 1328**.

Criminal Jurisprudence, on adjournment today, to continue this morning's meeting.

Economic Development, Subcommittee on **HB 584**, collateral estoppel, on adjournment Tuesday, April 25, Desk 19, to consider amendment by the author.

ADJOURNMENT

Representative Price moved that the house adjourn until 10 a.m. tomorrow and, as part of the sesquicentennial celebration of Texas statehood, do so in honor of the 79th birthday of former Governor Dolph Briscoe, Jr., and in memory of former Governor Thomas Mitchell Campbell for the 139th anniversary of his birth.

The motion prevailed without objection.

The house accordingly, at 2:28 p.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

Civil Practices - **HB 692**, **HB 995**, **HB 1293**, **HB 2443**

Corrections - **HB 30**, **HB 1433**

Criminal Jurisprudence - **HB 2289**, **HB 2422**

Economic Development - **HB 2858**, **HB 2887**

Elections - **HB 2243**

Environmental Regulation - **SB 178**

Higher Education - **HB 1836**, **HB 2640**, **SB 694**, **SB 773**, **SB 786**, **SB 875**, **SB 1299**, **SCR 18**

Insurance - **HB 1243**

Judicial Affairs - **HB 768, HB 1856, HB 2398, HB 2463, HB 3077, SB 1062, SB 1379**

Juvenile Justice and Family Issues - **HB 659**

Land and Resource Management - **HB 1798, HB 2148, HB 2757**

Pensions and Investments - **SB 409**

Public Education - **HB 2000**

Public Health - **SB 965**

Public Safety - **HB 84, HB 391, HB 1275**

State Affairs - **HB 359, HB 2973**

State Recreational Resources - **HB 2929**

Transportation - **HB 2845, SB 1446**

Ways and Means - **HB 500, HB 1884, HB 2197, HB 2580, HB 2860, HB 3183**

ENGROSSED

April 21 - **HB 420, HB 576, HB 773, HB 960, HB 1208, HB 1507, HB 1551, HB 1696, HB 1914, HB 2283, HB 2624**

ENROLLED

April 21 - **HB 2, HB 721, HB 731, HB 1207, HB 1219, HCR 99, HCR 146, HCR 156, HCR 167**

April 22 - **HCR 169**

SENT TO THE GOVERNOR

April 21 - **HB 731, HB 1219, HCR 146, HCR 167**

RECOMMENDATIONS OF THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION FILED WITH THE SPEAKER

April 21 - **HB 3189, HB 3190, HB 3192, HB 3204**