

# HOUSE JOURNAL

---

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

---

## PROCEEDINGS

SIXTY-FIRST DAY — THURSDAY, APRIL 27, 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 231).

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; Place; 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.

The invocation was offered by Reverend Sam Caldwell, Oak Park United Methodist Church, Paris, as follows:

Almighty God, in a world of change, you have placed eternity in our hearts and you have given us the power to discern good from evil.

Grant us vision that we may persistently seek the things that endure, refusing those things which perish, and that amid things vanishing and deceptive, we may see the truth steadily, follow the light faithfully, and grow ever richer in that love which is the life of all people.

Today, O God, we live and move because you are alive. You have saved us and you have made us free. May we use our freedoms wisely and reverently.

We believe in you, O God of the Ages, for you have made the suffering of humanity your suffering in Jesus who was one of us. In your sight, nations rise and fall and pass through times of peril. We pray for peace for the people of Rwanda and the people of Oklahoma City. We pray for peace in the hearts of people snared by extreme views, based wholly on fear and anger.

When our lands are troubled, be near to judge and save. May we as leaders be led by your wisdom; may we search your will and see it clearly. Where we have turned from your way, reverse our path and help us to repent.

Give us your light and truth to guide us, through Jesus who is Lord and light of this world and our Saviour. Amen.

### CAPITOL PHYSICIAN

Speaker Laney presented Dr. Travers Hough of Austin as the "Doctor for the Day."

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

### INTERPRETER FOR THE DEAF

The interpretation of the proceedings of the house was provided today by Sandra Rouse.

### MESSAGE FROM THE SENATE

Austin, Texas, April 27, 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:

**SB 528** by Barrientos, relating to the protection of certain unmarked burials and associated human remains or funerary objects and to the creation of certain offenses concerning unmarked burials; providing criminal penalties.

**SB 597** by Ratliff, relating to mandatory reinstatement of certain life insurance policies in case of mental incapacity of an insured.

**SB 598** by Ratliff, relating to the payment of claims on certain insurance policies or annuity contracts and to payment of attorney fees under those claims.

**SB 625** by Harris, Chris, relating to the filing of a notice of protest with an appraisal review board by an undesignated agent.

**SB 942** by Sims and Brown, relating to the On-site Wastewater Treatment Research Council.

**SB 1059** by Harris, Chris, relating to the training of licensed or certified individuals providing services to geriatric residents as employees or volunteers of certain facilities.

**SB 1090** by Whitmire, relating to the violation of a court order enjoining a person from engaging in certain organized criminal activity; providing a criminal penalty.

**SB 1106** by Sims and Brown, relating to the management of wildlife resources; providing a penalty.

**SB 1116** by Leedom, relating to the Texas Incentive and Productivity Commission and its operation of the state employee incentive program and the productivity bonus program.

**SB 1185** by Turner, Jim, relating to the inclusion of a psychologist on the medical advisory committee appointed by the Texas Workers' Compensation Commission.

**SB 1221** by Nixon, Drew, Ratliff, Galloway, Haywood, Barrientos, et al., relating to voluntary road use agreements between a person and a county.

**SB 1295** by Montford, relating to use of the open market purchase procedure for certain state travel services.

**SB 1375** by Wentworth, relating to a municipal utility district composed of noncontiguous areas located in the extraterritorial jurisdiction of two municipalities.

**SB 1390** by Rosson, relating to motorcycle license fees and the motorcycle education fund.

**SB 1428** by Cain, relating to abolishing certain state governmental entities.

**SB 1636** by Wentworth, relating to the regulation of the practice of selling real estate.

**HCR 104** by Culberson, et al., commending the Honorable Debra Danburg for her leadership in the Capitol Restoration project.

**HB 85** by Hunter, Todd, Finnell, Kamel (Sponsor-Bivins), relating to the development of distance learning and related activities by institutions of higher education (amended).

**HB 1318** by Kuempel (Sponsor-Ratliff), relating to an exemption from the sand and gravel permitting process for disturbances of marl, sand, gravel, shell, and mudshell for noncommercial maintenance projects by public utilities.

**SCR 134** by Turner, recognizing May 3, 1995, as Washington County Day.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to **SB 114** and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senator Rosson, Chair, Senator Brown, Senator Montford, Senator Truan, and Senator Barrientos.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to the following: **SB 786** by 31 Yeas, 0 Nays.

Respectfully,  
Betty King  
Secretary of the Senate

#### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of state business:

Romo on motion of Uher.

#### 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 335, HB 338, HB 432, HB 856, HB 889, HB 1250, HB 1304, HB 1353, HB 1907, HCR 157, HCR 172**

#### HR 263 - ADOPTED

Representative Conley moved to suspend all necessary rules to take up and consider at this time **HR 263**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Conley, et al.,

**HR 263**, Honoring Dr. Bernard Harris.

The resolution was read and was adopted without objection.

On motion of Representatives Price and Coleman, the names of all the members of the house were added to **HR 263** as signers thereof.

#### INTRODUCTION OF GUEST

The speaker recognized Representative Conley, who introduced Dr. Bernard Harris, the first African-American astronaut to walk in space.

Dr. Harris addressed the house briefly and presented the speaker with a montage of photographs.

#### HR 709 - ADOPTED

Representative Delisi moved to suspend all necessary rules to take up and consider at this time **HR 709**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Delisi,

**HR 709**, Honoring Tom Landry.

The resolution was adopted without objection.

On motion of Representative Goolsby, the names of all the members of the house were added to **HR 709** as signers thereof.

#### HR 672 - ADOPTED

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 672**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Giddings,

**HR 672**, Welcoming Tony Dorsett to the State Capitol.

The resolution was adopted without objection.

#### HR 714 - ADOPTED

Representative Wilson moved to suspend all necessary rules to take up and consider at this time **HR 714**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Laney,

**HR 714**, Welcoming Waylon Jennings and Jessi Colter.

The resolution was read and was adopted without objection.

### **INTRODUCTION OF GUESTS**

The speaker introduced Waylon Jennings and Jessi Colter.

Mr. Jennings addressed the house briefly.

### **HR 713 - ADOPTED**

Representative Siebert moved to suspend all necessary rules to take up and consider at this time **HR 713**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Siebert,

**HR 713**, Honoring Frank L. Duncan on the occasion of his 80th birthday.

The resolution was read and was adopted without objection.

On motion of Representative Averitt, the names of all the members of the house were added to **HR 713** as signers thereof.

### **HR 708 - ADOPTED**

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 708**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Goolsby,

**HR 708**, Honoring Dr. Bettye Whiteaker.

The resolution was adopted without objection.

On motion of Representative Crabb, the names of all the members of the house were added to **HR 708** as signers thereof.

### **HR 692 - ADOPTED**

Representative R. Lewis moved to suspend all necessary rules to take up and consider at this time **HR 692**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By R. Lewis,

**HR 692**, Honoring Orange County Airport.

The resolution was adopted without objection.

### **SCR 134 - ADOPTED (Kubiak - House Sponsor)**

Representative Kubiak moved to suspend all necessary rules to take up and consider at this time **SCR 134**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**SCR 134**, Congratulating the citizens of Washington County.

The resolution was adopted without objection.

#### **HCR 183 - ADOPTED**

Representative Willis moved to suspend all necessary rules to take up and consider at this time **HCR 183**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Willis,

**HCR 183**, Instructing the State Preservation Board to hang a portrait of Robert E. Johnson in the State Capitol.

The resolution was read.

#### **HCR 183 - REMARKS BY REPRESENTATIVE WILLIS**

Mr. Speaker and Members of the Legislature. The resolution which was just read is a resolution that will allow Bob Johnson's portrait to be hung somewhere in the capitol by the State Preservation Board.

When I came to the legislature many years ago and served in the senate, Bob Johnson was elected as a member of the house from Dallas. He was one of the most courteous men that I've ever known since I've been a member of the house.

Bob Johnson served as a member here in the house from Dallas for four terms. Later on he was parliamentarian here in the house, to the speaker. And then he was parliamentarian to the lieutenant governor in the senate.

He was an advisor and a counselor to every member of the house of representatives and every member of the senate. Bob was kind. Bob Johnson was a kind man. Bob Johnson was a considerate man. Bob Johnson was smart. He was diplomatic. He was interested in all of the members. I never heard him say anything ill about any member, in my life.

Bob Johnson, in reality, was the Mother Theresa to the Texas Legislature during the time that he served as a member and during the time that he served as parliamentarian to the speaker and during the time that he served as parliamentarian to the lieutenant governor.

He was a pilot in Korea during the war. He did his part for his country. He was truly one of the greatest men that I've ever known.

This resolution tells the preservation board to hang his portrait somewhere in the capitol along with the other great men and women who have served this state.

Mr. Speaker, I hope that the house will unanimously adopt this resolution in honor and in memory of our great friend, Bob Johnson. Thank you.

#### **HCR 183 - (consideration continued)**

The resolution was adopted without objection.

(Speaker pro tempore in the chair)

### HOUSE BILL ON FIRST READING

The following house bill was today laid before the house, read first time, and referred to committee:

By Berlanga, Holzheuser, Saunders, et al.,

**HB 3226**, A bill to be entitled An Act relating to protection of coastal resources.

To Committee on Land and Resource Management.

### HOUSE JOINT RESOLUTION ON FIRST READING

The following house joint resolution was today laid before the house, read first time, and referred to committee:

By Craddick, Black, and Siebert,

**HJR 132**, A joint resolution proposing a constitutional amendment to allow for the abolition or reestablishment of certain county offices.

To Committee on State Affairs.

### RESOLUTIONS REFERRED TO COMMITTEES

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

By Hilbert,

**HCR 182**, Granting Harbert Construction Company permission to sue the State of Texas and the Texas Department of Criminal Justice.

To Committee on Civil Practices.

By Shields,

**HR 689**, Honoring Dr. Arline Patterson.

To Committee on Rules and Resolutions.

By Shields,

**HR 690**, Commending Jack Ridgeway for his contributions to his community.

To Committee on Rules and Resolutions.

By Shields,

**HR 691**, Honoring George H. Ensley on his exemplary tenure as president of the Rotary Club of San Antonio.

To Committee on Rules and Resolutions.

By Talton,

**HR 694**, In memory of Pasadena police officer Leslie Ian Early.

To Committee on Rules and Resolutions.

By Alexander,

**HR 696**, In memory of Frank Bruce Smith.

To Committee on Rules and Resolutions.

By Davis,

**HR 699**, Honoring the dedication ceremony of a historical marker for Pleasant Valley Cemetery.

To Committee on Rules and Resolutions.

By Davis,

**HR 700**, Honoring the Dallas Network of Black Telecommunicators.  
To Committee on Rules and Resolutions.

By Davis,

**HR 701**, Honoring Dan Eddy.  
To Committee on Rules and Resolutions.

By Pitts,

**HR 702**, In memory of W. H. "Bill" Larkin.  
To Committee on Rules and Resolutions.

By Pitts,

**HR 703**, Honoring Susan Mann.  
To Committee on Rules and Resolutions.

By Saunders and Oakley,

**HR 704**, In memory of Lenore Johnson.  
To Committee on Rules and Resolutions.

By Rusling,

**HR 706**, Honoring Matthew Boyd Campbell.  
To Committee on Rules and Resolutions.

#### **SENATE BILLS ON FIRST READING**

The following senate bills were today laid before the house, read first time, and referred to committees:

**SB 118** to Committee on Public Safety.

**SB 375** to Committee on Judicial Affairs.

**SB 516** to Committee on Judicial Affairs.

**SB 612** to Committee on Human Services.

**SB 1032** to Committee on Financial Institutions.

**SB 1146** to Committee on Agriculture and Livestock.

**SB 1148** to Committee on Pensions and Investments.

**SB 1173** to Committee on Agriculture and Livestock.

**SB 1296** to Committee on State Affairs.

**SB 1344** to Committee on State Affairs.

**SB 1443** to Committee on Licensing and Administrative Procedures.

#### **HB 3228 - PERMISSION TO INTRODUCE**

Representative Smithee moved to suspend the constitutional rule for permission to introduce and have placed on first reading **HB 3228**.

A record vote was requested.

The motion prevailed by (Record 232): 141 Yeas, 0 Nays, 1 Present, not voting.



Yeas — Alexander; Allen; Alonzo; Averitt; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; 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; 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; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker.

Absent, Excused — Romo.

Absent — Alvarado; Bailey; Danburg; Duncan; Hudson; Ogden; Williamson.

(Speaker in the chair)

### REMARKS ORDERED PRINTED

Representative Chisum moved to print remarks by Representative Willis.

The motion prevailed without objection.

### CSSB 178 ON SECOND READING

(Chisum - House Sponsor)

The speaker laid before the house, as postponed business, on its second reading and passage to third reading, the complete committee substitute for **SB 178**.

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

**CSSB 178** was read second time on April 24, postponed until 10 a.m. April 26, postponed until 2 p.m. April 26, and again postponed until 10 a.m. today.

#### Amendment No. 1

Representative Chisum offered the following amendment to **CSSB 178**:

Amend **CSSB 178** (House Committee Report) by adding a new SECTION to the bill, appropriately numbered, to read as follows and renumbering subsequent sections appropriately:

SECTION \_\_\_\_\_. All requirements established under Section 382.037 (d), Health and Safety Code, that prevent a vehicle from being registered in accordance with Article 6675a-2, Vernon's Civil Statutes, without evidence of having passed a vehicle emissions test or receiving a waiver or exemption from vehicle emissions testing requirements are suspended. Upon notification by the

Texas Natural Resource Conservation Commission to the Texas Department of Transportation of the date that a testing program will be operational for all vehicles or for fleet vehicles in a nonattainment county, any requirements for a vehicle owner to provide proof of emissions testing as a condition of registration will become effective for all non-fleet vehicles due to register in the month following the resumption of testing, and for fleet vehicles due to register in the month of resumption of testing.

Amendment No. 1 was adopted without objection.

### **Amendment No. 2**

Representative Chisum offered the following amendment to **CSSB 178**:

Amend **CSSB 178** (House Committee Report), as follows:

(1) In SECTION 3 of the bill, in Section 382.0371, Health and Safety Code (page 4, lines 2 through 4), strike Subsection (c) and substitute the following:

"(c) Except as provided by this subsection, the commission may not grant a waiver for a vehicle that fails a vehicle emissions inspection or for which a mitigation fee has not been paid as provided by Subsection (d). The commission by rule may adopt standards and procedures under which certain categories of vehicles that fail initial emissions inspections, cannot be brought into compliance by repairs, and do not qualify for scrappage may receive a waiver and be registered in an affected county without meeting vehicle emissions inspection requirements of this section. The standards must provide for a waiver rate that does not exceed one percent of the total number of failed vehicles in all affected counties in a calendar year."

(2) In SECTION 8 of the bill (page 17, lines 3 through 7), strike Subdivisions (1) and (2) and substitute the following:

"(1) Sections 382.037(o) and (p), Health and Safety Code, as added by Senate Bill No. 19, Acts of the 74th Legislature, Regular Session, 1995;

(2) Section 2, Senate Bill No. 19, Acts of the 74th Legislature, Regular Session, 1995; and

(3) Section 382.037(k), Health and Safety Code."

Amendment No. 2 was adopted without objection.

### **Amendment No. 3**

Representative Chisum offered the following amendment to **CSSB 178**:

Amend **CSSB 178** (House Committee Report) in SECTION 3 of the bill, Section 382.0371 (d), Health and Safety Code, on page 4, line 10, after the sentence ending in the word "sought", by inserting a new sentence as follows:

"If a vehicle owner presents substantial proof and the county tax assessor-collector determines that a vehicle is registered in an affected county but the vehicle is never operated or very rarely operated in the county in which the vehicle is registered, the county tax assessor-collector shall have the discretion to grant the vehicle owner an exemption from presenting proof of meeting vehicle emissions inspection requirements for that vehicle before the vehicle is registered."

Amendment No. 3 was adopted without objection.

**Amendment No. 4**

Representative Chisum offered the following amendment to **CSSB 178**:

Amend **CSSB 178** (House Committee Report) in SECTION 3 of the bill, in Section 382.0371, Health and Safety Code (page 7, between lines 17 and 18), by inserting a new Subsection (k) to read as follows and appropriately relettering the subsequent subsection:

(k) The Texas Department of Transportation shall provide and post adequate signs to direct the public to centralized inspection facilities.

Amendment No. 4 was adopted without objection.

**Amendment No. 5**

Representative Hamric offered the following amendment to **CSSB 178**:

Amend **CSSB 178** (House Committee Report) in Section 1 of the bill, page 1, to read as follows:

"SECTION 1. The purpose of this Act is to create the least stringent vehicle emissions inspection and maintenance program possible that will attain 100 percent compliance with the federal Clean Air Act (42 U.S.C. Section 7401 et seq.) without requiring additional emission reductions from stationary sources to replace the emission reductions from mobile sources that were described in Texas' revised State Implementation Plan, as submitted to the U.S. Environmental Protection Agency prior to January 1, 1995."

Amendment No. 5 was adopted without objection.

**Amendment No. 6**

Representative Jackson offered the following amendment to **CSSB 178**:

Amend **CSSB 178** as follows:

(1) On page 4, line 2, strike "The" and substitute "Except as provided by this subsection, the".

(2) On page 4, line 4, after the period, add the following: "A person may obtain a repair waiver for a vehicle if the vehicle fails the initial inspection at an authorized facility, the person spends at least \$150 on repairing the vehicle to bring it into compliance, and the repaired vehicle fails reinspection at an authorized facility. The facility that repaired and reinspected the vehicle shall issue the person a repair waiver on a form and in the manner provided by the commission. A county tax assessor-collector shall accept a repair waiver as alternative certification of compliance for purposes of registering the vehicle.".

(Junell in the chair)

Representative Chisum moved to table Amendment No. 6.

The motion to table was lost.

(Speaker in the chair)

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Higher Education, on recess today, Desk 118, to consider **HB 2187**.

Civil Practices, on recess today, Desk 32.

State Affairs, on recess today, Speakers committee room.

### RECESS

Representative J. Jones moved that the house recess until 1:30 p.m.

The motion prevailed without objection.

The house accordingly, at 11:55 a.m., recessed until 1:30 p.m.

### AFTERNOON SESSION

The house met at 1:30 p.m. and was called to order by the speaker.

#### CSSB 178 - (pending business)

Amendment No. 6 was pending.

Amendment No. 6 failed of adoption.

#### Amendment No. 7

Representatives Zbranek and Brady offered the following amendment to **CSSB 178**:

Amend **CSSB 178** as follows:

(1) On page 1, line 10, between the comma and "are", insert "and Section 382.037(o), Health and Safety Code, as added by Senate Bill No. 19, Acts of the 74th Legislature, Regular Session, 1995."

(2) On page 3, between lines 3 and 4, insert the following:

(o) Liberty, Chambers, and Waller counties, regardless of ozone attainment or nonattainment status, may not be included in any vehicle emissions inspection and maintenance program under this section or any other law. [~~Notwithstanding any state agency rule or resolution to the contrary, the vehicle emissions inspection and maintenance program provided for by this section may not begin operation until the 91st day after the effective date of this subsection, except as provided by Subsection (p). This subsection also applies to implementation of the program by the Texas Department of Transportation under this section or under Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes), or Section 3, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-3, Vernon's Texas Civil Statutes), or by the Public Safety Commission under Section 142, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes).]~~

(3) On page 17, line 3, strike "Sections 382.037(o) and (p)" and substitute "Section 382.037(p)".

Representative Chisum moved to table Amendment No. 7.

(Speaker pro tempore in the chair)

The motion to table was lost.

#### Amendment No. 8

Representative Brady offered the following amendment to Amendment No. 7:

Amend Amendment No. 7 by Zbranek and Brady, to **CSSB 178**, on page

1, line 6, of the amendment by striking "and Waller" and substituting "Waller, and Montgomery".

Representative Zbrank moved to table Amendment No. 8.

The motion to table prevailed.

### MESSAGE FROM THE SENATE

Austin, Texas, April 27, 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:

**HB 722** by Turner, Bob, et al. (Sponsor-Lucio), relating to liability for false disparagement of perishable food products.

**SB 1234** by Armbrister, relating to reimbursement of certain fees and taxes paid by a motor vehicle rental company; providing a civil penalty.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on the following: **SB 128** by 31 Yeas, 0 Nays.

Respectfully,  
Betty King  
Secretary of the Senate

### CSSB 178 - (consideration continued)

Amendment No. 7 was adopted without objection.

#### Amendment No. 9

Representative Woolley offered the following amendment to **CSSB 178**:

Amend **CSSB 178** as follows:

On page 3, line 11, insert "either" after the word "at".

On page 3, line 12, after the word "facility" insert "or a centralized inspection facility".

Amendment No. 9 was adopted without objection.

#### Amendment No. 10

Representative Howard offered the following amendment to **CSSB 178**:

Amend **CSSB 178** (House committee report) in SECTION 3 of the bill, in Section 382.0371, Health and Safety Code (page 7, between lines 17 and 18), by adding a new Subsection (k) to read as follows and appropriately relettering the subsequent subsection:

"(k) The commissioners court of an affected county by order may require that centralized and decentralized inspection facilities in that county provide to the county tax assessor-collector, by facsimile transmission, online electronic

transmission, or other electronic transmission, information regarding vehicle emissions inspection results. A county tax assessor-collector in a county that adopts the requirement described by this subsection shall make that information, and information regarding payment of mitigation fees, available to the commission in the same manner."

Amendment No. 10 was adopted without objection.

#### **Amendment No. 11**

Representative Howard offered the following amendment to **CSSB 178**:

Amend **CSSB 178** (House Committee Report) in SECTION 3 of the bill, in Section 382.0371, Health and Safety Code (page 7, between lines 17 and 18), by adding a new Subsection (k) to read as follows and appropriately relettering the subsequent subsection:

(k) The requirements of the vehicle emissions inspection and maintenance program authorized under Section 382.037 and modified by this section and Sections 382.0372-382.0374 apply only to a 1968 model year or newer gasoline-powered motor vehicle, excluding motorcycles.

Amendment No. 11 was adopted without objection.

#### **Amendment No. 12**

Representative Swinford offered the following amendment to **CSSB 178**:

Amend **CSSB 178** as follows:

(1) On page 7, line 25, insert the following language between the word "plan" and the period: "including the alternate helium test approved by the Environmental Protection Agency for the fuel evaporative system".

Amendment No. 12 was adopted without objection.

#### **Amendment No. 13**

Representatives Hamric and Jackson offered the following amendment to **CSSB 178**:

Amend **CSSB 178** (House Committee Report) in SECTION 3 of the bill, in Section 382.0371, Health and Safety Code (page 7, between lines 17 and 18), by inserting Subsections (k) and (1) to read as follows and appropriately relettering the subsequent subsection:

"(k) Except as provided by Subsection (1), the commission by rule may provide for an appropriate alternate system of testing a vehicle with a gross carrying capacity heavier than 10,000 pounds.

(1) A fleet vehicle with a gross carrying capacity heavier than 10,000 pounds may be tested at an on-site fleet maintenance facility by technicians employed by the fleet owner or operator if the facility is authorized and licensed by the commission to perform vehicle emissions inspections required by this section. The commission may set and collect a fee for each fleet vehicle tested at a fleet maintenance facility in an amount not to exceed the cost of testing the vehicle. Fees collected under this subsection may be used only for enforcement of the vehicle emissions inspection program."

Amendment No. 13 was adopted without objection.

**Amendment No. 14**

Representatives Moreno and Pickett offered the following amendment to **CSSB 178**:

Amend **CSSB 178** (House Committee Report) in SECTION 3 of the bill, in Sections 382.0371 and 382.0372, Health and Safety Code, as follows:

(1) On page 7, between lines 17 and 18, add a new Subsection (k) to read as follows:

"(k) Notwithstanding any other provision of law, the commission shall require decentralized emissions testing in any county that was using BAR 84 technology before January 1, 1994."

(2) On page 7, line 18, strike "~~(k)~~" and substitute "(l)".

(3) On page 8, line 10, strike "Subsections (d) and (e)" and substitute "Subsection (d)".

(4) On page 8, strike lines 12 and 13 and substitute "Tarrant, Dallas, Harris, Brazoria, Fort Bend, and Montgomery counties.".

(5) On page 8, line 15, strike "Subsections (d) and (e)" and substitute "Subsection (d)".

(6) On page 8, strike lines 17 and 18 and substitute "Dallas, Harris, Galveston, Brazoria, Fort Bend, and Montgomery counties.".

(6) On page 8, strike lines 22-24.

(7) On page 8, line 25, strike "(f)" and substitute "(e)".

Representative Chisum moved to table Amendment No. 14.

The motion to table was lost.

**Amendment No. 15**

Representatives Harris and Uher offered the following amendment to Amendment No. 14:

Amend Amendment No. 14 by Moreno and Pickett to **CSSB 178** in Subdivision (4) and Subdivision (6) by striking "Brazoria.".

Representative Chisum moved to table Amendment No. 15.

The motion to table was lost.

Amendment No. 15 was adopted without objection.

Amendment No. 14, as amended, was adopted without objection.

**Amendment No. 16**

Representative Hamric offered the following amendment to **CSSB 178**:

(1) Amend **CSSB 178** (House Committee Report) in SECTION 3 of the bill, in Section 382.0372, Health and Safety Code, Subsection (c), (page 8, on line 15), by deleting "Subsections (d) and (e)" and substituting the following: "Subsections (d), (e) and (f)".

(2) Amend **CSSB 178** (House Committee Report) in SECTION 3 of the bill, in Section 382.0372, Health and Safety Code (page 8, between lines 24 and 25), by inserting a new Subsection (f) to read as follows and appropriately relettering the subsequent subsection:

"(f) Until January 1, 1996, or until a permanent plan is implemented by the commission, a safety inspection facility in Harris County that was performing parameter testing on the effective date of this section may continue to perform parameter testing and may collect any fee authorized by law or agency rule for performing that test. This section does not require parameter testing for any vehicle."

Amendment No. 16 was adopted without objection.

**Amendment No. 17**

On behalf of Representative Davis, Representative Thompson offered the following amendment to **CSSB 178**:

Amend **CSSB 178** by adding a new SECTION to the bill to read as follows and renumbering subsequent sections appropriately:

SECTION \_\_\_\_\_. If the centralized inspection program is terminated under this Act, any initial lane deposits that were paid to the managing contractor by any subcontractors shall be refunded to those subcontractors by the managing contractor.

Amendment No. 17 was adopted without objection.

**Amendment No. 18**

On behalf of Representative Davis, Representative Thompson offered the following amendment to **CSSB 178**:

Amend **CSSB 178** in SECTION 3 of the bill, in Section 382.0374(e), Health and Safety Code (House Committee Report page 11, line 8), by striking "may" and substituting "shall".

Amendment No. 18 was adopted without objection.

**Amendment No. 19**

On behalf of Representative Edwards, Representative Chisum offered the following amendment to **CSSB 178**:

Amend **CSSB 178** on page 17, between lines 20 and 21 (Committee printing), by inserting the following Section, appropriately numbered, to read as follows:

SECTION . The Texas Natural Resource Conservation Commission shall develop and implement a program to, not later than January 31, 1997, increase the number of vehicle emissions inspection facilities by five percent over the number of facilities in operation on January 31, 1996. The program must be designed to encourage the placement of the additional facilities in those areas most in need of testing facilities in a convenient location for densely-populated areas of a municipality and in inner-city areas.

Amendment No. 19 was adopted without objection.

**Amendment No. 20**

Representative Nixon offered the following amendment to **CSSB 178**:



Amend **CSSB 178** by adding a new SECTION to the bill, appropriately numbered, to read as follows, and by appropriately renumbering subsequent sections:

SECTION \_\_\_\_\_. (a) Notwithstanding Section 3(b)(3), Senate Bill No. 19, Acts of the 74th Legislature, Regular Session, 1995, not later than the 90th day after the date on which a vehicle emissions inspection and maintenance program begins or resumes operations in this state, a managing contractor who received funds from the state while the vehicle emissions inspection and maintenance program was delayed shall repay to the state, without interest, the total of any amount paid to the managing contractor under contract or contract amendment terms described by Section 3(b)(2) of that Act.

(b) A managing contractor described by Subsection (a) of this section who does not comply with the requirements of Subsection (a) may not provide any services or perform any activity relating to a vehicle emissions inspection and maintenance program implemented or reinstated on or after May 2, 1995, in this state. This subsection does not restrict the payment by a managing contractor of obligations incurred as a result of the managing contractor's participation in a vehicle emissions inspection and maintenance program the operation of which was suspended before May 2, 1995, or restrict the performance of an action necessary to the cessation of a managing contractor's participation in such a program.

Representative Chisum moved to table Amendment No. 20.

The motion to table was lost.

Amendment No. 20 was adopted without objection.

### **HR 725 - ADOPTED**

Representative Rangel moved to suspend all necessary rules to take up and consider at this time **HR 725**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Rangel,

**HR 725**, Congratulating the Honorable Paul Moreno on the occasion of his birthday.

The resolution was read and was adopted without objection.

On motion of Representative Kubiak, the names of all the members of the house were added to **HR 725** as signers thereof.

### **CSSB 178 - (consideration continued)**

#### **Amendment No. 21**

Representative Giddings offered the following amendment to **CSSB 178**:

Amend **CSSB 178** (House Committee Report) by adding a new SECTION to the bill, appropriately numbered, to read as follows:

SECTION \_\_\_\_\_. If, not later than the 60th day after the effective date of this Act, a subcontractor decides not to continue its operation in providing

vehicle emissions inspection services under its contract with the managing contractor and no longer maintains a contractual relationship with the managing contractor, the state, on satisfactory proof of the amount of the payment, shall pay the subcontractor from the clean air fund an amount equal to 50 percent of the franchise fee or other similar initial payment made by the subcontractor to the managing contractor.

Representative Chisum moved to table Amendment No. 21.

The motion to table prevailed.

(Speaker in the chair)

### **Amendment No. 22**

Representative Hill offered the following amendment to **CSSB 178**:

Amend **CSSB 178** (House Committee Report) as follows:

(1) On page 2, line 10, strike "of payment of a mitigation fee as provided by Section 382.0371" and substitute "that the vehicle is less than 6 years old".

(2) On page 2, line 12, strike "of payment of a mitigation fee" and substitute "that the vehicle is less than 6 years old".

(3) On page 2, strike lines 23-25 and substitute "compliance issued for the vehicle within 90 days preceding the date on which the person applies for the registration or proof that the vehicle is less than 6 years old~~[; and]~~".

(4) On page 4, lines 3 and 4, strike "a mitigation fee has not been paid as provided by Subsection (d)" and substitute "proof that the vehicle is less than 6 years old has not been provided".

(5) Strike Section 382.0371(d) (page 4, line 5 through page 5, line 7).

(6) On page 5, lines 10-11, strike "payment of a mitigation fee as provided by Subsection (d)" and substitute "or proof that the vehicle is less than 6 years old".

(7) On page 13, lines 15-16, strike "of payment of a mitigation fee as provided by Section 382.0371, Health and Safety Code" and substitute "that the vehicle is less than 6 years old".

(8) On page 13, line 23, strike "of payment of a mitigation fee" and substitute "that the vehicle is less than 6 years old".

(9) On page 14, strike the underscored text on lines 3-5.

(10) On page 14, strike line 15 and substitute "prove that the vehicle is less than six years old ~~[or a valid]~~".

(11) On page 15, strike lines 5 and 6 and substitute "Code, or document showing proof that the vehicle is less than six years old be submitted".

(12) On page 16, strike line 21 and substitute "certificate or ~~[;]~~ other verification of compliance ~~[; or]~~".

(13) On page 16 strike lines 24-27 and substitute "emission inspection certificate or other verification collected.".

Representative Chisum moved to table Amendment No. 22.

The motion to table prevailed. (Brady recorded voting no)

(Speaker pro tempore in the chair)

### **Amendment No. 23**

Representative Chisum offered the following amendment to **CSSB 178**:

Amend **CSSB 178** (House Committee Report) in SECTION 2 of the bill, Section 382.037 (h), Health and Safety Code, (page 2) as follows:

On page 2, line 25, add the following new sentence at the end of Subsection (h) "The Texas Department of Transportation shall require that those vehicle in affected counties that as a result of Senate Bill 19 were not required to be tested during the period January 1, 1995 to June 1, 1995 submit to the department a valid vehicle emissions inspection certificate, other verification of compliance, or proof of payment of a mitigation fee issued for that vehicle within 90 day preceding the date the owner of the vehicle applies for registration in 1996."

Amendment No. 23 was adopted without objection.

### **Amendment No. 24**

Representative Horn offered the following amendment to **CSSB 178**:

Amend **CSSB 178** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 382.037, Health and Safety Code, is amended by adding Subsection (a-1) and amending Subsection (d) to read as follows:

(a-1) Notwithstanding other provisions of this section, the commission shall establish and implement a vehicle emissions inspection and maintenance program to begin June 1, 1995, as established under Section 382.0371. The vehicle emissions inspection and maintenance program is effective, in whole or in part, until the governor determines, after appropriate negotiation with the United States Environmental Protection Agency, the type of vehicle emissions inspection and maintenance program necessary for the state. The governor shall make every effort to assure that industry does not have to bear the cost of vehicle emissions noncompliance. On making that determination, the governor by executive order shall direct the commission to develop and implement the vehicle emissions inspection and maintenance program determined by the governor under this subsection to be necessary for the state, and all or part of the program established under Section 382.0371 is suspended at that time. The governor under this section may direct the adoption of a particular testing technology or system or a particular combination of technologies, systems, or technologies and systems and may adjust appropriate fees as necessary. The governor under this section may direct the exemption of a county from or the inclusion of a county in a vehicle emissions inspection and maintenance program if required.

(d) On adoption of a resolution by the board and after proper notice, the [Texas] Department of Public Safety [~~Transportation~~] shall implement a system that requires, as a condition of obtaining a safety inspection certificate issued under Section 140 or 141, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes) [~~registering a motor vehicle under Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called~~

Session, 1929 (~~Article 6675a-2, Vernon's Texas Civil Statutes~~), in a county that is included in a vehicle emissions inspection and maintenance program under Section 142, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), that the vehicle, unless the vehicle is not covered by the system [~~or is being registered in conjunction with the vehicle's first sale as that term is defined by Section 7, Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes)~~], be annually or biennially inspected under the vehicle emissions inspection and maintenance program as required by the Texas air quality state implementation plan or Section 382.0371. The [~~Texas~~] Department of Public Safety [~~Transportation~~] shall implement such a system when it is required by any provision of federal or state law, including any provision of the Texas air quality state implementation plan. The board may not require or accept verification of compliance other than a vehicle inspection certificate. [~~The alternative verification of compliance shall be in a form determined through joint rule making by the board and the Texas Department of Transportation.~~]

SECTION 2. Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Section 382.0371 to read as follows:

Sec. 382.0371. VEHICLE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM. (a) The commission, in cooperation with the Department of Public Safety of the State of Texas, shall establish a vehicle emissions inspection and maintenance program in accordance with this section and rules adopted under this section.

(b) A program established under this section applies to a motor vehicle that is registered in a county in one of the following areas:

(1) the part of the Houston-Galveston ozone nonattainment area that consists of Brazoria, Fort Bend, Galveston, Harris, and Montgomery counties;

(2) the Dallas-Fort Worth ozone nonattainment area, consisting of Dallas and Tarrant counties; and

(3) the El Paso ozone nonattainment area, consisting of El Paso County.

(c) After the date of the second anniversary of the vehicle's first sale, a vehicle subject to this section:

(1) must be tested annually; and

(2) may not be issued a safety inspection certificate unless, at the time of the safety inspection, the person seeking the safety inspection certificate presents to the appropriate person:

(A) proof of the date of the vehicle's first sale in a form approved by the Department of Public Safety of the State of Texas; and

(B) proof in a form approved by the commission that the vehicle has passed the appropriate vehicle emissions inspection required for that vehicle under this section.

(d) A vehicle may be tested at a decentralized test-only facility or a decentralized test-and-repair facility at the option of the vehicle owner.

(e) The commission by rule shall prescribe the types of vehicle emissions tests to be used at each type of testing facility. The commission may prescribe different types of tests to be used at different types of facilities or in different nonattainment areas. The commission may not require in any nonattainment

area an emissions testing technology or procedure that is more stringent than a technology or procedure used or in place in vehicle emissions inspection and maintenance programs in this state before January 1, 1994.

(f) A dual-fueled vehicle must be tested as required by this section if one of the fuels used is gasoline.

(g) A vehicle emissions test required by this section may be performed by the same facility that performs the safety inspection if that facility is authorized and licensed by the commission to perform the vehicle emissions test and certified by the Department of Public Safety of the State of Texas to perform the safety inspection.

(h) The commission shall develop and implement a program to certify, inspect, and audit vehicle emissions testing facilities. The commission may set and collect a certification fee sufficient to recover the costs of implementing the certification, inspection, and audit program established under this subsection. In addition to other penalties authorized by this chapter, the commission after an opportunity for a hearing may revoke the certification of a facility that violates this chapter or a rule adopted under this chapter. Fees and penalties collected under this subsection are Clean Air Act fees as defined by Section 382.0622.

(i) This section applies to the issuance of safety inspection certificates issued under Section 140 or 141, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), on or after June 1, 1995, for all vehicles subject to this section.

(j) This section does not apply to a motor vehicle that:

(1) is an antique motor vehicle registered under Section 5a, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-5a, Vernon's Texas Civil Statutes);

(2) is a classic motor vehicle registered under Section 5n, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-5n, Vernon's Texas Civil Statutes); or

(3) is a slow-moving vehicle required to display a slow-moving-vehicle emblem by Section 139B, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes).

(k) In this section:

(1) "First sale" of a motor vehicle has the meaning assigned by Section 7, Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes).

(2) "Safety inspection" means a compulsory inspection performed as required by Section 140 or 141, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), by an official inspection station issued a certificate of appointment by the Department of Public Safety of the State of Texas under Section 141(a) of that Act.

(3) "Safety inspection certificate" means an inspection certificate issued under Section 140 or 141, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), after a compulsory inspection required by Section 140 or 141 of that Act, by an official inspection station issued a certificate of appointment by the Department of Public Safety of the State of Texas under Section 141(a) of that Act.

SECTION 3. Section 382.038(b), Health and Safety Code, is amended to read as follows:

(b) A vehicle emissions inspection may be performed at a decentralized independent inspection station [~~or at a centralized inspection facility operated or~~] licensed by the state. In developing the program for vehicle emissions inspections, the board shall make all reasonable efforts to preserve the present decentralized system.

SECTION 4. Section 2(a), Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Except as provided by this subsection, every owner of a motor vehicle, trailer or semitrailer used or to be used upon the public highways of this State shall apply each year to the Texas Department of Transportation through the County Tax Collector of the county in which he resides for the registration of each such vehicle owned or controlled by him for the ensuing or current calendar year or unexpired portion thereof; provided, that where a public highway separates lands under the dominion or control of the owner, the operation of such a motor vehicle by such owner, his agent or employee, across such highway shall not constitute a use of such motor vehicle upon a public highway of this State. An all-terrain vehicle, with or without design alterations, may not be registered for operation on public highways, except that the State, a county, or a municipality may register an all-terrain vehicle for operation on public beaches and highways to maintain public safety and welfare. In lieu of highway motor vehicle registration, the owner of an all-terrain vehicle that is not authorized to operate on public beaches or highways and that is used or to be used on public property in this State shall apply each year to the Texas Department of Transportation through the County Tax Collector of the county in which he resides for off-highway registration of each vehicle owned or controlled by him for the ensuing or current calendar year or unexpired portion of the calendar year. [~~The Texas Department of Transportation through the County Tax Collector shall require an applicant for registration of a vehicle in a county that is not covered by a vehicle emissions inspection program to provide evidence that the applicant is a resident of that county. The Department by rule shall prescribe acceptable forms and types of evidence. Acceptable forms and types of evidence may include voter registration information, driver's license information, utility billing information, property tax payment information, a school tuition receipt, or evidence of compliance with the Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes).~~] The County Tax Collector, a deputy County Tax Collector, or a person acting on behalf of the County Tax Collector is not liable to any person for refusing to register a motor vehicle because of the person's failure to submit evidence of residency that complies with rules of the Department or for registering a motor vehicle under this section.

SECTION 5. Section 140(c), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) Official inspection stations appointed and supervised by the State of Texas shall make all inspections pursuant to the provisions of this Section, except as provided in subdivision (d) hereof. The Department shall cause one (1) inspection to be made in the year commencing with the effective date of this Act, and annually thereafter. If the motor vehicle, trailer, semi-trailer, pole

trailer or mobile home, registered in this State, is damaged to the apparent extent that it would require repair before passing state inspection, the investigating officer shall remove the inspection certificate from the vehicle windshield and shall give the operator of the vehicle a dated receipt. Within thirty (30) days of the date indicated on the receipt, the vehicle shall be reinspected. The periods of inspection shall be fixed by the Department, provided, however, that at no time, except as provided in Section 142A of this Act [~~or as may be provided under Section 382.037, Health and Safety Code~~], shall a certificate of inspection or a receipt for a certificate of inspection be required or demanded as a condition precedent to securing a license plate for any motor vehicle, regardless of any period or periods of inspection as may be fixed by the Department. The Department shall have power to make rules and regulations, not inconsistent with law, with respect to the periods of inspection. [~~This subsection does not affect the authority of the Texas Natural Resource Conservation Commission under Section 382.037, Health and Safety Code, to require a valid vehicle emissions inspection certificate as a condition of registering a vehicle under Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes).~~]

SECTION 6. Section 141, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended by amending Subsection (a-1) and adding Subsection (a-2) to read as follows:

(a-1) The Texas Natural Resource Conservation Commission may authorize and license inspection stations as necessary to conduct the emissions-related inspection [~~reinspection~~] requirements of the vehicle emissions inspection and maintenance program under Sections 142(d) and (d-1) of this Act and Section 382.0371, Health and Safety Code. At the request of the Texas Natural Resource Conservation Commission, the Department shall provide inspection certificates for distribution and issuance at decentralized inspection [~~centralized reinspection~~] stations licensed by the Texas Natural Resource Conservation Commission. The decentralized inspection stations [~~Texas Natural Resource Conservation Commission~~] shall pay to the Department an amount equal to the cost of producing the certificates. The Texas Natural Resource Conservation Commission may [~~shall~~] establish a maximum inspection [~~a reinspection~~] fee but may not establish a minimum inspection fee. The Texas Natural Resource Conservation Commission [~~and~~] shall implement procedures governing tracking of certificates and refunding the cost of unused certificates issued to inspection [~~reinspection~~] facilities.

(a-2) The Department may issue a certificate of appointment under this section authorizing the performance of compulsory inspections required under this section and Section 140 of this Act to a decentralized facility authorized and licensed by the Texas Natural Resource Conservation Commission to perform vehicle emissions inspection if the facility meets the Department's requirements and the requirements of this section for certification.

SECTION 7. Section 141(d)(5), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(5)(A) The owner of a motor vehicle on which is displayed an

inspection certificate in violation of Subdivision (2) of this subsection commits an offense if the vehicle is operated ~~[or parked]~~ on a public highway.

(B) ~~An~~ Except as provided by Paragraph (C) of this subdivision, an offense under this subdivision is punishable by a fine of not less than \$1 ~~[\$100]~~ or more than \$200.

~~[(C) An offense under this subdivision is a Class B misdemeanor if the inspection certificate is a vehicle emissions inspection certificate and the owner knows that the certificate is prohibited by Subdivision (2) of this subsection.~~

~~[(D) A motor vehicle on which is displayed a vehicle emissions inspection certificate in violation of Subdivision (2) of this subsection and that is operated or parked on a public roadway may be impounded by a peace officer or other authorized employee of the state or the political subdivision of the state in which the vehicle is parked or operated.]~~

SECTION 8. Section 142, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended by amending Subsections (d) and (d-1), by adding Subsection (e-1), and by amending Subsections (f) and (h) to read as follows:

(d) The Public Safety Commission shall establish a motor vehicle emissions inspection and maintenance program for vehicles covered by the Texas air quality state implementation plan, authorized under Section 382.0371, Health and Safety Code, or otherwise specified by the Texas Natural Resource Conservation Commission at the direction of the governor ~~[registered]~~ in any county in this state for which the Texas Natural Resource Conservation Commission has adopted a resolution requesting the department to institute such a program and which satisfies one of the following conditions:

(1) the county does not meet the national ambient air quality standards for ozone, carbon monoxide, or another vehicle-related pollutant; or

(2) the vehicle emissions inspection and maintenance program is required by any provision of federal law, including any provision of the Texas air quality state implementation plan.

(d-1) The Public Safety Commission may establish a motor vehicle emissions inspection and maintenance program for vehicles specified by the Texas Natural Resource Conservation Commission at the direction of the governor ~~[registered]~~ in any county in this state for which the Texas Natural Resource Conservation Commission has adopted a resolution requesting the Department to institute such a program and for which the affected county and the most populous municipality in the county, according to the most recent federal decennial census, by resolution have formally requested a proactive air quality plan consisting of a vehicle emissions inspection and maintenance program. A program initiated under this subsection may not include registration-based enforcement ~~[unless the State Department of Highways and Public Transportation elects to include the program in its registration enforcement system].~~

(e-1) The Public Safety Commission shall develop and implement requirements necessary to ensure that a safety inspection certificate is not issued under Section 140 or 141 of this Act to a vehicle that is subject to a vehicle emissions inspection and maintenance program established under Subsection (d)



or (d-1) of this section unless the vehicle has passed a vehicle emissions inspection at a facility authorized and licensed by the Texas Natural Resource Conservation Commission.

(f) The department may issue a unique inspection certificate for those vehicles inspected pursuant to Subsection (d) or (d-1) of this section. The department shall authorize a vehicle emissions inspection facility authorized and licensed by the Texas Natural Resource Conservation Commission to issue this unique inspection certificate for a vehicle on appropriate proof that both emissions and safety inspection requirements have been met.

(h) The Public Safety Commission shall continue to administer the motor vehicle emissions inspection and maintenance program instituted under this Act until the date that a vehicle emissions inspection program administered by the Texas Natural Resource Conservation Commission is implemented in accordance with the federal Clean Air Act. The executive director of the Texas Natural Resource Conservation Commission shall notify the Public Safety Commission of the date on which the vehicle emissions inspection program administered by the Texas Natural Resource Conservation Commission will become effective. If for any reason the vehicle emissions inspection and maintenance program administered by the Texas Natural Resource Conservation Commission is suspended or discontinued, the Texas Natural Resource Conservation Commission at the direction of the governor under Section 382.037(a-1), Health and Safety Code, may reestablish a program in accordance with Subsection (d) or (d-1) of this section or otherwise as directed by the governor under Section 382.037(a-1), Health and Safety Code.

SECTION 9. Effective May 2, 1995, the following are repealed:

(1) Sections 382.037(o) and (p), Health and Safety Code, as added by Senate Bill No. 19, Acts of the 74th Legislature, Regular Session, 1995;

(2) Section 2, Senate Bill No. 19, Acts of the 74th Legislature, Regular Session, 1995;

(3) Sections 382.037(h), (i), (j), and (l), Health and Safety Code;

(4) Sections 2(i) and 2(j)(1), Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes);

(5) Section 3(j), Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-3, Vernon's Texas Civil Statutes);

(6) Articles 6675b-4, 6675b-4A, and 6675b-4B, Revised Statutes; and

(7) Subsections (a-1) and (a-2), Section 4.202, County Road and Bridge Act (Article 6702-1, Vernon's Texas Civil Statutes).

SECTION 10. The Texas Natural Resource Conservation Commission shall work with the United States Environmental Protection Agency to develop reasonable alternatives to the vehicle emissions inspection and maintenance program that include fuel and oil additives, geothermal heat pumps for which a retail public utility provides water service, automobile muffler and radiator catalysts, and an automotive fuel purge and pressure test. The commission may adopt an approved alternative technology of the sort listed without the direction of the governor under Section 382.037(a-1), Health and Safety Code, as added by this Act.

SECTION 11. (a) On May 2, 1995, the Texas Natural Resource

Conservation Commission, the Texas Department of Transportation, and the Public Safety Commission may commence operation and implementation of the vehicle emissions inspection and maintenance program authorized under Section 382.037, Health and Safety Code, and in the form established by Section 382.0371, Health and Safety Code, as added by this Act.

(b) Immediately after the effective date of this Act, the Texas Natural Resource Conservation Commission shall adopt emergency rules to implement the vehicle emissions inspection and maintenance program in the form established by Sections 382.037(a-1) and 382.0371, Health and Safety Code, as added by this Act. The commission shall adopt final rules as soon as practicable after the adoption of emergency rules.

SECTION 12. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### **Amendment No. 25**

Representative Horn offered the following amendment to Amendment No. 24:

Amend Amendment No. 24 by Horn as follows:

(1) In SECTION 2 of the amendment Subsection (b) of Section 382.0371 (page 3, line 17), after "consisting of" insert the following new language, "Collin, Denton".

(2) In SECTION 2 of the amendment in Subsection (e) of Section 382.0371 (page 4, line 16), after "place in", insert the following new language, "each county in".

Amendment No. 25 was adopted without objection.

#### **Amendment No. 26**

Representative Nixon offered the following amendment to Amendment No. 24:

Amend Amendment No. 24 by Horn by adding a new SECTION to the amendment, appropriately numbered, to read as follows, and by appropriately renumbering subsequent sections:

SECTION \_\_\_\_\_. (a) Notwithstanding Section 3(b)(3), Senate Bill No. 19, Acts of the 74th Legislature, Regular Session, 1995, not later than September 1, 1995, a managing contractor who received funds from the state while the vehicle emissions inspection and maintenance program was delayed shall repay to the state, without interest, the total of any amount paid to the managing contractor under contract or contract amendment terms described by Section 3(b)(2) of that Act.

(b) A managing contractor described by Subsection (a) of this section who does not comply with the requirements of Subsection (a) may not provide any services or perform any activity relating to a vehicle emissions inspection and maintenance program implemented or reinstated on or after May 2, 1995, in

this state. This subsection does not restrict the payment by a managing contractor of obligations incurred as a result of the managing contractor's participation in a vehicle emissions inspection and maintenance program the operation of which was suspended before May 2, 1995, or restrict the performance of an action necessary to the cessation of a managing contractor's participation in such a program.

Amendment No. 26 was adopted without objection.

(Speaker in the chair)

Representative Chisum moved to table Amendment No. 24, as amended.

A record vote was requested.

The motion to table was lost by (Record 233): 54 Yeas, 92 Nays, 2 Present, not voting.

Yeas — Alexander; Berlanga; Black; Bosse; Chisum; Clemons; Coleman; Conley; Cook; Counts; Cuellar, H.; Davila; Davis; De La Garza; Dukes; Ehrhardt; Farrar; Gallego; Glaze; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hirschi; Hunter, T.; Johnson; Jones, D.; Junell; King; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; Munoz; Naishtat; Oakley; Patterson; Place; Price; Puente; Ramsay; Rangel; Raymond; Rhodes; Sadler; Saunders; Seidlits; Solis; Stiles; Thompson; Turner, S.; Uher.

Nays — Allen; Alonzo; Alvarado; Averitt; Bailey; Brady; Brimer; Carona; Carter; Combs; Corte; Crabb; Craddick; Cuellar, R.; Culberson; Danburg; Dear; Delisi; Denny; Driver; Duncan; Dutton; Eiland; Elkins; Finnell; Giddings; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Jackson; Janek; Jones, J.; Kamel; Krusee; Kubiak; Kuempel; Madden; Marchant; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Nixon; Ogden; Oliveira; Park; Pickett; Pitts; Rabuck; Reyna; Rodriguez; Rusling; Serna; Shields; Siebert; Smithee; Solomons; Staples; Swinford; Talton; Tillery; Torres; Turner, B.; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C); Edwards.

Absent, Excused — Romo.

Absent — Telford.

#### STATEMENT OF VOTE

I was shown voting no on Record No. 233. I intended to vote yes.

Danburg

Amendment No. 24, as amended, was adopted. (Price recorded voting no)

**CSSB 178**, as amended, was passed to engrossment. (Corte, Danburg, and Rabuck recorded voting no)

**CSSB 776 ON SECOND READING**  
**(Junell - House Sponsor)**

The speaker laid before the house, as postponed business, on its second reading and passage to third reading, the complete committee substitute for **SB 776**.

**CSSB 776**, A bill to be entitled An Act relating to an emergency appropriation from the waste tire recycling fund to the Texas Natural Resource Conservation Commission for the fiscal year ending August 31, 1995.

**CSSB 776** was read second time on April 26 and was postponed until 10 a.m. today.

**Amendment No. 1**

On behalf of Representative Saunders, Representative Talton offered the following amendment to **CSSB 776**:

Amend **CSSB 776** as follows:

(1) Strike SECTIONS 2 and 3 and substitute the following:

SECTION 1. Section 361.471, Health and Safety Code, is amended to read as follows:

Sec. 361.471. DEFINITIONS. In this subchapter:

- (1) "Fund" means the waste tire recycling fund.
- (2) "Green tire" means the casing form of a tire that has not been cured or does not have a tread or marking of any kind.
- (3) "Good used tire" means a used tire, not including a recapped or retreaded tire, suitable for continued use for its original intended purpose.

(4) "Manufacturer reject tire" means a tire rendered defective in the manufacturing process, whether the tire is determined to be defective before or after consumer purchase.

(5)[(4)] "Mobile tire shredder" means equipment mounted on wheels or skid-mounted and hauled from place to place to split, shred, or quarter used or scrap tires.

(6)[(5)] "Scrap tire" has the meaning assigned by Section 361.112.

(7) "Waste tire energy recovery facility" means a facility at which whole used or scrap tires or shredded tires are used as a fuel, including:

- (A) a cement kiln;
- (B) a utility boiler;
- (C) a pulp and paper mill;
- (D) a cogeneration facility; or
- (E) another facility designated by the commission.

(8)[(6)] "Waste tire facility" means a facility registered by the commission under Section 361.477 at which scrap tires are collected and shredded to facilitate the future extraction of useful materials for recycling, reuse, or energy recovery and are stored in a waste tire storage facility or a facility that recycles, reuses, or recovers the energy from the shredded tire pieces.

(9)[(7)] "Waste tire processor" means:

- (A) a waste tire facility; or

(B) a mobile tire shredded that splits, shreds, or quarters tires and deposits the split, shredded, or quartered tires for eventual recycling, reuse, or energy recovery at:

(i) a waste tire storage facility registered by the commission under Section 361.112; or

(ii) a waste tire facility.

~~(10)~~~~(8)~~ "Waste tire storage facility" means a facility registered by the commission under Section 361.477 at which whole used or scrap tires or shredded tire pieces are collected and stored to facilitate the future extraction of useful material for recycling, reuse, or recovery. The term does not include a marine dock, rail yard, or trucking facility used to store tires that are awaiting shipment to a person for recycling, reuse, or energy recovery for 30 days or less.

~~(11)~~~~(9)~~ "Waste tire transporter" means a person who collects and transports used or scrap tires or scrap tire pieces for storage or disposal.

~~(12)~~~~(40)~~ "Weighed tire" means a unit of weight for shredded scrap tires that is equal to 18.7 pounds.

SECTION 2. Section 361.472, Health and Safety Code, is amended by amending Subsection (a), (c), (d), (h), (i), and (j) and by adding Subsection (k) to read as follows:

(a) Until September 1, 1999, a [A] wholesale or retail tire dealer, a person in the business of selling good used tires for use on a vehicle, or a person in the business of selling used vehicles or used vehicle parts who sells or offers to sell new or good used tires not for resale shall collect at the time and place of sale a waste tire recycling fee for each [new] tire sold as follows:

(1) \$2 for each new tire that has a rim diameter of 12 inches or more but less than 17.5 inches and \$1 for each good used tire that has a rim diameter of 12 inches or more but less than 17.5 inches;

(2) \$3.50 for each new tire that has a rim diameter of 17.5 inches or greater, other than an off-the-road tire intended for use on heavy machinery, including an earthmover, a loader/dozer, a grader, or mining equipment [but less than 25 inches]; and

(3) \$2 for a new motorcycle tire, regardless of the rim diameter.

(c) A fee may not be assessed for:

(1) a recapped or retreaded tire; or

(2) a bicycle tire.

(d) A person [dealer] required to collect a fee under this section:

(1) shall list as a separate item on an invoice a fee due under this section; and

(2) except as provided by Subsection (e), on or before the 20th day of the month following the end of each calendar month and on a form and in the manner prescribed by the comptroller, shall file a report with and shall remit to the comptroller the amount of fees collected during the preceding calendar month.

(h) A waste tire recycling fee is imposed on the storage, use, or consumption in this state of a [new] tire at the same rate as provided by Subsection (a), except when purchased for the purpose of resale.

(i) A person storing, using, or consuming a [new] tire in this state is liable

for the waste tire recycling fee as defined in this section and is responsible for reporting and paying the fee to the comptroller in the same manner as a person required to collect this fee, as provided in Subsection (d)(2) and (e).

(j) A person storing, using, or consuming a ~~[new]~~ tire in this state is not further liable for the waste tire recycling fee imposed by Subsection (a) if the person:

(1) pays the fee to:

(A) a person who is required to collect the fee under Subsection (a) and who is ~~[wholesaler or retailer]~~ engaged in business in this state; or

(B) another person authorized by the comptroller to collect the fee; and

(2) receives ~~[from the wholesaler, retailer, or other person]~~ a purchaser's receipt from the person to whom the fee was paid.

(k) Effective September 1, 1999, a wholesaler or retail tire dealer, a person in the business of selling good used tires for use on a vehicle, or a person in the business of selling used vehicles or used vehicle parts who sells or offers to sell new or good used tires not for resale shall collect at the time and place of sale a waste tire recycling fee for each tire sold as follows:

(1) \$1 for each new tire that has a rim diameter of 12 inches or more but less than 17.5 inches and 50 cents for each good used tire that has a rim diameter of 12 inches or more but less than 17.5 inches;

(2) \$2.50 for each new tire that has a rim diameter of 17.5 inches or more, other than an off-the-road tire intended for use on heavy machinery, including an earthmover, a loader/dozer, a grader, or mining equipment; and

(3) \$1 for a new motorcycle tire regardless of the rim diameter.

SECTION 3. Section 361.4725, Health and Safety Code, is amended to read as follows:

Sec. 361.4725. REGISTRATION; FEE. A person who applies to the commission to register a waste tire storage facility, a waste tire energy recovery facility storage site, a waste tire recycler or a fixed or mobile tire processor, or applies to renew or amend the registration, must pay a fee of \$500.

SECTION 4. Section 361.473, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) The comptroller and commission jointly shall develop and implement an enforcement program to pursue the collection of delinquent fees assessed under Section 361.472.

SECTION 5. Section 361.475, Health and Safety Code, is amended by amending Subsections (d), (e), (f), and (i) to read as follows:

(d) The fund shall ~~[may]~~ be used to ~~[pay]~~:

(1) pay waste tire processors, waste tire energy recovery facility owners or operators or waste tire recyclers that meet the requirements for payment under Section 361.477, 361.4771 or 361.4772 and rules adopted under those sections. ~~[that section];~~

(2) pay the commission's reasonable and necessary administrative costs of performing its duties under this subchapter in an amount not to exceed six percent of the money annually accruing to the fund; ~~[and]~~

(3) pay the comptroller's reasonable and necessary administrative costs

of performing the comptroller's duties under this subchapter in an amount not to exceed two percent of the money annually accruing to the fund; and

(4) provide grants to waste tire energy recovery facility owners or operators to cover equipment capital investment costs and equipment installation costs to enable a facility to use tire shreds as fuel.

(e) Registration fees received under Section 361.4725 shall be allocated to the commission for its reasonable and necessary costs associated with reviewing applications for registration of and with registering:

- (1) fixed and mobile tire processing facilities and storage sites;
- (2) waste tire energy recovery facilities and storage sites; and
- (3) waste tire recyclers.

(f) The fund may not be used to reimburse shredding or burning of:

- (1) innertubes;
- (2) scrap rubber products;
- (3) green tires;
- (4) industrial solid waste, excluding waste tires;
- (5) oversized tires, as defined by commission rule, unless the oversized tires are collected from a priority enforcement list site;[~~or~~]
- (6) manufacturer reject tires; or
- (7) nonpneumatic tires.

(i) If the commission has reason to believe that the [~~fund~~] balance of money appropriated from the fund will fall below \$500,000, the commission may:

(1) suspend the requirement to reimburse priority enforcement list tires shredded in excess of the minimum percentage identified in Section 361.477(c)(3)(C);[~~or~~]

(2) limit the number of waste tires for which a processor or waste tire energy recovery facility owner or operator or waste tire recycler will be reimbursed; or

(3) discontinue paid carryover under Sections 361.477(d) and (i) and Section 361.4771(f).

SECTION 6. Sections 361.477(b), (c), (d), (g), (h), (i), (j), (k), and (l), Health and Safety Code, are amended to read as follows:

(b) If the total number of used or scrap tires or tire pieces contained in illegal scrap tire sites that are identified on the priority enforcement list is below 2,500,000 [~~500,000~~] tires, the commission may pay [~~more than~~] 85 cents or an appropriate amount determined by the commission for each weighed tire to processors with whom the commission has contracted to remove and shred scrap tires and scrap tire pieces from priority enforcement list sites. The 2,500,000 [~~500,000~~] tire limit does not include those tires contained in sites under commission enforcement or attorney general action or that require corrective action or remedial action in response to a release or threat of release of hazardous substances. In acting under this subsection, the commission may contract with processors on a regional or site-specific basis. The contracts shall be procured through a competitive bid process conducted in accordance with the provisions of the State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes) applicable to contracts for services. Notwithstanding Subsection (c), while the commission is using a competitive

bid process for assignment of sites listed on the priority enforcement list, the priority enforcement list requirements of Subsection (c)(3)(C) do not apply to an application for payment. The commission may elect not to enter into contracts under this subsection. The contracts may be only for the removal and shredding of tires from priority enforcement list sites.

(c) A waste tire processor that desires to receive payment under this section for tires shredded by the processor during a calendar month must:

(1) apply to the commission for registration in accordance with forms prescribed by the commission;

(2) apply to the commission for payment on forms prescribed by the commission or, on a voluntary basis, apply by a removable storage medium stored in an industry standard file format acceptable to the commission;

(3) demonstrate as required by rules adopted under this section that:

(A) all tires for which payment is sought have been shredded to an industry standard two-inch minus [a] particle size or, if approved by the commission, shredded to an alternative particle size set by a contract requirement related to recycling or end use of the particles [not larger than nine square inches];

(B) not less than 50 [25] percent of those tires were collected from generators, unless this requirement is suspended by the commission on consideration of service needs contained in a contract drafted under Subsection (b); and

(C) if the total number of whole used or scrap tires or shredded tire pieces contained in illegal waste tire sites that are identified on the priority enforcement list exceeds 2,500,000 [500,000] tires for more than 60 [30] consecutive days, not less than 15 percent and not more than 30 percent of those tires were collected from scrap tire sites listed on the priority enforcement list;

(4) provide any other information the commission determines is needed to accomplish the purposes of this subchapter, including a monthly report of scrap tires or tire pieces shredded, subtotaled by tire count or weight, for each generator number and priority enforcement list number;

(5) demonstrate that energy recovery activities in the state are in compliance with applicable air emission control rules and standards [~~as adopted by the Texas Air Control Board~~]; and

(6) provide financial assurance deemed adequate by the commission that corresponds to:

(A) the payment appropriate for the number of scrap tires the processor anticipates shredding in the next calendar month; or

(B) the number of scrap tires the waste tire storage site owner or operator anticipates accepting for storage in the next calendar month.

(d) A waste tire processor that in any month exceeds the minimum requirement of Subsection(c)(3)(C) may [shall] receive [a] credit only for paid carryover in [for] the amount in excess of the requirement that may be used to meet the minimum requirement during a later month. The commission by rule may prescribe the method of applying credits accrued under this subsection.

(g) Except as provided by [Notwithstanding] Section 361.486, the commission may reimburse a processor for shredded scrap tires if the processor



has a binding agreement to deliver the shredded scrap tires to a person to recycle or reuse or to use for energy recovery within 180 days after the date of reimbursement. The commission shall suspend subsequent shredding reimbursements to a processor that fails to deliver the tire shreds to an identified end-use market before the 181st day after the date of reimbursement unless the Executive Director determines that the failure to deliver was caused by an Act of God or unforeseen business events. The commission may not resume suspended reimbursements until the processor makes all delinquent deliveries.

(h) The commission may not pay a waste tire processor for processing scrap tires if [~~the commission determines that the processor~~]:

(1) the commission field office and central office program staff have not reviewed and approved for further processing by the commission all information submitted to the commission by the waste tire processor as required by Subsection (c) or rules adopted under this section; or

(2) the commission determines that the processor:

(A) has not provided adequate financial assurance;

(B) [(2)] does not have adequate fire protection; or

(C) [(3)] is causing an imminent danger to public health or

welfare.

(i) A waste tire processor that in any month exceeds the generator percentage of the allocated number of waste tires assigned for reimbursement purposes may accrue credit only for paid generator carryover in the amount in excess of the requirement that may be used to meet the allocation maximum during a later month. The commission by rule may prescribe the method of applying carryover credit accrued under this section [shall issue to an applicant all processing and storage registrations necessary to begin operations and obtain reimbursement from the fund if the applicant, on or before March 10, 1993:

[(1) had an application pending for a new processing facility that was reviewed by the commission and found to be in general technical compliance;

[(2) had an application pending for a new storage facility with a total capacity in excess of 7 million waste tire units; and

[(3) had expended or committed in excess of \$1 million in total project costs].

(j) The commission shall adopt rules to manage payment from the fund to prevent depletion of the fund. Rules adopted under this subsection shall consider [:

[(1)] appropriate payments to processors that reflect the varying amounts of money available in the fund. In any allocation adopted for processors under this section, the commission shall consider the monthly average percentage of shredded tires the processor has forwarded to an end use or recycling market. In addition, the commission may consider the historical average number of tires for which the processor has been reimbursed and such other factors as may be determined by the commission.

[(2) a waste tire processor's monthly average number of tires for which the processor has been reimbursed historically;

[(3) a waste tire processor's shredding and storage capacity; and

[(4) the date the waste tire processor was registered].

(k) [If a waste tire processor does not fully use its monthly allocation for

~~reimbursement, the commission may assign the unused portion of the allocation to another waste tire processor who can demonstrate having underutilized shredding and storage capacity available for service to rural counties in this state.~~

~~[(+)] A person receiving payment from the fund may [only] receive more than 85 cents per waste tire unit only under Subsection (b). Notwithstanding Subsection (b):~~

~~(1) a person registered as a processor may not receive from the fund more than 85 cents per weighed tire;~~

~~(2) a person registered as an energy recovery facility may not receive from the fund more than 85 cents per weighed tire; and~~

~~(3) a person registered under the useful product reimbursement program may not receive from the fund more than 85 cents per weighed tire.~~

SECTION 7. Section 361.4771, Health and Safety Code, is amended to read as follows:

Sec. 361.4771. PAYMENT TO PERSON RECOVERING ENERGY FROM WHOLE WASTE TIRES. (a) The commission each month shall pay a waste tire energy recovery facility owner or operator that burns whole tires and meets the requirements of this section and rules adopted under this section an amount equal to 85 cents for each weighed tire the facility used for energy recovery during the preceding calendar month.

(b) The commission shall adopt rules to implement this section, including rules governing the registration and application procedures. The rules shall include a voluntary alternative process for making a payment application by the use of an industry standard file format removable storage medium. To receive a payment under this section, a waste tire energy recovery facility owner or operator must:

(1) apply to the commission for registration in the manner and on forms prescribed by commission rule;

(2) apply to the commission for payment in a manner and on forms prescribed by commission rule;

(3) demonstrate that all tires for which the owner or operator applies for payment are whole waste tires;

(4) send the commission a monthly report of the number of whole waste tires used for energy recovery, subtotaled by tire count or by weight attributed to each generator number;

(5) demonstrate that the energy recovery activities comply with applicable air emission control standards and rules;

(6) provide financial assurance as provided by commission rule adequate to reflect the number of waste tires that exceeds the 30-day supply authorized by Section 361.112 that the facility owner or operator anticipates accepting for storage; and

(7) provide the commission any other information the commission requires by rule.

(c) A waste tire energy recovery facility may not store in excess of a 30-day supply of waste tires at a site at which the owner or operator intends to burn or store waste tires until the facility is registered by the commission as a waste tire energy facility storage site.

(d) The commission may not pay a waste tire energy recovery facility owner or operator for using waste tires if:

(1) the commission field office and central office program staff have not reviewed and approved for further processing by the commission all information submitted to the commission by the waste tire energy recovery facility owner or operator as required by Subsection (b) or rules adopted under this section; or

(2) the commission determines that the facility:

(A) has not provided adequate financial assurance;

(B) does not have adequate fire protection; or

(C) is causing an imminent danger to public health or welfare.

(3) The facility does not have appropriate authorization from the commission to perform waste tire energy recovery at the facility; or

(4) The facility is not physically capable of performing waste tire energy recovery.

(e) The commission shall adopt rules to manage payments from the fund to prevent depletion of the fund. Prior to using any allocation method authorized under this subchapter, the commission shall pay reimbursements to processors under Section 361.477 having established end-use markets, pay reimbursements under this Section and Section 361.4772 before making other payments from the fund.

(f) Demonstrate as required by rules adopted under this section that the requirement under section 361.477(c)(3)(C) is met. [FOR SHREDDING OUTSIDE OF STATE. Effective September 1, 1994, the commission may reimburse a registered waste tire processor for shredding tires generated in this state and shredded outside this state if the processor:

[(1) meets all requirements that apply to a waste tire processor who shreds tires within this state;

[(2) monthly reimburses the state for reasonable and necessary costs incurred by an agency of the state for such related to the out-of-state facility regulatory activities as are deemed necessary by such agency;

[(3) voluntarily submits to the commission's enforcement authority as necessary to ensure compliance with this subchapter; and

[(4) agrees to maintain evidence of financial responsibility under Section 361.479 in an amount equal to twice the amount that would be required of an in-state waste tire processor].

SECTION 8. Section 361.4772, Health and Safety Code, is amended to read as follows:

Sec. 361.4772. PAYMENT FOR RECYCLING [BALING] TIRES. (a) The commission by rule may establish a program to reimburse from the fund a waste tire recycler in an amount not to exceed 85 cents for each weighed tire that the waste tire recycler processes to make a useful product with a certified end market as determined by the commission.

(b) The following items are not products eligible for reimbursement under a program established under this section:

(1) powdered rubber;

(2) a tire-derived fuel;

(3) buffing dust;

(4) a retreaded or recapped tire; and

(5) an item identified in commission rules as ineligible for reimbursement [~~Effective March 1, 1994, a registered waste tire processor who bales whole tires for energy recovery purposes is eligible for reimbursement at a rate of 25 cents for each tire if the processor meets the requirements of this subchapter that apply to a waste tire processor including provisions for financial assurance for such baled tires. The commission shall adopt rules to determine the amount of financial assurance required under this section to apply to baled tires or whole tires stored for baling. A processor seeking reimbursement under this section for baling tires may not, directly or indirectly, receive additional reimbursement from the fund for the shredding of such baled tires.~~]

(c) A waste tire recycler as required by rules adopted under this section must meet the requirements under Section 361.477(c)(3)(C).

SECTION 9. Section 361.479, Health and Safety Code, is amended to read as follows:

Sec. 361.479. EVIDENCE OF FINANCIAL RESPONSIBILITY. (a) A waste tire storage facility registered by the commission [~~under Section 361.112~~] or a waste tire facility that accepts shredded scrap tires for storage or for processing for recycling, reuse, or energy recovery shall submit to the commission evidence of financial responsibility in an amount adequate to assure proper cleanup and closure of the facility.

(b) A waste tire recycling facility owner or operator who anticipates accepting an amount of shredded tire pieces for storage that exceeds the 30-day supply authorized by Section 361.112 shall submit to the commission evidence of financial responsibility in an amount adequate to assure proper cleanup and closure of the facility.

(c) A facility subject to Subsection (a) or (b) shall submit to the commission an estimate of the total amount of shredded [~~scrap tires and~~] tire pieces measured by weighed tire that the facility will store or process, the maximum number of out-of-state tires the facility will store, and the estimated cost, using that total amount, of cleaning up and closing the facility.

(d) [(e)] The commission shall evaluate and may amend an estimate submitted under Subsection (c) [(b)] and shall determine for each facility the amount or which evidence of financial responsibility is required.

(e) [(d)] Evidence of financial responsibility may be in the form of:

(1) a performance bond or a letter of credit acceptable to the commission that is from a financial institution, a trust fund, or insurance for a privately owned facility; or

(2) a self-insurance test designed by the commission for a publicly owned facility. A person who makes an initial request for reimbursement from the waste tire recycling fund on or after September 1, 1993, must provide evidence of financial responsibility for the full amount determined under Subsection (d) [(e)].

SECTION 10. Section 361.480, Health and Safety Code, is amended to read as follows:

Sec. 361.480. TIRE COLLECTION FEE PROHIBITED. A waste tire transporter or mobile tire shredder may not charge a fee to a wholesale or retail dealer for collecting for delivery to a waste tire facility, waste tire energy

recovery facility, or waste tire recycling facility or for collecting and shredding used or scrap tires a tire dealer accepts from purchasers of tires [~~accepted~~] for temporary storage [~~by the dealer from purchasers of new tires~~].

SECTION 11. Section 361.481, Health and Safety Code, is amended to read as follows:

Sec. 361.481. PROHIBITION ON OUT-OF-STATE TIRES; PENALTY. (a) A waste tire processor may not claim payment under Section 361.477 for shredding out-of-state tires. A waste tire energy recovery facility owner or operator may not claim payment under Section 361.4771 for burning out-of-state tires. A waste tire recycler may not claim payment under Section 361.4772 for recycling out-of-state tires.

(b) A waste tire generator that the commission determines has used a manifest and commission generator number to pass out-of-state tires is not eligible for the free collection and transportation of waste tires generated at the generator's place of business. In addition to any administrative, civil, or criminal enforcement action, the commission shall require the generator to pay for:

(1) collection and transportation of generated tires; and

(2) shredding or burning of generated tires at the applicable rate specified in Section 361.477 or 361.4771.

(c) A waste tire processor or waste tire energy recovery facility owner or operator whom the commission determines has knowingly accepted out-of-state tires on manifests using a commission generator number is subject to an administrative, civil, or criminal enforcement action.

(d) A waste tire transporter that the commission determines has transported out-of-state tires using a commission-approved manifest or transporter number is subject to an administrative, civil, or criminal enforcement action.

SECTION 12. Section 361.482, Health and Safety Code, is amended to read as follows:

Sec. 361.482. PROHIBITION ON DISPOSAL OF SHREDDED TIRES IN LANDFILL. A person [~~waste tire processor~~] may not dispose of whole used or scrap tires that are eligible for reimbursement under this chapter or shredded tire pieces for which reimbursement has been paid under this subchapter [~~scrap tires~~] in a landfill, including a Type VIII-S tire monofill [~~if the processor has received payment under Section 361.477 for shredding the tires~~].

SECTION 13. Section 361.4832, Health and Safety Code, is amended to read as follows:

Sec. 361.4832. ADMINISTRATIVE PENALTY; [~~AND~~] ORDER FOR CORRECTIVE ACTION; SUSPENSION OF REGISTRATION. (a) If a person violates this subchapter or a rule adopted or order issued under this subchapter the commission may:

(1) assess against the person an administrative penalty under Section 361.252; or

(2) order the person to take a corrective action.

(b) The commission may suspend a registration of or reimbursement payment to a waste tire processor, waste tire transporter, waste tire generator, waste tire recycling facility, or waste tire energy recovery facility on the initiation of an enforcement proceeding and while the proceeding is pending for the violation of this subchapter or a rule adopted or order issued under this subchapter.

SECTION 14. Section 361.485, Health and Safety Code, is amended to read as follows:

Sec.361.485. REPORT. (a) Not later than February 1 of each odd-numbered year, the commission shall report to the governor and the legislature on the administration of the program established under this subchapter and its effectiveness in cleaning up existing scrap tire sites and in preventing new scrap tire sites.

(b) The commission shall include in the report the commission's recommendation, based on the commission's evaluation of the rate of inflation during the preceding two years, as to whether an adjustment to the fee assessed on the sale of tires or to the rate of reimbursement paid to a waste tire processor or waste tire energy recovery facility owner or operator is warranted.

SECTION 15. Section 361.486, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (f) to read as follows:

(a) Notwithstanding Section 361.496, on [On] and after January 1, 1996, each applicant for a [for all] new, amended, and renewal processing registration and each existing [applications, the] processor must identify those persons who will accept the processor's shredded [scrap] tire pieces for recycling or reuse or to use the shredded scrap tires for energy recovery. The commission shall reimburse a processor for only those shredded tires that the commission determines are committed to a legitimate end user.

(f) This section does not apply to a waste tire energy recovery facility owner or operator.

SECTION 16. Subchapter P, Chapter 361, Health and Safety Code, is amended by adding Section 361.4865 to read as follows:

Sec. 361.4865. ASSISTANCE GRANT PROGRAM FOR ENERGY RECOVERY FACILITY RETROFITTING. (a) The commission shall adopt a program and rules to administer grants to registered waste tire energy recovery facility owners or operators to to enable a facility to use tires shreds as fuel.

(b) The program may not provide grants that total more than five percent annually of the appropriated funds for that fiscal year.

(c) The commission by rule shall:

(1) identify eligible retrofitting costs; and

(2) provide a process for the determination of eligible retrofitting costs.

(d) Rules adopted under Subsection (c) must include capital investment costs and installation costs as eligible costs.

(e) The commission by rule may provide that a grant to a waste tire energy recovery facility owner or operator may be payable over an extended period not to exceed four years, depending on the amount of the grant.

(f) The commission by rule may require and may provide as a condition of a grant that a person who receives a grant under this section must use a specified percentage of tires from this state for the facility's tire-derived fuel. A requirement or condition imposed under this subsection must expire not later than September 1, 1999.

(g) A person who receives a grant under this section is not eligible to receive reimbursement under Section 361.4771.

(h) This section expires September 1, 1999.

SECTION 17. Section 361.487, Health and Safety Code, is amended to read as follows:

Sec. 361.487. REIMBURSEMENT RESTRICTIONS. (a) A processor seeking reimbursement under Section 361.477 shall process and store the whole used or scrap tires or [scrap] tire pieces in the state. A waste tire energy recovery facility owner or operator seeking reimbursement under Section 361.4771 shall store and burn the whole used or scrap tires or shredded tire pieces in the state.

(b) The commission shall treat whole used or scrap tires and shredded [scrap] tire pieces generated in Texas, removed from Texas, and subsequently reintroduced to Texas as out-of-state scrap tires for the purposes of this subchapter.

~~(c) Scrap tires and scrap tire pieces that are shredded and for which a person is reimbursed may not be disposed of in a Type VIII-S tire monofill.]~~

SECTION 18. Section 361.492, Health and Safety Code, is amended to read as follows:

Sec. 361.492. ACCEPTANCE OF USED TIRES ON SALE OF TIRES [NEW TIRE WHOLESALERS AND RETAILERS]. (a) A wholesale or retail tire dealer, or a person in the business of selling new or good used tires for use on a vehicle or selling used vehicle parts [person selling new tires] as described in Section 361.472(a) shall accept from customers, without charge, used tires of the type and in a quantity at least equal to the number of [new] tires the customer purchases.

(b) This section does not require a person to accept a used tire from a customer who purchases a new or used vehicle on which the tires purchased are mounted.

SECTION 19. Section 361.493, Health and Safety Code, is amended to read as follows:

Sec. 361.493. CONFIDENTIALITY. Information submitted to the commission in accordance with Section 361.477(g) or Section 361.486(a) or (d), and any report generated by the commission based on the information, is confidential and is not subject to disclosure under Chapter 552, Government Code [424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes)], and the commission shall protect the information accordingly.

SECTION 20. Section 361.495, Health and Safety Code, is amended to read as follows:

Sec. 361.495. FISCAL AUDITS. The [ENSURING CAPACITY. Not later than October 1 of each odd-numbered year, the] commission biennially shall perform a fiscal audit of each waste tire processor, waste tire recycling facility, and waste tire energy recovery facility owner or operator to ensure fiscal responsibility and accountability regarding reimbursements made under Sections 361.477, 361.4771, and 361.4772. [determine the total shredding capacity of all registered waste tire processors. If the commission determines that the shredding capacity is less than the previous year's reimbursed waste tire units, the commission may issue registrations to waste tire processors until the anticipated shredding capacity equals the previous year's reimbursed waste tire units. If the commission determines that the shredding capacity exceeds the previous year's reimbursed waste tire units, the commission may not issue a registration to a new waste tire processor until the next capacity assessment is completed].

SECTION 21. Subchapter P, Chapter 361, is amended by adding Sections 361.496 and 361.497 to read as follows:

Sec. 361.496. NEW OR EXPANDED PROCESSING OPERATION. A new processor, waste tire energy recovery facility, or waste tire recycler, or a registered processor, waste tire energy recovery facility, or waste tire recycler that seeks to establish a new processing facility or expand a processing operation in the state must:

(1) certify that such processor, waste tire energy recovery facility, or waste tire recycler is willing to provide collection and transportation of waste tires from registered generators in rural counties of the state at the request of the commission during emergency periods as defined by the commission when such generators are not being otherwise served by registered processors or transporters; and

(2) identify and have available for use an end use recycling market in the application for a new or amended registration.

Sec.361.497. EXPIRATION. This subchapter expires December 31, 1997.

SECTION 22. Section 2, Article 9009b, Revised Statutes, is amended by adding Subsection (c) to read as follows:

(c) A person may not sell, convey, or otherwise transfer to a metals recycling activity a motor vehicle or a motor vehicle that has been junked, flattened, dismantled, or changed so that it has lost its character as a motor vehicle if the motor vehicle includes, contains, or encloses a tire or scrap tire. This subsection does not apply to the sale, conveyance, or transfer of a motor vehicle or a junked, flattened, dismantled, or changed motor vehicle from another state.

SECTION 23. Section 361.4773, Health and Safety Code, is repealed.

SECTION 24. Subchapter P, Chapter 361, is amended by adding Section 361.498 to read as follows:

Sec. 361.498. COMMUNITY SERVICE. Persons seeking reimbursement from the Waste Tire Recycling Fund shall perform community service on an annual basis. Community service includes cooperation with local civic groups to clean up abandoned tire sites that are not classified as Priority Enforcement List sites. The tires collected under this subsection are eligible for reimbursement.

SECTION 25. Notwithstanding the provisions of Section 471.477 and 471.4771, Health and Safety Code, as amended by this Act, should the 74th Legislature, regular session enact Senate Bill 776, and the bill becomes law within the meaning of Section 14, Article IV, Texas Constitution any amounts paid from the Waste Tire Recycling Fund shall be used first to compensate waste tire processors for carryover credits which have accrued prior to September 1, 1995 for waste tires shredded in excess of allocations. This Section expires December 31, 1995.

SECTION 26. (a) Except as provided Subsection (b) of this section, this Act takes effect September 1, 1995.

(b) The amendment to Section 361.477(g), Health and Safety Code, made by this Act takes effect July 1, 1996.

(c) This Act takes immediate effect.

(2) Renumber the SECTIONS appropriately.



**Amendment No. 2**

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

Amend Amendment No. 1 by Saunders to **CSSB 776** as follows:

1) On page 4, line 14, between (i) and "to", insert ", and by adding a new subsection (k)".

2) On page 4, strike the ";and" on line 24 and lines 25 through 27.

3) On page 5, between lines 21 and 22, insert the following:

"(k) The fund may not be used to reimburse, nor shall any person apply for reimbursement for, any processing, energy recovery, or recycling activities that use a scrap tire or tire shreds for which reimbursement has been made."

4) On page 7, strike lines 19-20 and substitute the following:

:(g) [Notwithstanding Section 361.486,F] Beginning January 1, 1996, the commission may reimburse a processor for shredded scrap tires only if the processor has a binding agreement to deliver".

5) On page 13, line 22, between "operator" and "whom", insert "or waste tire recycler".

6) On page 15, strike SECTION 16 in its entirety.

7) On page 17, line 17, strike "for use an" and substitute "a certified".

8) On page 17, line 17, strike "recycling market".

9) On page 18, add a new SECTION 24 to read as follows:

"SECTION 24. Section 361.112, Subsection (f), Health and Safety Code, is amended to read as follows:

(f) A person may not store more than 500 used or scrap tires or dispose of any quantity of used or scrap tires unless the tires are shredded, split or quartered as provided by board of health rule. The department may grant an exception to this requirement if the department finds that circumstances warrant the exception. The prohibition provided by this subsection regarding storage does not apply to a registered waste tire energy recovery facility or a waste tire energy recovery facility storage site. The prohibition provided by this subsection does not apply to a person who, for eventual recycling, reuse, or energy recovery, temporarily stores scrap tires in a designated recycling collection area at a landfill permitted by the commission or the department or licensed by a county or by a political subdivision exercising the authority granted by Section 361.165."

10) On page 18, strike SECTION 25 in its entirety and substitute the following:

"SECTION 25. Subchapter P, is amended by adding Sectin 361.498 to read as follows: Sec. 361.498. Notwithstanding the provisions of Section 361.477 and 361.4771, any amounts paid from the Waste Tire Recycling Fund shall be used first to compensate waste tire processors for carryover credits which accrued prior to September 1, 1995 for waste tires shredded in excess of allocations. The carryover credits shall be paid as soon as practicable and prior to December 31, 1995. This section expires December 31, 1995."

11) On page 18, strike SECTION 26 in its entirety, and substitute the following:

"SECTION 26. This Act takes immediate effect."

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

**CSSB 776**, as amended, was passed to third reading.

**SB 9 ON THIRD READING**  
**(Gray - House Sponsor)**

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

**SB 9**, A bill to be entitled An Act relating to the functions and systems and programs administered by the Teacher Retirement System of Texas.

The bill was read third time and was passed.

**SB 366 ON THIRD READING**  
**(Telford - House Sponsor)**

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

**SB 366**, A bill to be entitled An Act relating to the continuation and functions of the Texas State Library and Archives Commission, including the commission's involvement with the management of governmental records.

The bill was read third time and was passed.

**SB 450 ON THIRD READING**  
**(McDonald, Haggerty, et al. - House Sponsors)**

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

**SB 450**, A bill to be entitled An Act relating to regional water and wastewater planning for the County of El Paso.

A record vote was requested.

The bill was read third time and was passed by (Record 234): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; 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; Oliveira; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgenuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Romo.

Absent — Clemons; Coleman; Danburg; Ogden; Park; Telford.

**SB 606 ON THIRD READING**  
**(McDonald - House Sponsor)**

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

**SB 606**, A bill to be entitled An Act relating to the detection and prevention of osteoporosis.

A record vote was requested.

The bill was read third time and was passed by (Record 235): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Romo.

Absent — Ogden; Telford; Willis.

**SB 279 ON SECOND READING**  
**(Junell - House Sponsor)**

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

**SB 279**, A bill to be entitled An Act relating to the identification of inmates of the Texas Department of Criminal Justice and other convicted persons as illegal criminal aliens.

The bill was read second time.

**Amendment No. 1**

Representative Alonzo offered the following amendment to the bill:

Amend **SB 279** in SECTION 2 of the bill, in proposed Article 2.25 (House Committee Report, Page 3, line 22), by striking "of a crime" and substituting "of a deportable crime".

Representative Junell moved to table Amendment No. 1.

The motion to table prevailed.

**Amendment No. 2**

Representative Place offered the following amendment to the bill:

Amend **SB 279** on page 3, line 22, between "crime" and "and" add "or has been placed on deferred adjudication for a felony".

Amendment No. 2 was adopted without objection.

**SB 279**, as amended, was passed to third reading.

**SB 403 ON SECOND READING  
(Junell - House Sponsor)**

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

**SB 403**, A bill to be entitled An Act relating to the occupation tax imposed on attorneys.

The bill was read second time.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Craddick, Representative Junell offered the following committee amendment to the bill:

Amend **SB 403** as follows:

On page 4, line 6, insert the following as SECTION 4 and renumber the remaining SECTIONS accordingly:

SECTION 4. An attorney tax (Chapter 191, Tax Code) proceeding under Sections 111.009 or 111.105, Tax Code, that is not final on the effective date of a transfer of functions under this Act remains under the jurisdiction of the Comptroller as if this Act had not been enacted and the former law is continued in effect until the proceeding is final.

Amendment No. 1 was adopted without objection.

**SB 403**, as amended, was passed to third reading.

**CSHB 1562 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 1562**.

**CSHB 1562**, A bill to be entitled An Act relating to authorizing the owner of livestock to protect that livestock from certain dangerous animals.

**CSHB 1562** was read second time on April 4, and was postponed until 10 a.m. today.

Representative Combs moved to postpone consideration of **CSHB 1562** until 10 a.m. Saturday, May 13.

The motion prevailed without objection.

#### **HB 1616 ON SECOND READING**

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

**HB 1616**, A bill to be entitled An Act relating to the regulation of retail installment contracts of certain goods and services.

**HB 1616** was read second time on April 20, and was postponed until 10 a.m. today.

Representative Carona moved to postpone consideration of **HB 1616** until 10 a.m. Monday, May 1.

The motion prevailed without objection.

#### **HB 1396 ON THIRD READING**

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

**HB 1396**, A bill to be entitled An Act relating to certain reports and public records to be prepared by a personal bond office.

The bill was read third time and was passed.

#### **HB 238 ON THIRD READING**

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

**HB 238**, A bill to be entitled An Act relating to the use of assistance dogs for persons with disabilities; providing an offense.

The bill was read third time and was passed.

#### **HB 2467 ON THIRD READING**

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

**HB 2467**, A bill to be entitled An Act relating to tuition rates at public institutions of higher education.

A record vote was requested.

The bill was read third time and was passed by (Record 236): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; 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; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; 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 — Romo.

Absent — Alvarado; Clemons; Delisi; Ogden.

### STATEMENT OF VOTE

When Record No. 236 was taken, I was in the house but away from my desk. I would have voted yes.

Clemons

### HB 1567 ON THIRD READING

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

**HB 1567**, A bill to be entitled An Act relating to the operation and implementation of the correctional managed health care plan.

A record vote was requested.

The bill was read third time and was passed by (Record 237): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; 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; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Saunders; Seidlits; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; 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 — Romo.

Absent — Clemons; Delisi; McDonald; Ogden; Sadler; Serna; Telford.

#### STATEMENT OF VOTE

When Record No. 237 was taken, I was in the house but away from my desk. I would have voted yes.

Clemons

#### LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today to attend a meeting of the conference committee on HB 1:

Junell on motion of Black.

Delisi on motion of Black.

Gallego on motion of Black.

Coleman on motion of Black.

The following member was granted leave of absence temporarily for today to attend a meeting of the conference committee on HB 1:

Ogden on motion of Black.

#### HB 1001 ON THIRD READING

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

**HB 1001**, A bill to be entitled An Act relating to the regulation of subdivisions in economically distressed areas and the delivery of water and sewer services to economically distressed subdivisions; providing civil and criminal penalties.

The bill was read third time and was passed.

#### HB 523 ON THIRD READING

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

**HB 523**, A bill to be entitled An Act relating to stolen vehicle checkpoints near the Mexico border; relating to the jurisdiction of a magistrate to hear a stolen property disposition hearing; relating to certain information required on a certificate of title.

A record vote was requested.

The bill was read third time and was passed by (Record 238): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davila; Davis; De La Garza; Dear; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; 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.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; 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 — Romo.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Ogen.

Absent — Telford.

### HB 525 ON THIRD READING

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

**HB 525**, A bill to be entitled An Act relating to the requisites of a petition for the writ of habeas corpus.

A record vote was requested.

The bill was read third time and was passed by (Record 239): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dear; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; 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.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; 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 — Romo.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Ogen.

Absent — Alvarado; Culberston; Gray; Talton; Telford.



**HB 1281 ON THIRD READING**

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

**HB 1281**, A bill to be entitled An Act relating to the operation of cable TV systems by general law municipalities.

The bill was read third time and was passed.

**HB 2505 ON THIRD READING**

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

**HB 2505**, A bill to be entitled An Act relating to commercial animal feed; providing a penalty.

The bill was read third time and was passed.

**LEAVE OF ABSENCE GRANTED**

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

Telford on motion of Black.

**HB 2027 ON THIRD READING**

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

**HB 2027**, A bill to be entitled An Act relating to the regulation of tanning facilities; providing civil and administrative penalties.

A record vote was requested.

The bill was read third time and was passed by (Record 240): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; 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.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgenuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Romo; Telford.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Ogden.

### HB 2098 ON THIRD READING

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

**HB 2098**, A bill to be entitled An Act relating to justice court juries.

The bill was read third time and was passed.

### HB 2245 ON THIRD READING

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

**HB 2245**, A bill to be entitled An Act relating to the continuation and functions of the Texas Animal Health Commission; providing administrative and criminal penalties.

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

### HB 1877 ON THIRD READING

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

**HB 1877**, A bill to be entitled An Act relating to the authority of the board of regents of The University of Texas System to delegate certain powers and duties of the board.

A record vote was requested.

The bill was read third time and was passed by (Record 241): 137 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Romo; Telford.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Ogden.

Absent — Edwards; Hochberg; Maxey; Rusling; Willis.

**HB 2495 ON THIRD READING**

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

**HB 2495**, A bill to be entitled An Act relating to the transfer of the Baylor College of Dentistry to The Texas A&M University System.

A record vote was requested.

The bill was read third time and was passed by (Record 242): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davila; De La Garza; Dear; Denny; Driver; Dukes; Duncan; Dutton; Ehrhardt; Eiland; Elkins; Farrar; Finnell; 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.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; 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 — Romo; Telford.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Ogden.

Absent — Davis; Edwards.

**MESSAGE FROM THE SENATE**

Austin, Texas, April 27, 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:

**SB 915** by Haywood, relating to the application of the open meetings law to certain meetings of the board of directors of an industrial development corporation.

**SB 1195** by Wentworth, relating to indemnification by the state for attorney's fees incurred by a person in defense of certain criminal prosecutions.

**SB 1231** by Armbrister, relating to the powers and duties of and systems and programs under the Employees Retirement System of Texas.

**SB 1546** by Bivins, relating to persons affected by matters in hearings before the Texas Natural Resource Conservation Commission.

Respectfully,  
Betty King  
Secretary of the Senate

### **HB 1745 ON THIRD READING**

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

**HB 1745**, A bill to be entitled An Act relating to requiring immunization for hepatitis B of certain students.

The bill was read third time and was passed.

(Ogden now present.)

### **HB 2731 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2731**.

**CSHB 2731**, A bill to be entitled An Act relating to oil and gas production research and information, including the Texas Experimental Research and Recovery Activity; providing administrative, civil, and criminal penalties.

**CSHB 2731** was read second time.

### **Amendment No. 1**

Representative Holzheuser offered the following amendment to **CSHB 2731**:

Amend **CSHB 2731**, page 21, by striking line 1, and inserting the following:

Sec. 93.055. REQUEST FOR RELEASE BY SURFACE OWNER. (a) The owner or owners of at least fifty per cent of the surface interest in the land on which a TERRA wellbore is located may file with the commission a written request to plug the wellbore if it has been in TERRA for more than seven years.

(b) The commission shall notify all persons who have signed the TERRA agreement pertaining to the wellbore and any licensees of the wellbore under Sec. 93.037 of the request for commission plugging. The notice shall also state that the wellbore will be plugged unless a mineral owner obtains release of the wellbore from TERRA under Sec. 93.052 or 93.053 within ninety days, or at the expiration of an existing TERRA license, whichever occurs later.

(c) If the wellbore is not released from TERRA under subsection (b), the commission shall schedule the wellbore to be plugged at the end of any existing licensed use.

(d) The commission may require surface owners requesting plugging of a TERRA wellbore to provide a copy, certified by the clerk of the county in which the land is located, of the deed or other instrument under which they claim title to the surface estate.

[Sections 93.056-93.070 reserved for expansion]

Amendment No. 1 was adopted without objection.

**CSHB 2731**, as amended, was passed to engrossment. (Cook and Ogden recorded voting no; Finnell, present, not voting)

#### **HB 2866 ON SECOND READING**

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

**HB 2866**, A bill to be entitled An Act relating to claims against a decedent's estate.

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

#### **HB 428 ON SECOND READING**

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

**HB 428**, A bill to be entitled An Act relating to the civil liability of charitable organizations providing crime prevention or law enforcement services.

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

#### **HB 788 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 788**.

**CSHB 788**, A bill to be entitled An Act relating to the authority of a municipality to create an industrial development corporation and to levy a sales and use tax to carry out the projects of the corporation.

**CSHB 788** was read second time.

#### **Amendment No. 1**

On behalf of Representative Oliveira, Representative Brimer offered the following amendment to **CSHB 788**:

Amend **CSHB 788** as follows:

(1) Add paragraph (E) to read as follows:

(E) Paragraph (C) of this subdivision expires September 1, 1997.

Amendment No. 1 was adopted without objection.

**CSHB 788**, as amended, was passed to engrossment.

#### **HB 1271 ON SECOND READING**

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

**HB 1271**, A bill to be entitled An Act relating to the Texas Peace Officers' Memorial Advisory Committee.

The bill was read second time.

#### **Amendment No. 1 (Committee Amendment No. 1)**

Representative B. Hunter offered the following committee amendment to the bill:

Amend **HB 1271** by striking SECTION 6 and adding a new SECTION 6 to read as follows:

SECTION 6. Section 415.121, Government Code, is amended to read as follows:

Sec. 415.121. STATEMENT OF PROGRESS. The commission [~~advisory committee~~] shall issue to the Governor, Lt. Governor and Speaker of the House as well as the respective oversight committees in the House and the Senate an annual [a] report of its progress in funding, designing, and constructing the Texas peace officers' memorial.

Amendment No. 1 was adopted without objection.

**Amendment No. 2 (Committee Amendment No. 2)**

Representative B. Hunter offered the following committee amendment to the bill:

Amend **HB 1271** by striking SECTION 7 and adding a new SECTION 7 to read as follows:

SECTION 7. Section 415.122, Government Code, is amended to read as follows:

Sec. 415.122. CEREMONIES. (a) The dedication of the memorial on the Capitol Complex grounds shall be conducted by the commission [~~Combined Law Enforcement Association~~] in coordination with the respective oversight committees of the House of Representatives and the Senate in order to assure the participation of all peace officer groups and law enforcement associations of the state. In addition, the dedication shall be conducted within reasonable guidelines established by the commission with the advice of the Texas Peace Officers' Memorial Advisory Committee, provided that the guidelines do not exceed the guidelines established by the State Preservation Board for other ceremonies held on the Capitol Complex grounds. All subsequent ceremonies shall be conducted according to reasonable guidelines established by the commission with the advice of the advisory committee, provided that the guidelines do not exceed the guidelines established by the State Preservation Board for other ceremonies held on the Capitol Complex grounds.

(b) The secretary of state shall publish the date of the dedication ceremonies and of subsequent ceremonies in the Texas Register before the 30th day preceding the date of the ceremonies. The commission [~~advisory committee~~] shall timely inform the secretary of the dates.

Amendment No. 2 was adopted without objection.

**HB 1271**, as amended, was passed to engrossment.

**HB 2212 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2212**.

**CSHB 2212**, A bill to be entitled An Act relating to the Maternal and Infant Health Improvement Act and to the development of a perinatal health care system.

**CSHB 2212** was read second time.

Representative Berlanga moved to postpone consideration of **CSHB 2212** until 10 a.m. Monday, May 1.

The motion prevailed without objection.

#### **HB 399 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 399**.

**CSHB 399**, A bill to be entitled An Act relating to the authorization of an exemption from ad valorem taxation of boats and other equipment used in the commercial taking of fish, shrimp, shellfish, and other marine life.

**CSHB 399** was read second time and was passed to engrossment. (Finnell recorded voting no)

#### **HB 1979 ON SECOND READING**

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

**HB 1979**, A bill to be entitled An Act relating to the procedures for selling state property under the management and control of the Texas Board of Criminal Justice.

The bill was read second time.

#### **Amendment No. 1**

Representative Hightower offered the following amendment to the bill:

Amend **HB 1979** as follows:

(1) On line 7, between "PROPERTY." and "The", insert "(a)".

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

(b) The board may authorize the sale of land directly to a local government at fair market value without the requirement of a sealed bid sale if the local government acquires the property for use as a local correctional facility.

Amendment No. 1 was adopted without objection.

**HB 1979**, as amended, was passed to engrossment.

#### **HB 2349 ON SECOND READING**

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

**HB 2349**, A bill to be entitled An Act relating to the regulation of sanitary landfills.

The bill was read second time.

#### **Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Talton, Representative Kuempel offered the following committee amendment to the bill:

Amend **HB 2349** as follows:

On page 5, line 11, insert the following and renumber the subsequent section appropriately:

SECTION 5. The Texas Health and Safety Code is amended by adding a new section 361.071 to read as follows:

361.071 Permits from Other Agencies. The owner or operator of a solid waste management facility is not required to obtain a permit from any agency of the state other than the commission, or any permit from the commission other than a permit issued under this chapter, to store, process, treat, dispose of, or destroy solid waste unless:

(1) a permit is required by the Railroad Commission of Texas under Chapter 27, Water Code;

(2) a permit is required by the Federal Clean Air Act, Title I, Part C or D, for a major source or a major modification; or

(3) a permit is required by the Federal Operating Permit Program pursuant to the Federal Clean Air Act, Title I Section 129(e).

Amendment No. 1 was adopted without objection.

### **Amendment No. 2**

Representative Driver offered the following amendment to the bill:

Amend **HB 2349** in Section 1 by amending the proposed Sec. 361.040 as follows:

1. Between the first and second sentence, insert a new sentence to read:

The commission may not require the installation of a landfill gas collection and control system at a sanitary landfill unless a landfill gas collection and control system is required to be installed under Subchapter IV, Solid Waste Disposal Act, as amended (42 U.S.C. Section 6941 et seq.) or under Sections 111 or 112 of the Clean Air Act, as amended (42 U.S.C. Section 7401, et. seq.).

2. In the second sentence, between "landfill" and "designs", insert:

"and alternative gas collection and control system"

Amendment No. 2 was adopted without objection.

**HB 2349**, as amended, was passed to engrossment.

### **HB 1059 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1059**.

**CSHB 1059**, A bill to be entitled An Act relating to notice in county deed records of the existence of a buffer zone required as a condition of a license or permit issued by the Texas Natural Resource Conservation Commission.

**CSHB 1059** was read second time.

### **Amendment No. 1**

Representative Cook offered the following amendment to **CSHB 1059**:

Amend **CSHB 1059** (House Committee Report) in SECTION 1, Sec. 26.451(b), Water Code as follows:

On page 2, line 2, delete the word "and"



On page 2, line 3, after the word "permit" delete the period and add "and"

On page 2, between line 3 and line 4, insert the following: "(3) an adequate legal description of the particular tract of the real property located entirely in a buffer zone."

Amend **CSHB 1059** (House Committee Report) in SECTION 2, Sec. 27.057(b) Water Code, as follows:

On page 3, line 15, delete the word "and"

On page 3, line 16, after the word "permit" delete the period and add "and"

On page 3, between line 16 and line 17, insert the following: "(3) an adequate legal description of the particular tract of the real property located entirely in a buffer zone."

Amend **CSHB 1059** (House Committee Report) in SECTION 3, Sec. 361.116(b), Health and Safety Code, as follows:

On page 5, line 1, delete the word "and"

On page 5, line 2, after the word "permit" delete the period and add "and"

On page 5, between line 2 and line 3, insert the following: "(3) an adequate legal description of the particular tract of the real property located entirely in a buffer zone."

Amend **CSHB 1059** (House Committee Report) in SECTION 4, Sec. 382.065(b) Health and Safety Code, as follows:

On page 6, line 14, delete the word "and"

On page 6, line 15, after the word "permit" delete the period and add "and"

On page 6, between line 15 and line 16, insert the following: "(3) an adequate legal description of the particular tract of the real property located entirely in a buffer zone."

Amend **CSHB 1059** (House Committee Report) in SECTION 5, Sec. 401.451(b) Health and Safety Code, as follows:

On page 8, line 1, delete the word "and"

On page 8, line 2, after the word "permit" delete the period and add "and"

On page 8, between line 2 and line 3, insert the following: "(3) an adequate legal description of the particular tract of the real property located entirely in a buffer zone."

Amendment No. 1 was adopted without objection.

**CSHB 1059**, as amended, was passed to engrossment.

### **HB 1586 ON SECOND READING**

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

**HB 1586**, A bill to be entitled An Act relating to certain agreements under a retail installment contract for the purchase of a motor vehicle.

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

**SB 897 ON SECOND READING**  
**(Patterson - House Sponsor)**

The speaker laid before the house, in lieu of **HB 1168**, on its second reading and passage to third reading,

**SB 897**, A bill to be entitled An Act relating to a review of Texas' programs to research, control, and eradicate animal tuberculosis and to implementing an improved program based on the review.

The bill was read second time.

**Amendment No. 1**

Representative Holzheuser offered the following amendment to the bill:

Amend **SB 897** in SECTION 1 of the bill by relettering existing Section 162.014(c), Agriculture Code, as Section 162.014(d) (house committee report, page 2, line 2) and inserting the following as a new Section 162.014(c) (house committee report, page 2, between lines 1 and 2):

(c) Each agency, college, or service conducting the review under Subsection (a) shall as part of its review seek the advice and opinions of persons who are involved in commercially raising or feeding traditional or nontraditional farm or ranch animals. The Texas Agricultural Experiment Station shall ensure that persons who are involved in commercially raising or feeding traditional or nontraditional farm or ranch animals have ample notice of and opportunity to comment on the review's findings and that the comments of those persons are considered part of the review's findings.

Amendment No. 1 was adopted without objection.

**SB 897**, as amended, was passed to third reading.

**HB 1168 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Patterson moved to lay **HB 1168** on the table subject to call.

The motion prevailed without objection.

**HB 3072 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 3072**.

**CSHB 3072**, A bill to be entitled An Act relating to the use of solid waste fee revenues.

**CSHB 3072** was read second time.

Representative Maxey moved to postpone consideration of **CSHB 3072** until 10 a.m. Friday, April 28.

The motion prevailed without objection.

**HB 1432 ON SECOND READING**

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

**HB 1432**, A bill to be entitled An Act relating to the staffing of certain emergency medical services vehicles.

The bill was read second time.

**Amendment No. 1**

Representatives Delisi and Black offered the following amendment to the bill:

Amend **HB 1432** to read as follows:

On page 1, line 11, add the following subsection:

(b) this Act shall not apply to counties that rely entirely on an all-volunteer emergency medical services staff.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Swinford offered the following amendment to the bill:

Amend **HB 1432** (1st Printing) on page 1, line 10, by inserting after the period: "This subsection does not apply to a county with a population of less than 75,000.".

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representative Corte offered the following amendment to the bill:

Amend **HB 1432** as follows:

1) On line 10, after the (.), Insert the phrase This section does not apply to a medically underserved area.

Amendment No. 3 was adopted without objection.

**HB 1432**, as amended, was passed to engrossment. (Kubiak recorded voting no)

**HB 1193 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1193**.

**CSHB 1193**, A bill to be entitled An Act relating to the regulation of orthotists and prosthetists; providing a civil penalty.

**CSHB 1193** was read second time and was passed to engrossment. (Kubiak recorded voting no)

**HB 1479 ON SECOND READING**

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

**HB 1479**, A bill to be entitled An Act relating to tuition and fee exemptions at public institutions of higher education for certain students.

The bill was read second time.

Representative Hilderbran moved to postpone consideration of **HB 1479** until 10 a.m. Tuesday, May 2.

The motion prevailed without objection.

### **HB 867 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 867**.

**CSHB 867**, A bill to be entitled An Act relating to an automated system for providing reimbursements to nursing homes under the state Medicaid program.

**CSHB 867** was read second time.

#### **Amendment No. 1**

Representative Maxey offered the following amendment to **CSHB 867**:

Amend **CSHB 867** as follows:

(1) On page 1, line 12, before the period, insert "subject to the availability of funds appropriated for that purpose".

(2) On page 2, line 27, and page 3, lines 1-2, strike subsection (b) and renumber subsequent sections accordingly.

Amendment No. 1 was adopted without objection.

**CSHB 867**, as amended, was passed to engrossment. (Moffat recorded voting no)

### **HB 886 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 886**.

**CSHB 886**, A bill to be entitled An Act relating to the arrest, custody, and detention of a child alleged to have violated a curfew ordinance.

**CSHB 886** was read second time.

#### **Amendment No. 1**

Representative De La Garza offered the following amendment to **CSHB 886**:

Amend **CSHB 886** by adding to the bill the following appropriately numbered SECTIONS and by renumbering the SECTIONS of the bill appropriately.

SECTION \_\_\_\_\_. Subchapter Z, Chapter 341, Local Government Code, is amended by adding Section 341.904 to read as follows:

Sec. 341.904. JUVENILE CURFEW IN GENERAL-LAW MUNICIPALITY. (a) To provide for the public safety, the governing body of a general-law municipality has the same authority to adopt a juvenile curfew ordinance that a county has under Section 351.903.

(b) The governing body of a general-law municipality may adopt by ordinance a juvenile curfew order adopted by the commissioners court of the

county in which any part of the municipality is located and may adapt the order to fit the needs of the municipality.

(c) If the governing body of a general-law municipality adopts an ordinance under this section, a person commits an offense if the person violates a restriction or prohibition imposed by the ordinance.

(d) An offense under this section is a Class C misdemeanor.

SECTION \_\_\_\_\_. Chapter 351, Local Government Code, is amended by adding Section 351.903 to read as follows:

Sec. 351.903. COUNTY JUVENILE CURFEW. (a) To provide for the public safety, the commissioners court of a county by order may adopt a curfew to regulate the movements or actions of persons under 17 years of age during the period beginning one-half hour after sunset and extending until one-half hour before sunrise or during school hours, or both. The order applies only to the unincorporated area of the county.

(b) This authority includes the authority to:

(1) establish the hours of the curfew, including different hours for different days of the week;

(2) apply different curfew hours to different age groups of juveniles;

(3) describe the kinds of conduct subject to the curfew;

(4) determine the locations to which the curfew applies;

(5) determine which persons incur liability if a violation of the curfew occurs;

(6) prescribe procedures, in compliance with Article 14.07, Code of Criminal Procedure, a police officer must follow in enforcing the curfew; and

(7) establish exemptions to the curfew, including but not limited to exemptions for times when there are no classes being conducted, holidays, and for persons going to or from work.

(c) If the commissioners court adopts an order under this section, a person commits an offense if the person violates a restriction or prohibition imposed by the order.

(d) An offense under this section is a Class C misdemeanor.

SECTION \_\_\_\_\_. The chapter heading of Chapter 370, Local Government Code, is amended to read as follows:

CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO  
MUNICIPAL AND COUNTY HEALTH AND PUBLIC SAFETY

SECTION \_\_\_\_\_. Chapter 370, Local Government Code, is amended by adding Section 370.002 to read as follows:

Sec. 370.002. REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE. (a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year thereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:

(1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;

(2) conduct public hearings on the need to continue the ordinance or order; and

(3) abolish, continue, or modify the ordinance or order.

(b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance to expire.

SECTION \_\_\_\_\_. Section 51.08(b), Family Code, is amended to read as follows:

(b) A court in which there is pending a complaint against a child alleging a violation of a misdemeanor offense punishable by fine only other than a traffic offense or public intoxication or a violation of a penal ordinance of a political subdivision other than a traffic offense:

(1) shall waive its original jurisdiction and refer a child to juvenile court if the child has previously been convicted of:

(A) two or more misdemeanors punishable by fine only other than a traffic offense or public intoxication;

(B) two or more violations of a penal ordinance of a political subdivision other than a traffic offense; ~~or~~

(C) one or more of each of the types of misdemeanors described in Paragraph (A) or (B) of this subdivision; or

(D) one or more violations of a restriction or prohibition imposed by an ordinance or order adopted under Section 341.904 or 351.903, Local Government Code, or a restriction or prohibition imposed by a juvenile curfew ordinance adopted by a home-rule municipality; and

(2) may waive its original jurisdiction and refer a child to juvenile court if the child:

(A) has not previously been convicted of a misdemeanor punishable by fine only other than a traffic offense or public intoxication or a violation of a penal ordinance of a political subdivision other than a traffic offense; or

(B) has previously been convicted of fewer than two misdemeanors punishable by fine only other than a traffic offense or public intoxication or two violations of a penal ordinance of a political subdivision other than a traffic offense.

SECTION \_\_\_\_\_. The change in law made by this Act to Section 51.08(b), Family Code, applies only to a court proceeding begun on or after the effective date of this Act.

SECTION \_\_\_\_\_. A municipality that has adopted a juvenile curfew ordinance before the effective date of this Act shall conduct a review of the municipality's juvenile curfew ordinance described in Section 370.002, Local Government Code, as added by this Act, not later than the third anniversary of the effective date of this Act.

Amendment No. 1 was adopted without objection.

**CSHB 886**, as amended, was passed to engrossment.

### **HB 823 ON SECOND READING**

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

**HB 823**, A bill to be entitled An Act relating to the amount a hotel or motel may charge for a telephone call.

The bill was read second time.

**Amendment No. 1**

Representative Heflin offered the following amendment to the bill:

Amend **HB 823** as follows:

1. Change the statutory reference in SECTION 1 from "93B, Public Utility Regulatory Act (Article 1446C, Vernon's Texas Civil Statutes)" to "Sec. 3.306, Public Utility Regulatory Act of 1995, as enacted by S.B. 319, Acts of the 74th Legislature, Regular Session, 1995".

2. Add the following language on page 1, line 12 following the period: For the purpose of Section 3.2625(c) only, the maximum amount allowed by this section for coin sent paid telephone calls is 50 cents.

Amendment No. 1 was adopted without objection.

**Amendment No. 2 (Committee Amendment No. 1)**

On behalf of Representative Oliveira, Representative Heflin offered the following committee amendment to the bill:

Amend **HB 823** as follows:

(1) On page 1, line 11, strike "may not exceed \$1 [50 cents]" and substitute "must be disclosed to each occupant of a hotel or motel, by printed notification provided to the occupant upon check-in, and by prominently displaying the amount to be charged on or near each telephone available for use by the occupant in the hotel or motel [may not exceed 50 cents]".

**Amendment No. 3**

Representative Danburg offered the following amendment to Amendment No. 2:

Amend Committee Amendment No. 1 to **HB 823** to read as follows:

Amend **HB 823** as follows:

On page 1, line 11, strike "\$1" and substitute "\$1 and must be disclosed to each occupant of the hotel and motel, by printed notification provided to the occupant upon check-in, and by prominently displaying the amount to be charged on or near each telephone available for use by the occupant in the hotel or motel".

Amendment No. 3 failed of adoption.

Amendment No. 2 was adopted without objection. (Danburg recorded voting no)

**HB 823**, as amended, was passed to engrossment. (Allen, Berlanga, Bosse, Brimer, Cook, Danburg, De La Garza, Greenberg, Johnson, Kubiak, R. Lewis, McDonald, Serna, Solomons, and Uher recorded voting no)

**HR 727 - ADOPTED**

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 727**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Rodriguez and Hernandez,

**HR 727**, Congratulating the Honorable Robert Puente on the occasion of his 37th birthday.

The resolution was read and was adopted without objection.

On motion of Representative Hernandez, the names of all the members of the house were added to **HR 727** as signers thereof.

### **SB 1 - RULES SUSPENDED**

Representative Sadler moved to suspend all necessary rules for **SB 1**:

1. To allow the various elements of the committee report on **SB 1** to be printed separately, provided that all parts of the committee report on **SB 1** must be distributed to the members at least 36 hours in advance of floor consideration of the bill;

2. So that for purposes of House Rule 4, Section 38, **SB 1** shall be eligible for placement on a calendar as soon as a certified copy of the text of the committee substitute has been delivered to the Committee on Calendars; and

3. To require all original amendments to the bill to be filed with the chief clerk by 12 noon on the day before the bill is scheduled for floor consideration on second reading.

The motion prevailed without objection.

### **HB 327 - WITH SENATE AMENDMENTS**

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

**HB 327**, A bill to be entitled An Act relating to the juvenile justice system; providing for the enhancement of penalties; providing criminal penalties for adults and children.

Representative Goodman moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed without objection.

### **HB 327 - APPOINTMENT OF CONFERENCE COMMITTEE**

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 327**: Goodman, chair, Place, Hightower, Van de Putte, and De La Garza.

### **RULES SUSPENDED**

Representative Counts moved to suspend the 5-day posting rule to allow the Committee on Natural Resources to consider **HB 753**.

The motion prevailed without objection.

Representative Place moved to suspend the 5-day posting rule to allow the Committee on Criminal Jurisprudence to consider **HB 2662**.

The motion prevailed without objection.



**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Economic Development, on recess today, Desk 61, to consider pending bills.

Agriculture and Livestock, on recess today, Desk 17, to consider **SB 372**.

Criminal Jurisprudence, 8 a.m. Monday, May 1, to consider **HB 2662**.

Urban Affairs, on recess today, Desk 73.

Public Health, on recess today, Desk 138.

Business and Industry, Subcommittee on HB 2771, on recess today, Desk 143.

Calendars, on recess today, speakers committee room, to set the calendar.

Criminal Jurisprudence, 7:30 p.m. today, E1.018, Capitol Extension.

Elections, on recess today, Desk 10.

Appropriations, 8 a.m. Friday, April 28, Appropriations Committee Room, to consider **SB 409** and **SB 1019**.

Transportation, on recess today, Desk 112, to consider **HB 341** and **HB 1896**.

Natural Resources, 3 p.m. or on adjournment Monday, May 1, E2.030, Capitol Extension, to consider **HB 753** in addition to posted bills.

Ways and Means, on recess today, Desk 70.

Insurance, on recess today, Desk 24.

Land and Resource Management, on recess today, Desk 1, to consider **HB 3226**.

Judicial Affairs, Subcommittee on Juries, 7:30 p.m. today, E2.016, Capitol Extension, rescheduled from E2.018, Capitol Extension

Environmental Regulation, on recess today, Desk 98, to consider **HB 2479**, **SB 1125**, and **SB 1126**.

**RECESS**

Representative Uher moved that the house recess until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 6:36 p.m., recessed until 10 a.m. tomorrow.

---

**APPENDIX**

---

**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

Agriculture and Livestock - **HB 2235**, **SB 1028**

Business and Industry - **HB 2396**

Corrections - **HCR 76**

Criminal Jurisprudence - **HB 2115, HB 2199**

Economic Development - **HB 1349**

Elections - **HB 1859**

Financial Institutions - **HB 1291, HB 1992, HB 3006, HB 3007, HB 3101, SB 451, SB 872, SB 1037, SB 1329**

Insurance - **HB 149, HB 2501, HB 2766**

Judicial Affairs - **HB 482, HB 852, HB 1574, HB 2286, HB 3188, HB 3196, SB 1384, SB 1515**

Juvenile Justice and Family Issues - **HB 170, HB 2664**

Land and Resource Management - **HB 2792, SB 1018**

Licensing and Administrative Procedures - **HB 2227, HB 2693**

Pensions and Investments - **HB 2522, SB 399, SB 904**

Public Health - **HB 211, HB 2207, SB 548, SB 1098, SB 1229**

Public Safety - **HB 2910**

Redistricting - **HB 2002**

State Affairs - **HB 1484, HB 1485, HB 1718, SB 59, SB 102**

State, Federal, and International Relations - **HB 1399, HB 2540**

Ways and Means - **HB 2941**

#### **ENGROSSED**

April 26 - **HB 333, HB 1048, HB 1266, HB 2473, HB 2609, HJR 73, HJR 90**

April 27 - **HJR 35**

#### **ENROLLED**

April 26 - **HB 335, HB 338, HB 856, HB 1250, HB 1304, HB 1353, HB 1907, HCR 157, HCR 172**

April 27 - **HB 432**

#### **SENT TO THE GOVERNOR**

April 27 - **HB 335, HB 338, HB 432, HB 856, HB 889, HB 1250, HB 1304, HB 1353, HB 1907, HCR 157, HCR 172**