

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-THIRD DAY — MONDAY, MAY 1, 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 256).

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; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgenuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Smithee.

The invocation was offered by Reverend Mark Westerfield, Central Baptist Church, Round Rock, as follows:

Our Heavenly Father, what a privilege we have to come to you in prayer this day. You are a God of awesome power and might, and you alone are worthy of our praise. Even through the shaking that our country has endured over the past week, you have not been shaken. You are proving yourself, even now, to be the Great Comforter and the Great Physician, and we are grateful.

Today, I come before you asking simply for your presence. According to your Word, the Bible, where you are there is peace and wisdom and direction. Each of these representatives and constituents of our state come today with need in these areas.

Lord, I pray for protection of the families of these servants as they are away from home. I pray for the integrity of these servants. May they abide closely by not just the law of the land, but the higher law that comes from you.

Lord, help us to watch our step. Help us to acknowledge that your word is the lamp unto our feet and the light unto our path. We humbly submit to you and your plan for us today. Praise you, Father, for life.

I humbly submit this prayer with gratitude in the name of our Lord Jesus Christ. Amen.

LEAVE OF ABSENCE GRANTED

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

Smithee on motion of Swinford.

CAPITOL PHYSICIAN

Speaker Laney presented Dr. Erica Swegler of Grapevine as the "Doctor for the Day."

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

MESSAGE FROM THE SENATE

Austin, Texas, May 1, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

SCR 136 by Sibley, designating the week of each year that begins with Father's Day as Texas Prostate Cancer Awareness Week.

SB 21 by Armbrister, relating to the State Cemetery.

SB 626 by Armbrister, relating to certain laws governing water districts and nonprofit water or sewer service corporations; creating penalties; granting authority to issue bonds and levy a tax; granting the power of eminent domain.

SB 784 by Ratliff, relating to the regulation of the practice of engineering; providing penalties.

SB 1161 by Rosson, relating to out-of-hospital do-not-resuscitate orders; providing penalties.

SB 1387 by Wentworth, relating to the transfer and enforcement of ad valorem tax liens.

SB 1391 by Ellis, relating to records and seals of notaries public and to qualification as a notary public.

Respectfully,
Betty King
Secretary of the Senate

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 320, HB 750, HB 751, HB 840, HB 1475, HB 1529, HCR 87, HCR 179

INTRODUCTION OF GUEST

The speaker recognized Representative Black, who introduced Ann Harlow of the Sergeant-at-Arms office.

SIGNED BY THE SPEAKER

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

SB 786, SB 959, SB 965, SCR 134

HR 710 - ADOPTED

Representative Junell moved to suspend all necessary rules to take up and consider at this time **HR 710**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Junell,

HR 710, In memory of the Honorable Elmer Martin.

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

INTRODUCTION OF GUEST

The speaker recognized Representative Junell, who introduced Billie Wyatt Martin, widow of the Honorable Elmer Martin, former member of the house of representatives.

HR 743 - ADOPTED

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 743**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Goolsby,

HR 743, Honoring Mary Cobb for her service with the Richardson I.S.D. Board of Trustees.

The resolution was adopted without objection.

HR 706 - ADOPTED

Representative Rusling moved to suspend all necessary rules to take up and consider at this time **HR 706**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Rusling,

HR 706, Honoring Matthew Boyd Campbell.

The resolution was adopted without objection.

HR 744 - ADOPTED

Representative Carona moved to suspend all necessary rules to take up and consider at this time **HR 744**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Carona,

HR 744, Honoring Thomas D. "Todd" Abbott.

The resolution was adopted without objection.

HOUSE BILLS ON FIRST READING

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

By Berlanga and T. Hunter,

HB 3229, A bill to be entitled An Act relating to the establishment of the line of vegetation along the Gulf of Mexico where a natural vegetation line does not exist.

To Committee on Land and Resource Management.

By Thompson,

HB 3230, A bill to be entitled An Act relating to the creation, administration, powers, duties, operations, functions, and financing of the TGP Water Authority.

To Committee on Natural Resources.

By Harris,

HB 3231, A bill to be entitled An Act relating to the Brazoria County Drainage District No. 4; the powers and duties of the district; the election, terms, and compensation of district commissioners; filling vacant positions on the district board of commissioners; changing the name of the district; authorizing the issuance of bonds and imposition of a tax; and granting the power of eminent domain.

To Committee on Natural Resources.

RESOLUTIONS REFERRED TO COMMITTEES

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

By Telford,

HCR 184, Honoring Dr. Leslie Kilby Green on the occasion of his retirement.

To Committee on Rules and Resolutions.

By Danburg, Madden, Hill, Denny, and J. Jones,

HCR 185, Memorializing congress regarding the National Voter Registration Act.

To Committee on Elections.

By Johnson,

HCR 186, Endorsing and announcing the creation and appointment of an Events Subcommittee for the observance of the State of Texas Sesquicentennial.
To Committee on State, Federal, and International Relations.

By B. Hunter,

HCR 187, Granting Mr. Edward E. Cockerell permission to sue the State of Texas and the Office of the Attorney General.
To Committee on Civil Practices.

By West,

HR 728, In memory of Claude W. Brown.
To Committee on Rules and Resolutions.

By Holzheuser,

HR 729, Honoring the Carl and Mary Welhausen Library on the dedication of its Texas Historical Marker.
To Committee on Rules and Resolutions.

By Holzheuser,

HR 730, Commemorating the dedication of a Texas historical marker at the site of the Shiloh settlement.
To Committee on Rules and Resolutions.

By Holzheuser,

HR 731, Honoring the Clinton Cemetery on the dedication of a memorial marker.
To Committee on Rules and Resolutions.

By Tillery and Davis,

HR 733, Honoring the Lancaster High School boys' basketball team.
To Committee on Rules and Resolutions.

By Swinford,

HR 734, In memory of Trooper Bobby Steve Booth.
To Committee on Rules and Resolutions.

By Shields,

HR 736, Honoring Dr. J. Raleigh Jackson.
To Committee on Rules and Resolutions.

By Alonzo,

HR 737, In memory of Dallas Police Senior Corporal Richard Lawrence.
To Committee on Rules and Resolutions.

By Davis,

HR 738, Honoring Clean South Dallas/Fair Park.
To Committee on Rules and Resolutions.

By Culberson,

HR 739, In memory of Captain Jerry R. Foster.
To Committee on Rules and Resolutions.

By Johnson,

HR 740, Honoring Judy McDonald.
To Committee on Rules and Resolutions.

By Kubiak,

HR 741, Honoring Ray Koch on his 80th birthday.

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 151 to Committee on Human Services.

SB 269 to Committee on Public Health.

SB 345 to Committee on Ways and Means.

SB 406 to Committee on Public Health.

SB 545 to Committee on Public Health.

SB 595 to Committee on Land and Resource Management.

SB 760 to Committee on State Affairs.

SB 976 to Committee on Ways and Means.

SB 1128 to Committee on Financial Institutions.

SB 1162 to Committee on Public Health.

SB 1168 to Committee on County Affairs.

SB 1197 to Committee on Criminal Jurisprudence.

SB 1303 to Committee on Public Health.

SB 1378 to Committee on State Recreational Resources.

SB 1388 to Committee on Urban Affairs.

SB 1439 to Committee on Civil Practices.

SB 1487 to Committee on Juvenile Justice and Family Issues.

SB 1489 to Committee on Transportation.

SB 1509 to Committee on Urban Affairs.

SB 1617 to Committee on Business and Industry.

SB 1626 to Committee on Judicial Affairs.

RESOLUTIONS REFERRED TO COMMITTEE

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

SCR 41, Granting Tenneco permission to sue the state and The Texas A&M University System.

To Committee on Civil Practices.

SCR 52, Granting CW Systems, Inc., permission to sue the State of Texas and the University of Houston System.

To Committee on Civil Practices.

SCR 53, Granting John R. Phenix & Associates, Inc., permission to sue the State of Texas and the University of Houston System.

To Committee on Civil Practices.

SCR 62, Granting Cleola Sweed permission to sue the state and the Texas Department of Human Services.

To Committee on Civil Practices.

SCR 92, Granting Imagents, Inc., permission to sue the State of Texas and The University of Texas System.

To Committee on Civil Practices.

SCR 93, Granting Imagents, Inc., permission to sue the State of Texas and The University of Texas System.

To Committee on Civil Practices.

SCR 103, Granting National Projects, Inc., permission to sue the State of Texas and the Department of Criminal Justice.

To Committee on Civil Practices.

SCR 104, Granting MKK-North Star permission to sue the State of Texas and the Department of Criminal Justice.

To Committee on Civil Practices.

SCR 105, Granting Green International permission to sue the State of Texas and the Department of Criminal Justice.

To Committee on Civil Practices.

SCR 106, Granting Harbert Construction Company permission to sue the State of Texas and the Texas Department of Criminal Justice.

To Committee on Civil Practices.

(Telford in the chair)

(Speaker in the chair)

HB 823 - VOTE RECONSIDERED

Representative Danburg moved to reconsider the vote by which **HB 823** failed to pass on Friday, April 28.

A record vote was requested.

The motion to reconsider prevailed by (Record 257): 69 Yeas, 63 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Averitt; Black; Bosse; Brady; Carona; Carter; Combs; Corte; Crabb; Craddick; Cuellar, H.; Danburg; Dear; Denny; Driver; Duncan; Eiland; Elkins; Farrar; Goolsby; Gray; Hamric; Harris; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Jackson; Jones, D.; Kamel; Krusee; Kuempel; Lewis, R.; Madden; McCall; McCoulskey; Moffat; Mowery; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pitts; Place; Ramsay; Reyna; Rusling; Saunders; Seidlits; Shields; Siebert; Staples; Stiles; Talton; Telford; Turner, B.; West; Williamson; Wilson; Wolens; Woolley; Yost.

Nays — Alexander; Alonzo; Bailey; Berlanga; Brimer; Clemons; Coleman; Conley; Cook; Counts; Cuellar, R.; Davila; Davis; De La Garza; Delisi; Dukes;

Dutton; Edwards; Ehrhardt; Finnell; Gallego; Giddings; Glaze; Goodman; Greenberg; Grusendorf; Gutierrez; Haggerty; Hernandez; Hightower; Hirschi; Hochberg; Hunter, B.; Hunter, T.; Johnson; Jones, J.; Kubiak; Lewis, G.; Longoria; Luna; Maxey; Moreno; Munoz; Ogden; Price; Puente; Rangel; Raymond; Rhodes; Rodriguez; Sadler; Solis; Solomons; Swinford; Tillery; Torres; Turner, S.; Uher; Van de Putte; Walker; Willis; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Smithee.

Absent — Chisum; Culberson; Horn; Howard; Hudson; Janek; Junell; King; Marchant; McDonald; Pickett; Rabuck; Romo; Serna; Thompson; Wohlgemuth.

STATEMENTS OF VOTE

I was shown voting no on Record No. 257. I intended to vote yes.

Alonzo

When Record No. 257 was taken, I was in the house but away from my desk. I would have voted yes.

Janek

HB 823 ON THIRD READING

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

HB 823, A bill to be entitled An Act relating to the amount a hotel or motel may charge for a telephone call.

(Dutton in the chair)

Amendment No. 1

Representative Danburg offered the following amendment to the bill:

Amend Floor Amendment No. 2 to **HB 823** (which is also committee amendment #1 by Oliveira) as follows:

1. Retain "may not exceed \$1 [~~50 cents~~]" rather than strike the language.
2. Insert "and" before "must be disclosed"
3. Eliminate the struck-through language at the end of the amendment prior to the period.

Amendment No. 1 failed of adoption.

HB 823 failed to pass.

(Speaker in the chair)

SB 1098 ON SECOND READING (Berlanga - House Sponsor)

The speaker laid before the house, in lieu of **CSHB 2209**, on its second reading and passage to third reading,

SB 1098, A bill to be entitled An Act relating to consent for the immunization of a minor.

The bill was read second time.

Amendment No. 1

Representatives Chisum and Berlanga offered the following amendment to the bill:

To SB 1098:

1. On page 1, strike line 6 and substitute "a minor if a parent, managing conservator,".

2. On page 1, line 8, insert the words "is not available" after word "minor".

3. On page 2, after line 21, add a new Subsection (d) to read as follows:

"(d) A person who consents under this section shall provide the health care provider with sufficient and accurate health history and information about the minor for whom the consent is given and, if necessary, sufficient and accurate health history and information about the minor's family to enable the person who may consent to the immunization of the minor and the health care provider to determine adequately the risks and benefits inherent in the proposed immunization and determine whether immunization is advisable."

4. On page 3, line 11, add the word "immunization" between the words "the" and "counseling".

5. On page 4, after line 2, add a new Section 4 to read as follows:

SECTION 4. Section 35.02(a), Family Code, is amended to read as follows:

(a) Consent to medical treatment under Sections [Section] 35.01 and 35.011 of this code shall be in writing, signed by the person giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment.

6. Renumber remaining Sections.

Amendment No. 1 was adopted without objection.

A record vote was requested.

SB 1098, as amended, was passed to third reading by (Record 258): 80 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Alexander; Alonzo; Alvarado; Bailey; Berlanga; Black; Brady; Chisum; Coleman; Counts; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; Dear; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Gallego; Giddings; Glaze; Gray; Greenberg; Gutierrez; Hawley; Hernandez; Hightower; Hirschi; Hochberg; Holzheuser; Hudson; Hunter, T.; Johnson; Jones, D.; Jones, J.; King; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCoulskey; McDonald; Moreno; Munoz; Naishtat; Oakley; Ogden; Patterson; Pickett; Pitts; Price; Puente; Rangel; Raymond; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Solis; Staples; Stiles; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Willis; Wilson; Yarbrough; Zbranek.

Nays — Allen; Averitt; Bosse; Brimer; Carona; Carter; Clemons; Cook; Corte; Crabb; Delisi; Denny; Driver; Duncan; Elkins; Finnell; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Harris; Heflin; Hilbert; Hilderbran; Hill; Howard; Hunter, B.; Jackson; Kamel; Krusee; Kubiak; Kuempel; Madden; McCall; Moffat; Mowery; Nixon; Park; Rabuck; Ramsay; Reyna; Shields; Siebert; Solomons; Swinford; Talton; Walker; West; Williamson; Wohlgemuth; Woolley; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Smithee.

Absent — Combs; Conley; Craddick; Culberson; De La Garza; Hartnett; Horn; Janek; Junell; Marchant; Oliveira; Place; Sadler; Van de Putte; Wolens.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 258. I intended to vote no.

Pitts

When Record No. 258 was taken, I was in the house but away from my desk. I would have voted yes.

Janek

CSHB 2209 - LAID ON THE TABLE SUBJECT TO CALL

Representative Berlanga moved to lay **CSHB 2209** on the table subject to call.

The motion prevailed without objection.

SB 872 ON SECOND READING (Carona - House Sponsor)

The speaker laid before the house, in lieu of **HB 1616**, on its second reading and passage to third reading,

SB 872, A bill to be entitled An Act relating to the regulation of retail installment contracts of certain goods and services.

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

HB 1616 - LAID ON THE TABLE SUBJECT TO CALL

Representative Carona moved to lay **HB 1616** on the table subject to call.

The motion prevailed without objection.

SB 1229 ON SECOND READING (Berlanga - House Sponsor)

The speaker laid before the house, in lieu of **CSHB 2212**, on its second reading and passage to third reading,

SB 1229, 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.

The bill was read second time and was passed to third reading. (Black, Chisum, Corte, Kubiak, Shields, Solomons, Swinford, and Talton recorded voting no)

CSHB 2212 - LAID ON THE TABLE SUBJECT TO CALL

Representative Berlanga moved to lay **CSHB 2212** on the table subject to call.

The motion prevailed without objection.

SB 60 ON SECOND READING
(Wilson, Carter, Stiles, and Allen - House Sponsors)

The speaker laid before the house, on its second reading and passage to third reading, the complete committee substitute for **SB 60**.

CSSB 60, A bill to be entitled An Act relating to the issuance of a license to carry a concealed handgun; requiring of an applicant for the license a handgun proficiency and safety training course and a criminal background check; providing penalties.

CSSB 60 was read second time.

RULES SUSPENDED

Representative Saunders moved to suspend the 5-day posting rule to allow the Committee on Land and Resource Management to consider **HB 3229**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Land and Resource Management, 8 a.m. tomorrow.

Civil Practices, on recess today, Desk 32.

Agriculture and Livestock, on recess today, Desk 17, to consider **SB 1196**.

State Affairs, on recess today, speakers committee room, to consider pending business.

RECESS

Representative Price moved that the house recess until 1:45 p.m.

The motion prevailed without objection.

The house accordingly, at 12:15 p.m., recessed until 1:45 p.m.

AFTERNOON SESSION

The house met at 1:45 p.m. and was called to order by the speaker.

SIGNED BY THE SPEAKER

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

SB 178

CSSB 60 - (pending business)

Amendment No. 1

Representative Wilson offered the following amendment to **CSSB 60**:

Amend **CSSB 60** by adding an appropriately numbered SECTION to the bill to read as follows and by renumbering the existing SECTIONS of the bill accordingly:

SECTION _____. Section 215.001(b), Local Government Code, is amended to read as follows:

(b) Subsection (a) does not affect the authority a municipality has under another law to:

(1) require residents or public employees to be armed for personal or national defense, law enforcement, or another lawful purpose;

(2) regulate the discharge of firearms within the limits of the municipality;

(3) regulate the use of property, the location of a business, or uses at a business under the municipality's fire code, zoning ordinance, or land-use regulations as long as the code, ordinance, or regulations are not used to circumvent the intent of Subsection (a) or Subdivision (5) of this subsection;

(4) regulate the use of firearms in the case of an insurrection, riot, or natural disaster if the municipality finds the regulations necessary to protect public health and safety;

(5) regulate the storage or transportation of explosives to protect public health and safety, except that 25 pounds or less of black powder for each private residence and 50 pounds or less of black powder for each retail dealer are not subject to regulation; or

(6) regulate the carrying of a firearm by a person other than a person licensed to carry a concealed handgun under Article 4413(29ee), Revised Statutes, at a:

(A) public park;

(B) public meeting of a municipality, county, or other governmental body;

(C) political rally, parade, or official political meeting; or

(D) nonfirearms-related school, college, or professional athletic event.

(Speaker pro tempore in the chair)

Amendment No. 1 was adopted. (Junell recorded voting no)

Amendment No. 2

Representative Dutton offered the following amendment to **CSSB 60**:

Amend **CSSB 60** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 46.02, Penal Code, is amended by adding Subsection (g) to read as follows:

(g) It is an affirmative defense to prosecution under this section for the offense of carrying a handgun that the actor, at the time of the commission of the offense:

(1) was legally registered to vote in this state; and

(2) either:

(A) had not failed to vote in two or more consecutive general elections at which the actor was eligible to vote; or

(B) had voted in three or more consecutive general elections after failing to vote in two or more consecutive general elections at which the actor was eligible to vote.

SECTION 2. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 1995.

SECTION 4. 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.

Representative Allen moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 259): 109 Yeas, 26 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Cook; Corte; Counts; Crabb; Craddock; Cuellar, H.; Cuellar, R.; De La Garza; Dear; Delisi; Denny; Driver; Duncan; Ehrhardt; Eiland; Elkins; Gallego; Goodman; Goolsby; Gray; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hochberg; Holzheuser; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Junell; Kamel; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Nixon; Oakley; Ogden; Park; Patterson; Pitts; Place; Puente; Rabuck; Ramsay; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Sadler; Saunders; Seidlits; Shields; Siebert; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Torres; Turner, B.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbraneck.

Nays — Alonzo; Coleman; Conley; Danburg; Dukes; Dutton; Edwards; Farrar; Finnell; Giddings; Glaze; Horn; Jones, D.; King; Lewis, G.; Longoria; Luna; Maxey; Moreno; Naishtat; Oliveira; Pickett; Price; Romo; Tillery; Turner, S.

Present, not voting — Mr. Speaker; Hirschi.

Absent, Excused — Smithee.

Absent — Berlanga; Culberson; Davila; Davis; Greenberg; Harris; Hudson; Jones, J.; Marchant; Rangel; Serna; Williamson.

Amendment No. 3

Representative Conley offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

(1) In SECTION 1 of the bill, in the proposed heading for Article 4413(29ee), Revised Statutes (house committee report, page 1, line 9), strike "A CONCEALED" and substitute "AN EXPOSED".

(2) In SECTION 1 of the bill, in proposed Section 1, Article 4413(29ee), Revised Statutes (house committee report, page 1, lines 19-21), strike Subdivision (3) and substitute the following:

"(3) "Exposed handgun" means a handgun carried in a holster that is not concealed and that is designed in a manner that makes the handgun clearly visible to the ordinary observation of another person."

(3) Strike "a concealed", "concealed", or "conceal" everywhere the terms appear throughout the bill and substitute "an exposed", "exposed", or "expose", as appropriate.

Representative Carter moved to table Amendment No. 3.

The motion to table prevailed.

Amendment No. 4

Representative Rangel offered the following amendment to **CSSB 60**:

Amend **CSSB 60** in SECTION 1 of the bill, in proposed Section 2(a)(2), Article 4413(29ee) (House committee report, page 3, line 5), by striking "is at least 21 years of age;" and substituting "is at least 18 years of age;".

Representative Wilson moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 260): 99 Yeas, 42 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Culberson; Danburg; De La Garza; Dear; Delisi; Denny; Driver; Duncan; Elkins; Finnell; Gallego; Glaze; Goodman; Goolsby; Gray; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Junell; Kamel; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; McCall; McCoulskey; Moffat; Mowery; Nixon; Oakley; Ogden; Park; Patterson; Pitts; Rabuck; Ramsay; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Sadler; Seidlits; Shields; Siebert; Solomons; Staples; Stiles; Swinford; Talton; Telford; Turner, B.; Van de Putte; Walker; West; Williamson; Willis; Wilson; Woolley; Yarbrough; Yost.

Nays — Alonzo; Alvarado; Berlanga; Coleman; Conley; Cuellar, R.; Davila; Davis; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Giddings; Greenberg; Hernandez; Hirschi; Jones, D.; King; Lewis, G.; Longoria; Luna; Maxey; McDonald; Moreno; Naishtat; Oliveira; Pickett; Place; Price; Puente; Rangel; Saunders; Serna; Solis; Thompson; Tillery; Torres; Turner, S.; Wohlgemuth; Wolens.

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

Absent, Excused — Smithee.

Absent — Hudson; Jones, J.; Marchant; Munoz; Romo; Zbranek.

Amendment No. 5

Representative Puente offered the following amendment to **CSSB 60**:

Amend **CSSB 60** in SECTION 1 of the bill, in Section 2 of proposed Article 4413(29ee), Revised Statutes, as follows:

(1) In subsection (a)(4) (House Committee Report, page 3, line 8), between under and the comma, substitute "Sections 42.01 or 22.01 for "Section 42.01".

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Raymond offered the following amendment to **CSSB 60**:

Amend **CSSB 60**, in SECTION 1 of the bill, in proposed Section 2(a), Article 4413(29ee), Revised Statutes (House committee report, page 3, lines 16-17), insert the following new Subdivision (9) and renumber existing subdivisions accordingly:

(9) has not been convicted of a Class A or Class B misdemeanor involving the use or possession of a firearm;

Representative Wilson moved to table Amendment No. 6.

A record vote was requested.

The motion to table was lost by (Record 261): 37 Yeas, 100 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bosse; Carona; Carter; Chisum; Clemons; Corte; Counts; Crabb; Denny; Driver; Elkins; Horn; Hunter, T.; King; Mowery; Oakley; Park; Place; Reyna; Saunders; Shields; Siebert; Staples; Stiles; Swinford; Talton; Thompson; Turner, B.; Walker; Willis; Wilson; Wohlgemuth; Yarbrough; Yost.

Nays — Alonzo; Alvarado; Bailey; Berlanga; Black; Brady; Brimer; Coleman; Combs; Conley; Cook; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzhauser; Howard; Hunter, B.; Jackson; Janek; Johnson; Jones, D.; Junell; Kamel; Krusee; Kubiak; Kuempel; Lewis, G.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Naishtat; Nixon; Ogden; Oliveira; Patterson; Pickett; Pitts; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Rhodes; Rodriguez; Romo; Rusling; Seidlits; Serna; Solis; Solomons; Telford; Tillery; Torres; Turner, S.; Van de Putte; West; Wolens.

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

Absent, Excused — Smithee.

Absent — Harris; Hochberg; Hudson; Jones, J.; Lewis, R.; Munoz; Sadler; Williamson; Woolley; Zbranek.

STATEMENT OF VOTE

I was shown voting yes on Record No. 261. I intended to vote no.

T. Hunter

Amendment No. 7

Representative Wilson offered the following amendment to Amendment No. 6:

Amend the Raymond amendment to read as follows:

Amend **CSSB 60**, in SECTION 1 of the bill, in proposed Section 2(a), Article 4413(29ee), Revised Statutes (House committee report, page 3, lines 16-17), insert the following new Subdivision (9) and renumber existing subdivisions accordingly:

(9) has not been convicted of a Class A or Class B misdemeanor involving the use of a firearm;

(Speaker in the chair)

Amendment No. 7 was adopted without objection.

Amendment No. 6, as amended, was adopted without objection.

Amendment No. 8

Representative Raymond offered the following amendment to **CSSB 60**:

Amend **CSSB 60**, in SECTION 1 of the bill, in proposed Section 2(a)(11), Article 44139(29ee), Revised Statutes, between the comma and "or" (House committee report, page 3, lines 24), insert "tax collector of a political subdivision of the state.".

Amendment No. 8 was adopted without objection.

Amendment No. 9

Representative Puente offered the following amendment to **CSSB 60**:

Amend **CSSB 60** in SECTION 1 of the bill, Section 2 of proposed Article 4413(29ee), Revised Statutes, as follows:

(1) In subsection (a)(13) (House Committee Report, page 4, line 2), between "protective order" and the semicolon, insert "or subject to a restraining order affecting the spousal relationship, not including restraining orders solely affecting property interests".

Amendment No. 9 was adopted without objection.

Amendment No. 10

Representative Giddings offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

On page 3, line 25, after the word "Commission" and before the semicolon, insert the words "or any other agency or subdivision of the state".

Amendment No. 10 was adopted without objection.

Amendment No. 11

Representative Moreno offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

(1) In SECTION 1 of the bill, after the semicolon in Section 2(a)(14) of proposed Article 4413(29ee), Revised Statutes (house committee printing, page 4, line 5), strike "and".

(2) In SECTION 1 of the bill, in Section 2(a)(15) of proposed Article 4413(29ee), Revised Statutes, between "article" and the period (house committee printing, page 4, line 9), insert the following:

: or

(16) is not a member of or does not provide shelter with the intent to contribute to an organization the purpose of which is to inflict injury on a person, other organization, governmental entity, law enforcement agency, or ethnic group, including destruction of a building or other structure used by the person, organization, entity, agency, or group

(3) In SECTION 1 of the bill, in Section 3(a)(8)(A) of proposed Article 4413(29ee), Revised Statutes (house committee printing, page 5, line 25), between the semicolon and the word "and", insert the following Subdivision (B) and redesignate the existing Subdivision (B) as Subdivision (C):

(B) is not a member of or does not provide shelter with the intent to contribute to an organization the purpose of which is to inflict injury on a person, other organization, governmental entity, law enforcement agency, or ethnic group, including destruction of a building or other structure used by the person, organization, entity, agency, or group:

(4) In SECTION 1 of the bill, between the first and second sentences of Section 12(b) of proposed Article 4413(29ee), Revised Statutes (house committee printing, page 19, line 8), insert the following: The information may include the statement of any citizen who informs the officer that the license holder is a member of or provides shelter with the intent to contribute to an organization the purpose of which is to inflict injury on a person, other organization, governmental entity, law enforcement agency, or ethnic group.

Amendment No. 11 was adopted without objection.

Amendment No. 12

Representatives Seidlits and Dukes offered the following amendment to **CSSB 60**:

Amend **CSSB 60**, in SECTION 1 of the bill as follows:

(1) In proposed Section 2(a)(14) of added Article 4413(29ee), Revised Statutes (house committee report, page 4, line 5), strike "and".

(2) In proposed Section 2(a)(15) of added Article 4413(29ee), Revised Statutes (house committee report, page 4, line 9), between "article" and the period, insert the following:

: and

(16) has liability insurance coverage or can show financial responsibility to cover damages for bodily injury or death caused by the use of a handgun in amounts not less than the amounts required by Section 1(10),

Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes), for bodily injury or death caused by a motor vehicle

(3) In proposed Section 3(b)(7) of added Article 4413(29ee), Revised Statutes (house committee report, page 6, line 19), strike "and".

(4) In proposed Section 3(b)(8) of added Article 4413(29ee), Revised Statutes (house committee report, page 6, line 24), between "hospital" and the period, insert the following:

; and

(9) ability to cover damages for bodily injury or death caused by the use of a handgun in amounts not less than the amounts required by Section 1(10), Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes), for bodily injury or death caused by a motor vehicle, as shown by written proof of liability insurance coverage or financial responsibility

(5) In proposed Section 10(a)(3)(C) of added Article 4413(29ee), Revised Statutes (house committee report, page 16, line 22), strike "and".

(6) In proposed Section 10(a)(3)(D) of added Article 4413(29ee), Revised Statutes (house committee report, page 16, line 24), between "holder" and the period, insert the following:

; and

(E) proof of liability insurance coverage or financial responsibility to cover damages for bodily injury or death caused by the use of a handgun in amounts not less than the amounts required by Section 1(10), Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes), for bodily injury or death caused by a motor vehicle

(7) In proposed Section 11(a)(3)(C) of added Article 4413(29ee), Revised Statutes (house committee report, page 17, line 23), strike "and".

(8) In proposed Section 11(a)(3)(D) of added Article 4413(29ee), Revised Statutes (house committee report, page 17, line 25), between "applicant" and the period, insert the following:

; and

(E) proof of liability insurance coverage or financial responsibility to cover damages for bodily injury or death caused by the use of a handgun in amounts not less than the amounts required by Section 1(10), Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes), for bodily injury or death caused by a motor vehicle

Representative Stiles moved to table Amendment No. 12.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 1, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

HCR 2 by Saunders (Sponsor-Armbrister), recognizing the first full week in June of each year at National Garden Week.

HCR 117 by Brimer (Sponsor-Moncrief), designating April 21-29, 1995, and April 21-29, 1996, as National Science and Technology Weeks in Texas.

HCR 180 by Willis (Sponsor-Brown), honoring Lieutenant General Everett Seldon Simpson.

HCR 183 by Willis (Sponsor-Harris, Chris), instructing the State Preservation Board to hang a portrait of Robert E. Johnson in the State Capitol.

CSHB 971 by Hunter, Todd, Junell, Duncan, Eiland, et al. (Sponsor-Sibley), relating to health care liability claims.

HB 947 by Pitts (Sponsor-Cain), relating to loans secured by liens on agricultural-use or open-space land.

HB 1343 by Hightower, et al. (Sponsor-Montford), relating to inmate grievances and frivolous or malicious litigation filed by inmates (amended).

HCR 105 by Thompson, Gutierrez, Puente, Solis, Cuellar, Henry (Sponsor-Lucio), declaring the jalapeno pepper the official State Pepper of Texas.

HCR 24 by Brimer and Wohlgenuth (Sponsor-Harris, Chris), requesting the United States Congress to reconsider the requirement of stormwater discharge permits for cities having a population of fewer than 100,000.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to the following: **SB 450** by 31 Yeas, 0 Nays; **SB 606** by 31 Yeas, 0 Nays; **SB 971** by 31 Yeas, 0 Nays; **SB 178** by 28 Yeas, 3 Nays; and **SB 366** by Viva Voce Vote.

Respectfully,
Betty King
Secretary of the Senate

LEAVES OF ABSENCE GRANTED

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

Ogden on motion of Wilson.

Delisi on motion of Wilson.

Coleman on motion of Wilson.

Junell on motion of Wilson.

Gallego on motion of Wilson.

CSSB 60 - (consideration continued)

Amendment No. 13

Representative Alvarado offered the following amendment to **CSSB 60**:

Amend **CSSB 60**, in Section 1 of the bill as follows:

(1) In proposed Section 1(10)(B) of added Article 4413(29ee), on page 2 add to lines 26 as follows; strike the period after the word "disabled" and add the following:

"or under any medication for the treatment of a mental or psychiatric disorder; or"

(2) In proposed Section 1(10)(B) of added Article 4413(29ee), on page 2 add the following section (C) after line 26 as follows:

"(C) has been diagnosed by a licensed physician as suffering from but not limited to depression, manic depression or post traumatic stress syndrome, unless the person furnishes a certificate from a licensed physician stating that the person is no longer disabled, or under any medication for the treatment of a mental or psychiatric disorder."

Amendment No. 13 was adopted without objection.

Amendment No. 14

Representative Naishtat offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

(1) In SECTION 1 of the bill, in Section 3(a)(8)(B) of proposed Article 4413(29ee), Revised Statutes (House committee report, page 5, line 27), after the semicolon, strike "and".

(2) In SECTION 1 of the bill, in Section 3(a)(9) of proposed Article 4413(29ee), Revised Statutes (Committee printing, page 6, line 4), between "article" and the period, insert the following: "; and

(10) a certificate showing successful completion of a psychological screening administered by a TECLOSE approved psychologist.

Representative Allen moved to table Amendment No. 14.

The motion to table prevailed.

Amendment No. 15

Representative Dutton offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

(1) In SECTION 1 of the bill, in Section 3(a)(8)(B) of proposed Article 4413(29ee), Revised Statutes (House committee report, page 5, line 27), after the semicolon, strike "and".

(2) In SECTION 1 of the bill, in Section 3(a)(9) of proposed Article 4413(29ee), Revised Statutes (Committee printing, page 6, line 4), between "article" and the period, insert the following: "; and

(10) an affidavit signed by a licensed physician or psychologist stating that the person does not have a mental disorder or infirmity that renders the person incapable of managing the person's self or the person's affairs".

Representative Wilson moved to table Amendment No. 15.

The motion to table prevailed.

Amendment No. 16

Representative Berlanga offered the following amendment to **CSSB 60**:

Amend **CSSB 60**, in SECTION 1 of the bill, in Section 3(a)(8)(A) of proposed Article 4413(29ee), Revised Statutes (house committee printing, page 5, line 25), between the semicolon and the word "and", by inserting the following Subdivision (B) and redesignating the existing Subdivision (B) as Subdivision (C):

(B) has informed the applicant's spouse, if any, that the applicant is applying for the issuance of a license to carry a concealed handgun under the authority of this article;

Amendment No. 16 was adopted without objection.

Amendment No. 17

Representative Oakley offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

(1) On page 8, line 17, strike "may" and substitute "shall".

Amendment No. 17 was adopted without objection.

Amendment No. 18

Representative Giddings offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

On page 11, line 23, strike the words "Class C" and substitute the words "Class A"

Representative Wilson moved to table Amendment No. 18.

The motion to table prevailed.

Amendment No. 19

Representative Dukes offered the following amendment to **CSSB 60**:

Amend **CSSB 60** in proposed Section 6, Article 4413(29ee), Revised Statutes (house committee report, page 11, between lines 23 and 24), by inserting the following:

(j) A license holder commits an offense if the license holder is stopped by a peace officer for a traffic violation and fails to inform the officer that the license holder is carrying a concealed handgun and to indicate the location of the handgun. An offense under this subsection is a Class C misdemeanor and is grounds for revocation of the license holder's handgun license.

Amendment No. 19 was adopted without objection.

Amendment No. 20

Representative Chisum offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

1) On page 14, line 19, after the word "person" strike ~~, after applying for or receiving a license~~ and put in its place who is a current license holder.

2) On page 14, line 24, after the word "license" strike ~~if a license has been issued~~.

Amendment No. 20 was adopted without objection.

Amendment No. 21

Representative Wilson offered the following amendment to **CSSB 60**:

Amend **CSSB 60**, in SECTION 1 of the bill, in proposed Section 12(a)(2), Article 4413(29ee), Revised Statutes, between "(2)" and "gave" (House committee report, page 18, line 25), by inserting "knowingly".

Amendment No. 21 was adopted without objection.

Amendment No. 22

On behalf of Representative Ogden, Representative Allen offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

(1) In SECTION 1 of the bill, in proposed Section 12(a), Article 4413(29ee), Revised Statutes (House committee report, page 18, line 21), strike "A license may be revoked" and substitute "A license shall be revoked".

(2) In SECTION 1 of the bill, in proposed Section 13(a), Article 4413(29ee), Revised Statutes (House committee report, page 20, lines 9-10), strike "A license may be suspended" and substitute "A license shall be suspended".

Amendment No. 22 was adopted without objection.

Amendment No. 23

Representative Giddings offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

On page 20, line 2, strike the word "second" and substitute the word "fourth"

On page 20, line 4, strike the word "second" and substitute the word "fourth"

On page 20, line 5, strike the word "second" and substitute the word "fourth"

On page 20, line 8, strike the word "two" and substitute the word "four"

Amendment No. 23 was withdrawn.

Amendment No. 24

Representative G. Lewis offered the following amendment to **CSSB 60**:

Amend **CSSB 60** by striking proposed Section 13(c) of added Article 4413(29ee), Revised Statutes (House Committee Report, page 21, lines 22-23), and substituting the following:

(c) A license may be suspended under this section for not less than one year and not more than three years.

Amendment No. 24 was adopted without objection.

Amendment No. 25

Representatives Dutton and Luna offered the following amendment to **CSSB 60**:

Amend **CSSB 60**, in SECTION 1 of the bill, in Section 16(b) of proposed Article 4413(29ee), Revised Statutes (house committee printing, page 24, lines 8-9), by striking "10 hours and not more than 15" and substituting "15" to "30".

Amendment No. 25 was adopted without objection.

Amendment No. 26

Representative Wilson offered the following amendment to **CSSB 60**:

Amend **CSSB 60** in SECTION 1 of the bill, in proposed Section 17(a), Article 4413 (29ee), Revised Statutes (house committee report, page 26, line 20), by striking "in an amount sufficient" and substituting "not to exceed five dollars".

Amendment No. 26 was adopted without objection.

Amendment No. 27

Representative Wilson offered the following amendment to **CSSB 60**:

Amend **CSSB 60**, in SECTION 1 of the bill, in Section 27 of proposed Article 4413(29ee), Revised Statutes, by adding a new Subsection (g) to read as follows:

(g) A retired criminal investigator of the United States who is designated as a "special agent" is eligible for a license under this section. An applicant described by this subsection may submit the application at any time after retirement. The applicant shall submit with the application proper proof of retired status by presenting the following documents prepared by the agency from which the applicant retired:

- (1) retirement credentials; and
- (2) a letter from the agency head stating the applicant retired in good standing.

Amendment No. 27 was adopted without objection.

Amendment No. 28

Representative Wilson offered the following amendment to **CSSB 60**:

Amend the ____ amendment to **CSSB 60**, at the end of proposed new Section 27, Article 4413(29ee), Revised Statutes, by adding Subsection (h) as follows:

(h) The department shall issue a license to carry a concealed handgun under the authority of this article to an elected attorney representing the state in the prosecution of felony cases who meets the requirements of this section for an active judicial officer. The department shall waive any fee required for the issuance of an original, duplicate, or renewed license under this article for an applicant who is an attorney elected or employed to represent the state in the prosecution of felony cases.

Amendment No. 28 was adopted without objection.

MESSAGE FROM THE SENATE

Austin, Texas, May 1, 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 405 by Bivins, relating to the distribution of the foundation school fund and to tax and revenue anticipation notes made necessary in part by such distribution.

SB 804 by Harris, Chris, relating to preparation of certain secondary loan documents by an attorney.

SB 978 by Sims and Brown, relating to cost-benefit analysis of environmental rules proposed for adoption by certain state agencies.

SB 1226 by West, Royce, et al., relating to child-care facilities.

SB 1671 by Armbrister, relating to the validation of governmental acts and proceedings by municipalities.

Respectfully,
Betty King
Secretary of the Senate

CSSB 60 - (consideration continued)

Amendment No. 29

Representative Naishtat offered the following amendment to **CSSB 60**:

Amend **CSSB 60**, in SECTION 1 of the bill, in proposed Article 4413(29ee), Revised Statutes (House committee report, page 29, lines 15-27, through page 30, lines 1-7), by striking SECTION 20 and substituting the following:

Sec. 20. CONFIDENTIALITY OF RECORDS. (a) A record of the department relating to a license holder is public information and is subject to disclosure under the open records law, Chapter 552, Government Code.

(b) The department may charge a reasonable fee to cover the costs of disclosing information contained in the record.

(c) The department may distribute to the public at no cost a list of individuals who are certified as qualified handgun instructors by the department.

Representative Wilson moved to table Amendment No. 29.

A record vote was requested.

The motion to table prevailed by (Record 262): 92 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Cook; Corte; Counts; Crabb; Craddick; Culberson; Dear; Denny; Driver; Duncan; Eiland; Elkins; Finnell; Glaze; Goodman; Goolsby; Gray; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Kamel; King; Krusee; Kubiak; Kuempel; Madden; Marchant; McCall; McCoulskey; Moffat; Mowery; Munoz; Nixon; Oakley; Park; Patterson; Pitts; Place; Rabuck; Ramsay; Raymond; Reyna; Rhodes; Rusling; Saunders; Shields; Siebert; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Turner, B.; Uher; Walker; West; Wilson; Wohlgenuth; Woolley; Yarbrough; Yost.

Nays — Alonzo; Alvarado; Bailey; Berlanga; Conley; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dukes; Dutton; Edwards;

Ehrhardt; Farrar; Giddings; Greenberg; Gutierrez; Hernandez; Hochberg; Hudson; Jones, D.; Jones, J.; Lewis, G.; Longoria; Luna; Maxey; McDonald; Moreno; Naishtat; Oliveira; Pickett; Price; Puente; Rangel; Rodriguez; Romo; Seidlits; Serna; Solis; Tillery; Torres; Turner, S.; Van de Putte; Willis; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Smithee.

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

Absent — Lewis, R.; Sadler; Williamson; Zbranek.

Amendment No. 30

Representative Park offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

(1) In SECTION 1 of the bill, in proposed Section 20, Article 4413(29ee), Revised Statutes (House committee report, page 29, lines 19-25), strike the second and third sentence.

(2) In SECTION 1 of the bill, in proposed Section 20, Article 4413(29ee), Revised Statutes, in the fourth sentence (House committee report, page 29, line 26), strike "other".

Representative Carter moved to table Amendment No. 30.

The motion to table was withdrawn.

Amendment No. 30 was withdrawn.

Amendment No. 31

Representative Giddings offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

On page 20, line 2, strike the word "second" and substitute the word "fourth"

On page 20, line 4, strike the word "second" and substitute the word "fourth"

On page 20, line 5, strike the word "second" and substitute the word "fourth"

On page 20, line 8, strike the word "two" and substitute the word "four"

Representative Wilson moved to table Amendment No. 31.

The motion to table prevailed.

(Seidlits in the chair)

Amendment No. 32

Representatives Yarbrough and Munoz offered the following amendment to **CSSB 60**:

Amend **CSSB 60**, in SECTION 1 of the bill, in proposed Article 4413(29ee), Revised Statutes (house committee printing, page 31, between lines 18 and 19), by adding the following new Section 27 and renumbering the existing sections of proposed Article 4413(29ee), Revised Statutes, accordingly:

Sec. 27. ACTIVE AND RETIRED JUDICIAL OFFICERS. (a) In this section:

(1) "Active judicial officer" means a person serving as a judge or justice of the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court.

(2) "Retired judicial officer" means:

(A) a special judge appointed under Section 26.023 or 26.024, Government Code; or

(B) a senior judge designated under Section 75.001, Government Code, or a judicial officer as designated or defined by Section 75.001, 831.001, or 836.001, Government Code.

(b) Notwithstanding any other provision of this article, the department shall issue a license under this article to an active or retired judicial officer who meets the requirements of this section.

(c) An active judicial officer is eligible for a license to carry a concealed handgun under the authority of this article. A retired judicial officer is eligible for a license to carry a concealed handgun under the authority of this article if the officer:

(1) has not been convicted of a felony;

(2) has not, in the five years preceding the date of application, been convicted of a Class A or Class B misdemeanor;

(3) is not charged with the commission of a Class A or Class B misdemeanor or of a felony under an information or indictment;

(4) is not a chemically dependent person; and

(5) is not a person of unsound mind.

(d) An applicant for a license who is an active or retired judicial officer must submit to the department:

(1) a completed application on a form prescribed by the department;

(2) two recent color passport photographs of the applicant;

(3) a handgun proficiency certificate issued to the applicant as evidence that the applicant successfully completed the proficiency requirements of this article;

(4) a nonrefundable application and license fee set by the department in an amount reasonably designed to cover the administrative costs associated with issuance of a license to carry a concealed handgun under this article; and

(5) if the applicant is a retired judicial officer:

(A) two complete sets of legible and classifiable fingerprints of the applicant taken by a person employed by a law enforcement agency who is appropriately trained in recording fingerprints; and

(B) a form executed by the applicant that authorizes the department to make an inquiry into any noncriminal history records that are necessary to determine the applicant's eligibility for a license under this article.

(e) On receipt of all the application materials required by this section, the department shall:

(1) if the applicant is an active judicial officer, issue a license to carry a concealed handgun under the authority of this article; or

(2) if the applicant is a retired judicial officer, conduct an appropriate

background investigation to determine the applicant's eligibility for the license and, if the applicant is eligible, issue a license to carry a concealed handgun under the authority of this article.

(f) Except as otherwise provided by this subsection, an applicant for a license under this section must satisfy the handgun proficiency requirements of Section 16 of this article. The classroom instruction part of the proficiency course for an active judicial officer is not subject to a minimum hour requirement. The instruction must include instruction only on:

(1) handgun use, proficiency, and safety; and

(2) proper storage practices for handguns with an emphasis on storage practices that eliminate the possibility of accidental injury to a child.

(g) A license issued under this section expires as provided by Section 9 of this article and, except as otherwise provided by this subsection, may be renewed in accordance with Section 11 of this article. An active judicial officer is not required to attend the classroom instruction part of the continuing education proficiency course to renew a license.

Amendment No. 32 was adopted without objection.

Amendment No. 33

Representatives Eiland, Stiles, and West offered the following amendment to **CSSB 60**:

Amend **CSSB 60** in SECTION 1 of the bill, in proposed Section 27(a), (house committee report, page 31, lines 23 and 24), by striking the last sentence in Subsection (a) and substituting the following:

"The application must be made not later than the first anniversary after the date of retirement."

Amendment No. 33 was adopted without objection.

Amendment No. 34

Representatives Bailey and Chisum offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

(1) On page 33, strike the current Sec. 29 and substitute the following:

Sec. 29. CONTROLLED SUBSTANCE ABUSE TEST. (a) If the director notifies an applicant for a license to carry a concealed handgun or a license holder in writing, the director may require the applicant or license holder to take a controlled substance abuse test within 24 hours after the notice is received. If an applicant fails to submit a negative test result of the controlled substance abuse test to the director in accordance with this section, the director shall deny the application. If a license holder fails to submit a negative test result of the controlled substance abuse test to the director in accordance with this section, the director shall revoke the holder's license under Section 11 of this article.

(b) The evidence of a negative test result of a controlled substance abuse test required by this section must be from:

(1) the department's laboratory; or

(2) a laboratory accredited for drug testing by the National Institute on Drug Abuse.

(c) An applicant or license holder shall bear the cost of the controlled substance abuse test required by this section.

(d) The department shall:

(1) establish by rule a fee, which may not exceed the department's actual costs, for controlled substance abuse tests administered by the department's laboratory; and

(2) adopt other rules and develop forms necessary for the administration of this section.

(e) In this section:

(1) "Controlled substance" has the meaning assigned by Section 481.002, Health and Safety Code.

(2) "Controlled substance abuse test" means a test procedure designed to take and analyze body fluids or materials from the body for the purpose of detecting the presence of controlled substances.

(3) "Negative test result" means a test result that indicates that a controlled substance is not present in the tested sample.

(2) Renumber subsequent sections accordingly.

(3) On page 18, line 27, strike "or".

(4) On page 19, line 2, strike the period and substitute:

": or

(5) fails to submit a negative test result of a controlled substance abuse test to the director as required by Section 29 of this article, unless the license holder shows a reasonable cause for failing to submit the test."

(Ogden now present)

Amendment No. 34 was adopted without objection.

Amendment No. 35

Representative Wilson offered the following amendment to **CSSB 60**:

Amend **CSSB 60**, in SECTION 1 of the bill, in proposed Article 4413(29ee), Revised Statutes (house committee report, page 34, between lines 11 and 12), by adding the following new Section 32:

Sec. 32. REDUCTION OF FEES DUE TO INDIGENCY. (a) Notwithstanding any other provision of this article, the department shall reduce 50 percent any fee required for the issuance of an original, duplicate, modified, or renewed license under this article if the department determines that the applicant is indigent.

(b) The department shall require an applicant requesting a reduction of a fee to submit proof of indigency with the application materials.

(c) For purposes of this section, an applicant is indigent if the applicant's income is not more than 100 percent of the applicable income level established by the federal poverty guidelines.

Amendment No. 35 was adopted without objection.

Amendment No. 36

Representative Romo offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

(1) In SECTION 1 of the bill, in Section 9(a) of added Article 4413(29ee),

Revised Statutes (house committee report, page 15, line 27), strike "fourth" and substitute "second".

(2) In SECTION 1 of the bill, in Section 9(b) of added Article 4413(29ee), Revised Statutes (house committee report, page 16, line 2), strike "four" and substitute "two".

(3) Strike SECTION 6(b) of the bill and substitute the following:

(b) Notwithstanding Subsection (a), Section 9, Article 4413(29ee), Revised Statutes, as added by this Act, the Department of Public Safety by rule may adopt a system to implement staggered and evenly distributed license expiration dates over the two-year period beginning January 1, 1996. The department may not issue a license that is effective for less than one year. A license that is effective for less than two years and is renewed expires as provided by Subsection (b), Section 9, Article 4413(29ee), Revised Statutes, as added by this Act. Notwithstanding Subdivision (6), Subsection (a), Section 3, Article 4413(29ee), Revised Statutes, as added by this Act, the department by rule shall prorate the nonrefundable application and license fee for applicants who receive licenses that are effective for less than two years under this subsection.

Representative Allen moved to table Amendment No. 36.

(Speaker in the chair)

The motion to table prevailed.

(Delisi now present)

Amendment No. 37

Representative Park offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

(1) In SECTION 1 of the bill, in proposed Section 20, Article 4413(29ee), Revised Statutes (House committee report, page 29, lines 19-25), strike the second and third sentence.

(2) In SECTION 1 of the bill, in proposed Section 20, Article 4413(29ee), Revised Statutes, in the fourth sentence (House committee report, page 29, line 26), strike "other".

Representative Carter moved to table Amendment No. 37.

The motion to table prevailed.

Amendment No. 38

Representative Romo offered the following amendment to **CSSB 60**:

Amend **CSSB 60** by striking proposed Section 23 of added Article 4413(29ee), Revised Statutes (house committee report, page 30, lines 16-22), and substituting the following:

Sec. 23. FUNDS. The department shall forward fees collected under this article over and above the cost of implementing the program to the comptroller of public accounts. The comptroller shall deposit the funds collected to the credit of the crime victims compensation fund.

Amendment No. 38 was adopted without objection.

MESSAGE FROM THE SENATE

Austin, Texas, May 1, 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 590 by Brown, relating to the authority of the Department of Agriculture to sell advertisements in its publications.

SB 833 by Madla, relating to application of the sales and use tax to certain aircraft.

SB 1190 by Ellis, relating to the duty of nonprofit, tax-exempt hospitals to provide charity care.

SB 1228 by Barrientos, relating to review of public institutions of higher education by the state postsecondary review entity.

Respectfully,
Betty King
Secretary of the Senate

CSSB 60 - (consideration continued)**Amendment No. 39**

On behalf of Representative Stiles, Representative Wilson offered the following amendment to **CSSB 60**:

Amend **CSSB 60**, in SECTION 1 of the bill, in proposed Article 4413(29ee), Revised Statutes (house committee report, page 34, between lines 11 and 12), by adding the following new Section 32:

Sec. 32. REDUCTION OF FEES FOR SENIOR CITIZENS. Notwithstanding any other provision of this article, the department shall reduce by 50 percent any fee required for the issuance of an original, duplicate, or modified, license under this article if the applicant for the license is 60 years of age or older.

Amendment No. 39 was adopted without objection.

Amendment No. 40

Representative Clemons offered the following amendment to **CSSB 60**:

Amend **CSSB 60** in SECTION 1 of the bill by adding a new Section 32 to Article 4413(29ee), Revised Statutes (house committee report, page 34, between lines 11 and 12) to read as follows:

"Sec. 32. RECIPROCAL LICENSE. On application by a person who has a valid license to carry a concealed handgun issued by another state, the department may issue to the person a license under this article without requiring that the person meet eligibility requirements or pay fees otherwise imposed under this article, but only if the department determines that:

(1) the eligibility requirements imposed by the other state are at least as rigorous as the requirements imposed by this article; and

(2) the other state provides reciprocal licensing privileges to a person who holds a license issued under this article and applies for a license in the other state."

Amendment No. 40 was adopted without objection.

Amendment No. 41

Representative Oakley offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

On page 34, between lines 11 and 12 insert the following:

(1) "Sec. 32. AUTHORITY OF A PEACE OFFICER TO DISARM. A peace officer who is acting in the lawful discharge of his official duties, is authorized to disarm a license holder at any time when the peace officer reasonably believes it is necessary for the protection of the license holder, peace officer or other individuals. The peace officer shall return the handgun to the license holder before discharging the license holder from the scene when the peace officer has determined that the license holder is not a threat to the peace officer, license holder or other individuals, and providing that the license holder has not violated any provisions of this Act, or any other violation that results in the arrest of the license holder."

Amendment No. 41 was adopted without objection.

Amendment No. 42

Representatives Willis and Madden offered the following amendment to **CSSB 60**:

Amend **CSSB 60**, in SECTION 1 of the bill, in proposed Article 4413(29ee), Revised Statutes (house committee report, page 34, between lines 11 and 12), by adding the following new SECTION 32:

Sec. 32. HANDGUN PROFICIENCY REQUIREMENT FOR ACTIVE OR RETIRED MILITARY PERSONNEL. Notwithstanding any other provision of this article, the department shall waive the requirement that an applicant for an original, modified, or renewed license under this article complete the handgun proficiency course and examination under Section 16 and submit a handgun proficiency certificate to the department if the applicant:

(1) is an active or honorably discharged member of the United States armed forces or the state military forces as defined by Section 431.001, Government Code; and

(2) has served in the military for more than two years.

Amendment No. 42 was adopted without objection.

Amendment No. 43

Representative Dukes offered the following amendment to **CSSB 60**:

Amend **CSSB 60**, in SECTION 1 of the bill, in proposed Article 4413(29ee), Revised Statutes (house committee report, page 34, between lines 11 and 12), by adding the following new Section 32:

Sec. 32. LAW ENFORCEMENT LICENSE INFORMATION SYSTEM. The department and the Texas Department of Transportation shall develop an automated information system for cross-referencing a license plate or driver's license number with a license issued under this article to provide a peace officer immediate access to information that a person to whom a vehicle is registered or who is displaying a driver's license has been issued a license under this article.

Amendment No. 43 was adopted without objection.

Amendment No. 44

Representative Kamel offered the following amendment to **CSSB 60**:

Amend **CSSB 60** by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION ____ . Section 9.32, Penal Code, is amended to read as follows:

Sec. 9.32. DEADLY FORCE IN DEFENSE OF PERSON. (a) A person is justified in using deadly force against another:

(1) if he would be justified in using force against the other under Section 9.31;

(2) if a reasonable person in the actor's situation would not have retreated; and

(3) when and to the degree he reasonably believes the deadly force is immediately necessary:

(A) to protect himself against the other's use or attempted use of unlawful deadly force; or

(B) to prevent the other's imminent commission of aggravated kidnapping, murder, sexual assault, aggravated sexual assault, robbery, or aggravated robbery.

(b) The requirement imposed by Subsection (a)(2) does not apply to an actor licensed to carry a handgun under Article 4413(29ee), Revised Statutes, who uses force against a person who is at the time of the use of force committing an offense of unlawful entry in the habitation of the actor.

Amendment No. 44 was adopted without objection.

Amendment No. 45

Representative Conley offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

(1) In SECTION 2 of the bill (house committee printing, page 34, lines 12-13), strike "Subsection (b), Section 46.02, Penal Code, is amended" and substitute "Sections 46.02(b), (e), and (f), Penal Code, are amended".

(2) In SECTION 2 of the bill, after proposed Section 46.02(b), Penal Code (house committee printing, page 35, between lines 17 and 18), insert the following:

(e) Except as provided by Subsection (f), an offense under this section is a felony of the third degree [~~Class A misdemeanor~~].

(f) An offense under this section is a felony of the second [~~third~~] degree if the offense is committed on any premises licensed or issued a permit by this state for the sale of alcoholic beverages.

(3) Strike SECTION 7 of the bill and substitute the following:

SECTION 7. (a) The change in law made by Section 46.02, Penal Code, as amended by this Act, applies only to an offense committed on or after January 1, 1996. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense under Section 46.02, Penal Code, that is committed before January 1, 1996, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

Amendment No. 45 was withdrawn.

Amendment No. 46

Representative Berlanga offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

(1) In SECTION 1 of the bill, in proposed Article 4413(29ee), Revised Statutes (house committee report, page 34, between lines 11 and 12), add Sections 32-38 to read as follows:

Sec. 32. ORDERING ELECTION. (a) The commissioners court of a county shall order and hold an election in the county under this article if the commissioners court is presented with a petition for an election that meets the requirements of this article. A commissioners court may order and hold an election under this article on its own motion.

(b) After an initial election on a question is held under this article, the commissioners court of a county may not order an election under this article earlier than the fifth anniversary of the date another election on the same question was held in the county. If a petition for an election is submitted and it is not possible to order an election under this article as requested by the petition without violating this subsection, the petition has no legal effect.

Sec. 33. PETITION. (a) A petition for a legalization election must have a statement substantially as follows preceding the space reserved for signatures on each page: "This petition is to require that an election be held in (name of county) to legalize in the county the carrying of a concealed handgun under the authority of a license issued under Article 4413(29ee), Revised Statutes." A petition for a prohibitory election must have a statement substantially as follows preceding the space reserved for signatures on each page: "This petition is to require that an election be held in (name of county) to prohibit in the county the carrying of a concealed handgun under the authority of a license issued under Article 4413(29ee), Revised Statutes."

(b) A petition is valid only if it is signed by registered voters of the county in a number equal to or greater than 10 percent of the number of votes cast for governor by registered voters of the county in the most recent general election at which that office was filled.

Sec. 34. VERIFICATION OF PETITION. (a) Not later than the fifth day after the date a petition for election is received in the office of the commissioners court, the commissioners court shall submit the petition for verification to the county clerk.

(b) The county clerk shall determine whether the petition is signed by the required number of registered voters and meets the other applicable

requirements. Not later than the 30th day after the date the petition is submitted to the county clerk for verification, the county clerk shall certify in writing to the commissioners court whether the petition is valid or invalid. If the county clerk determines that the petition is invalid, the county clerk shall state all reasons for that determination.

Sec. 35. DATE OF ELECTION. If the county clerk certifies under Section 34 of this article that a petition is valid, the commissioners court shall, within five days after receiving the certification, order that an election be held in the county. The election shall be held on the first authorized uniform election date that occurs on or after the 45th day after the date of the commissioners court's order.

Sec. 36. BALLOT PROPOSITION. (a) In an election to legalize in a county the carrying of a concealed handgun under the authority of a license issued under this article, the ballot shall be prepared to permit voting for or against the proposition: "Legalizing in (name of county) the carrying of a concealed handgun under the authority of a license issued under Article 4413(29ee), Revised Statutes."

(b) In an election to prohibit in a county the carrying of a concealed handgun under the authority of a license issued under this article, the ballot shall be prepared to permit voting for or against the proposition: "Prohibiting in (name of county) the carrying of a concealed handgun under the authority of a license issued under Article 4413(29ee), Revised Statutes."

Sec. 37. EFFECT OF ELECTION. (a) In a legalization election, if a majority of the votes received on the question are in favor of legalization, the carrying of a concealed handgun under the authority of a license issued under this article is legalized throughout the county effective on the 10th day after the date the result of the election is officially declared, except that the legalization does not apply to any place where a license holder is prohibited from carrying the handgun under Chapter 46, Penal Code.

(b) In a prohibitory election, if a majority of the votes received on the question are in favor of prohibition, the carrying of a concealed handgun under the authority of a license issued under this article is prohibited throughout the county effective on the 10th day after the date the result of the election is officially declared.

(c) If a majority of the votes received on the question in a legalization election do not favor legalization, or if a majority of the votes received on the question in a prohibitory election do not favor prohibition, the election has no effect on the status under this article of the county in which the election is held.

(d) If a majority of the votes received are in favor of legalizing in the county the carrying of a concealed handgun under the authority of a license issued under this article, the commissioners court shall, not later than the 10th day after the date the result of the election is declared, notify in writing the Department of Public Safety, and the attorney general of the date and result of the election.

Sec. 38. NOTICE OF LOCAL OPTION STATUS. If a majority of the votes received are in favor of legalizing in the county the carrying of a concealed handgun under the authority of a license issued under this article, the commissioners court shall, not later than the 45th day after the date the result

of the election is declared, post notice at appropriate highway locations at the county boundaries to notify persons entering the county of the county's local option status.

(2) Strike SECTION 2 of the bill (house committee report, page 34, lines 12-27, and page 35, lines 1-17), and substitute the following:

SECTION 2. Section 46.02, Penal Code, is amended by adding Subsection (g) to read as follows:

(g) It is a defense to prosecution under this section for the offense of carrying a handgun that the actor's conduct was authorized under Article 4413(29ee), Revised Statutes, by an election held in the county in which the offense occurred. It is an affirmative defense to prosecution under this section that the actor, at the time of the commission of the offense, reasonably believed that the actor's conduct was authorized under Article 4413(29ee), Revised Statutes, in the county in which the offense occurred.

(3) In SECTION 4 of the bill, in proposed Section 46.035, Penal Code (house committee report, page 38, between lines 10 and 11), add the following:

(i) It is an exception to the application of this section that the offense was committed in a county in which the carrying of a concealed handgun under the authority of a license issued under Article 4413(29ee), Revised Statutes, has not been authorized by an election in the county.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today because of a meeting of the conference committee on HB 1:

Delisi on motion of B. Hunter.

Ogden on motion of B. Hunter.

CSSB 60 - (consideration continued)

Representative Wilson moved to table Amendment No. 46.

A record vote was requested.

The motion to table prevailed by (Record 263): 85 Yeas, 58 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Cook; Corte; Counts; Crabb; Craddock; Dear; Denny; Driver; Duncan; Eiland; Elkins; Finnell; Goodman; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Kamel; King; Krusee; Kuempel; Lewis, R.; Madden; McCoulskey; Moffat; Mowery; Munoz; Nixon; Oakley; Park; Patterson; Pitts; Place; Rabuck; Ramsay; Reyna; Rhodes; Rusling; Saunders; Shields; Siebert; Solomons; Staples; Stiles; Swinford; Talton; Telford; Turner, B.; Uher; Walker; West; Williamson; Wilson; Wohlgemuth; Woolley; Yarbrough; Yost; Zbranek.

Nays — Alonzo; Alvarado; Berlanga; Conley; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dukes; Dutton; Edwards; Ehrhardt; Farrar; Giddings; Glaze; Goolsby; Gray; Greenberg; Gutierrez; Hernandez; Hill; Hirschi; Hochberg; Hudson; Jones, D.; Jones, J.; Kubiak;

Lewis, G.; Longoria; Luna; Marchant; Maxey; McCall; McDonald; Moreno; Naishtat; Oliveira; Pickett; Price; Puente; Rangel; Raymond; Rodriguez; Romo; Sadler; Seidlits; Serna; Solis; Thompson; Tillery; Torres; Turner, S.; Van de Putte; Willis; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Smithee.

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

MESSAGE FROM THE SENATE

Austin, Texas, May 1, 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 913 by Lucio, relating to retaliation against a resident of a nursing home or related institution for reports of abuse of neglect.

SB 1044 by Brown, relating to elevator inspections; providing penalties.

SB 1136 by Haywood, relating to the calculation of the tax rate of a taxing unit imposing an additional sales and use tax and to taxpayer information on the effect of the additional sales and use tax.

SB 1317 by Armbrister, relating to the regulation and promotion of aquaculture; providing a penalty.

SB 1544 by Henderson, relating to amending certain provisions of the Insurance Code, including those relating to authorized investments of insurers.

Respectfully,
Betty King
Secretary of the Senate

CSSB 60 - (consideration continued)

Amendment No. 47

Representative Greenberg offered the following amendment to **CSSB 60**:

Amend **CSSB 60** by adding new SECTIONS 6-9 to read as follows and renumbering existing SECTIONS 6-8 of the bill as new SECTIONS 10-12:

SECTION 6. REFERENDUM ON LICENSES TO CARRY HANDGUNS. At a general election to be held on November 7, 1995, the voters shall be permitted to vote in a referendum to express their opinion on whether the Department of Public Safety should issue licenses to citizens to carry handguns.

SECTION 7. BALLOT PROPOSITION. The ballot shall be printed to permit voting for or against the proposition: "Authorizing the Department of Public Safety to license qualified citizens to carry handguns for self-protection."

SECTION 8. FORM OF BALLOT. The proposition shall be printed on

the ballot beneath any proposed constitutional amendments under the heading: "Referendum Proposition." Beneath the heading shall be printed the following: "This referendum is an expression of public opinion only and has no binding effect as law."

SECTION 9. ELECTION PROCEDURE. (a) Notice of the election shall be given by inclusion of the proposition in the proclamation by the governor ordering the election on the proposed amendments to the state constitution, if any, and in the notice of that election given by each county judge. If proposed amendments to the state constitution are not to be voted on in conjunction with the referendum, notice of the election shall be given and the election shall be held in the manner applicable to a constitutional amendment election.

(b) Returns of the votes cast on the proposition shall be made and canvassed in the same manner as the returns on proposed constitutional amendments.

(c) Immediately after the results of the election are certified by the governor, the secretary of state shall transmit a copy of the certification to the lieutenant governor and the speaker of the house of representatives.

Representative Wilson moved to table Amendment No. 47.

A record vote was requested.

The vote of the house was taken on the motion to table Amendment No. 47 and the vote was announced yeas 71, nays 70.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 264): 70 Yeas, 70 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Black; Carona; Carter; Chisum; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; De La Garza; Dear; Denny; Driver; Duncan; Eiland; Elkins; Finnell; Goodman; Grusendorf; Hamric; Harris; Hawley; Heflin; Hilderbran; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Kamel; King; Krusee; Kuempel; Madden; Moffat; Mowery; Munoz; Nixon; Park; Pitts; Place; Rabuck; Ramsay; Reyna; Rusling; Saunders; Shields; Siebert; Solomons; Staples; Swinford; Talton; Telford; Turner, B.; Walker; West; Wilson; Wohlgemuth; Woolley; Yarbrough; Yost; Zbranek.

Nays — Alonzo; Alvarado; Berlanga; Bosse; Brady; Brimer; Clemons; Combs; Conley; Cuellar, R.; Culberson; Danburg; Davila; Davis; Dukes; Dutton; Edwards; Ehrhardt; Farrar; Giddings; Glaze; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hartnett; Hernandez; Hightower; Hilbert; Hill; Hirschi; Hochberg; Hudson; Jones, D.; Jones, J.; Kubiak; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Maxey; McDonald; Moreno; Naishtat; Oakley; Oliveira; Patterson; Pickett; Price; Puente; Rangel; Raymond; Rhodes; Rodriguez; Romo; Sadler; Seidlits; Serna; Solis; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Williamson; Willis; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Smithee.

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

Absent — McCall; McCoulskey; Stiles.

The speaker stated that the motion to table Amendment No. 47 was lost by the above vote.

(Coleman, Ogden, Gallego, Junell, and Delisi now present)

LEAVES OF ABSENCE GRANTED

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

Stiles on motion of Hightower.

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

McCoulskey on motion of West.

CSSB 60 - (consideration continued)

A record vote was requested.

Amendment No. 47 was adopted by (Record 265): 74 Yeas, 70 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Berlanga; Bosse; Brimer; Clemons; Coleman; Combs; Conley; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dukes; Dutton; Edwards; Ehrhardt; Farrar; Gallego; Giddings; Glaze; Goolsby; Gray; Greenberg; Gutierrez; Hartnett; Hernandez; Hightower; Hilbert; Hill; Hirschi; Hochberg; Hudson; Johnson; Jones, D.; Jones, J.; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Maxey; McCall; McDonald; Moreno; Munoz; Naishtat; Oakley; Oliveira; Patterson; Pickett; Price; Puente; Rangel; Raymond; Rhodes; Rodriguez; Romo; Sadler; Seidlits; Serna; Solis; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Williamson; Willis; Wolens.

Nays — Alexander; Allen; Averitt; Black; Carona; Carter; Chisum; Cook; Corte; Counts; Crabb; Craddick; Dear; Delisi; Denny; Driver; Duncan; Eiland; Elkins; Finnell; Goodman; Grusendorf; Haggerty; Hamric; Harris; Hawley; Heflin; Hilderbran; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Madden; Moffat; Mowery; Nixon; Ogden; Park; Pitts; Place; Rabuck; Ramsay; Reyna; Rusling; Saunders; Shields; Siebert; Solomons; Staples; Swinford; Talton; Telford; Turner, B.; Walker; West; Wilson; Wohlgemuth; Woolley; Yarbrough; Yost; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — McCoulskey; Smithee; Stiles.

Absent — Bailey; Brady.

STATEMENT OF VOTE

I was shown voting no on Record No. 265. I intended to vote yes.

Haggerty

REASON FOR VOTE

I voted for the non-binding referendum because it did not have a substantive impact on the bill and because a substantial portion of my constituency favored the referendum. Further, the referendum should not result in additional cost because an election ballot will be prepared in November regardless of whether or not this referendum is on the ballot.

Gallego

Amendment No. 48

Representative Wilson offered the following amendment to **CSSB 60**:

Amend **CSSB 60** in SECTION 4 of the bill, in proposed Section 46.034(a), Penal Code, (house committee report, page 35, line 27), by inserting "knowingly" between "person" and "provides".

Amendment No. 48 was adopted without objection.

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 B. Hunter.

Ogden on motion of B. Hunter.

Delisi on motion of B. Hunter.

Coleman on motion of B. Hunter.

Gallego on motion of B. Hunter.

CSSB 60 - (consideration continued)

Amendment No. 49

Representatives Park and Moffat offered the following amendment to **CSSB 60**:

Amend **CSSB 60**, in SECTION 1 of the bill, in proposed Section 20, Article 4413(29ee), Revised Statutes, between the third and fourth sentence (house committee report, page 29, line 25), by inserting the following new sentence:

The department shall notify a license holder of any request that is made for information relating to the license holder under this section and provide the name of the person or agency making the request.

Amendment No. 49 was adopted without objection.

Amendment No. 50

Representative Hilbert offered the following amendment to **CSSB 60**:

Amend **CSSB 60** by adding the following new SECTIONS to the bill, appropriately numbered, and renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Chapter 46, Penal Code, is amended by adding Section 46.11 to read as follows:

Sec. 46.11. PENALTY IF OFFENSE COMMITTED WITHIN WEAPON-FREE ZONE. (a) Except as provided by Subsection (b), the punishment prescribed for an offense under this chapter is increased to the punishment prescribed for the next highest category of offense if it is shown on trial of the offense that the offense was committed:

(1) on the premises of a primary or secondary school subject to or eligible for accreditation by the Central Education Agency; and

(2) by a person who was carrying a concealed handgun under the authority of a license issued under Article 4413(29ee), Revised Statutes.

(b) This section does not apply to an offense under Section 46.03(a)(1).

SECTION _____. (a) The change in law made by Section 46.11, Penal Code, as added by this Act, applies only to punishment for an offense committed on or after September 1, 1995. For purposes of this section, an offense is committed before September 1, 1995, if any element of the offense occurs before that date.

(b) Punishment under Section 46.11, Penal Code, for an offense committed before September 1, 1995, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

Amendment No. 50 was adopted without objection.

Amendment No. 51

Representative Edwards offered the following amendment to **CSSB 60**:

Amend **CSSB 60**, in SECTION 1 of the bill, in proposed Article 4413(29ee), Revised Statutes (house committee report, page 34, between lines 11 and 12), by adding the following new Section 32:

"Sec. 32. PUBLICATION OF LICENSING LAW. (a) Between January 1, 1996, and January 1, 1997, the department shall publish notice of the existence of this article and the eligibility requirements for obtaining a handgun license under this article at least once a month in each daily and weekly newspaper with a circulation of at least 5,000 copies per week.

(b) This section expires January 31, 1997."

Amendment No. 51 was adopted without objection.

Amendment No. 52

Representative Berlanga offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

(1) In SECTION 6 of the bill (house committee printing, page 38, line 18), between the period and "(a)", insert the following:

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

(b) Sections 1-5 of this Act take effect January 1, 1996, but only if the voters approve the issuance by the state of licenses to carry concealed handguns

as provided by this section. If the voters do not approve the issuance by the state of licenses to carry concealed handguns as provided by this section, Sections 1-5 of this Act have no effect.

(c) At a general election to be held on November 7, 1995, the voters shall be permitted to vote in a referendum on the question of whether the state should issue licenses to carry concealed handguns.

(d) The ballot shall be printed to provide for voting for or against the proposition: "Authorizing the issuance by the state of licenses to carry concealed handguns."

(e) The proposition shall be printed on the ballot beneath any proposed constitutional amendments under the heading: "Referendum Proposition."

(f) Notice of the election shall be given by inclusion of the proposition in the proclamation by the governor ordering the election on the proposed amendments to the state constitution, if any, and in the notice of that election given by each county judge. If proposed amendments to the state constitution are not to be voted on in conjunction with the referendum, notice of the election shall be given and the election shall be held in the manner applicable to a constitutional amendment election.

(g) The secretary of state shall prepare a brief explanatory statement of the nature of the referendum proposition and submit the statement to the attorney general for approval. The secretary of state shall publish the approved explanatory statement, together with the date of the election and the wording of the ballot proposition as provided by Subsection (d) of this section, twice in each newspaper in this state that meets the requirements prescribed by law for the publication of official notices of officers and departments of the state government. The first notice must be published not more than 60 days nor less than 50 days before November 7, 1995, and the second notice must be published on the same day in the succeeding week. Subchapter B, Chapter 274, Election Code, applies to the publication of the notice required by this subsection.

(h) Returns of the votes cast on the proposition shall be made and canvassed in the same manner as the returns on proposed constitutional amendments.

(i) Immediately after the results of the election are certified by the governor, the secretary of state shall transmit a copy of the certification to the lieutenant governor and the speaker of the house of representatives.

(2) In SECTION 6 of the bill (house committee printing, page 38, lines 18-19), strike "(a) This Act takes effect September 1, 1995, except that" and substitute the following:

"(j) If the voters approve the issuance by the state of licenses to carry concealed handguns as provided by this section and Sections 1-5 of this Act take effect,".

(3) In SECTIONS 6 and 7 of the bill (house committee printing, page 38, lines 18-27, and page 39, lines 1-14), strike any reference to "January" and substitute "April".

(4) In SECTION 6 of the bill (house committee printing, page 38, line 25), strike "(b)" and substitute "(k)".

Representative Wilson moved to table Amendment No. 52.

A record vote was requested.

The motion to table prevailed by (Record 266): 90 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Black; Bosse; Brady; Carona; Carter; Chisum; Clemons; Combs; Cook; Corte; Counts; Crabb; Craddick; Culberson; Danburg; De La Garza; Dear; Denny; Driver; Duncan; Dutton; Eiland; Elkins; Finnell; Goodman; Goolsby; Grusendorf; Gutierrez; Hamric; Harris; Hartnett; Heflin; Hilbert; Hilderbran; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; Marchant; McCall; Moffat; Mowery; Munoz; Nixon; Oakley; Park; Patterson; Pitts; Place; Rabuck; Ramsay; Reyna; Rhodes; Rusling; Saunders; Shields; Siebert; Solomons; Staples; Swinford; Talton; Telford; Tillery; Turner, B.; Uher; Van de Putte; Walker; West; Williamson; Wilson; Wohlgenuth; Woolley; Yarbrough; Yost; Zbranek.

Nays — Alonzo; Alvarado; Berlanga; Brimer; Conley; Cuellar, H.; Cuellar, R.; Davila; Davis; Dukes; Edwards; Ehrhardt; Farrar; Giddings; Glaze; Gray; Greenberg; Haggerty; Hawley; Hernandez; Hightower; Hill; Hirschi; Hochberg; Hudson; Jones, D.; Jones, J.; Lewis, G.; Longoria; Luna; Maxey; McDonald; Moreno; Naishtat; Oliveira; Pickett; Price; Puente; Rangel; Raymond; Rodriguez; Romo; Sadler; Seidlits; Serna; Solis; Thompson; Torres; Turner, S.; Willis; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — McCoulskey; Smithee; Stiles.

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

Amendment No. 53

Representative Longoria offered the following amendment to **CSSB 60**:

Amend **CSSB 60** by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION ____ . Subchapter D, Chapter 411, Government Code, is amended by adding Section 411.047 to read as follows:

Sec. 411.047. (a) REPORTING RELATED TO CONCEALED HANDGUN INCIDENTS. The department shall maintain statistics related to responses by law enforcement agencies to incidents:

(1) in which a person licensed to carry a handgun under Article 4413(29ee), Revised Statutes, is arrested for an offense under Section 46.035, Penal Code, or discharges a handgun; and

(2) in which an investigation of alleged criminal conduct indicates that a license holder used a handgun in self-defense, in the defense of another, or in defense of property.

(b) The department by rule shall adopt procedures for local law enforcement to make reports to the department described by Subsection (a).

Amendment No. 53 was adopted without objection.

Amendment No. 54

Representative Clemons offered the following amendment to **CSSB 60**:

Amend **CSSB 60**, in SECTION 4 of the bill (house committee report, page 36, line 4 through page 38, line 10), by striking existing Section 46.035, Penal Code, and substituting a new Section 46.035 to read as follows:

Sec. 46.035. UNLAWFUL CARRYING OF HANDGUN BY LICENSE HOLDER. (a) A license holder commits an offense if the license holder carries a handgun on or about the license holder's person under the authority of Article 4413(29ee), Revised Statutes, and intentionally fails to conceal the handgun.

(b) A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Article 4413(29ee), Revised Statutes, regardless of whether the handgun is concealed, on or about the license holder's person on the premises of a location at which the carrying of a concealed handgun is prohibited by federal law, as the federal law exists on January 1, 1995.

(c) A license holder commits an offense if, while intoxicated, the license holder carries a handgun under the authority of Article 4413(29ee), Revised Statutes, regardless of whether the handgun is concealed.

(d) A license holder who is licensed as a security officer under the Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes) and employed as a security officer commits an offense if, while in the course and scope of the security officer's employment, the security officer violates a provision of Article 4413(29ee), Revised Statutes.

(e) In this section, "license holder" means a person licensed to carry a handgun under Article 4413(29ee), Revised Statutes.

(f) An offense under this section is a Class A misdemeanor.

(g) It is a defense to prosecution under Subsection (a) that the actor, at the time of the commission of the offense, displayed the handgun under circumstances in which the actor would have been justified in the use of deadly force under Chapter 9.

Amendment No. 55

Representative Bailey offered the following amendment to Amendment No. 54:

Amend the Clemons Amendment No. 54 to **CSSB 60** immediately after added Section 46.035(g) by adding the following:

(h) A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun on or about the license holder's person under the authority of Article 4413(29ee), Revised Statutes, regardless of whether the handgun is concealed, on the premises of a business that has been issued a license or permit by the state for the sale and on-premises consumption of alcoholic beverages.

Amendment No. 56

Representative Davila offered the following substitute amendment for Amendment No. 55:

Substitute the following for the Bailey Amendment No. 55 to the Clemons Amendment No. 54 to **CSSB 60**:

Immediately after added Section 46.035(g), add the following:

(h) A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun on or about the the license holder's person under the authority of Article 4413(29ee), Revised Statutes, regardless of whether the handgun is concealed, on the premises of a business that has been issued a license or permit by the state for the sale and on-premises consumption of alcoholic beverages. In this subsection, "premises" means a building or a portion of a building and any parking lot, parking garage, or other parking are that is used by the business.

Amendment No. 56 was adopted without objection.

Representative Clemons moved to table Amendment No. 55, as substituted.

A record vote was requested.

The motion to table prevailed by (Record 267): 81 Yeas, 59 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Black; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; De La Garza; Dear; Denny; Driver; Duncan; Eiland; Elkins; Goodman; Grusendorf; Gutierrez; Haggerty; Hamric; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Kamel; King; Krusee; Kuempel; Lewis, R.; Madden; Marchant; Moffat; Mowery; Munoz; Nixon; Oakley; Park; Patterson; Pitts; Rabuck; Ramsay; Reyna; Rhodes; Rusling; Saunders; Shields; Siebert; Solomons; Staples; Swinford; Talton; Thompson; Turner, B.; Uher; Walker; West; Williamson; Wilson; Wohlgemuth; Woolley; Yarbrough; Yost; Zbranek.

Nays — Alonzo; Alvarado; Averitt; Bailey; Berlanga; Bosse; Conley; Culberson; Danburg; Davila; Davis; Dukes; Dutton; Edwards; Ehrhardt; Farrar; Finnell; Giddings; Glaze; Goolsby; Gray; Greenberg; Harris; Hartnett; Hernandez; Hill; Hirschi; Hochberg; Hudson; Jones, D.; Jones, J.; Kubiak; Lewis, G.; Longoria; Luna; Maxey; McCall; McDonald; Moreno; Naishtat; Oliveira; Pickett; Place; Price; Puente; Rangel; Raymond; Rodriguez; Romo; Sadler; Seidlits; Serna; Solis; Telford; Tillery; Torres; Turner, S.; Van de Putte; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — McCoulskey; Smithee; Stiles.

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

Absent — Willis.

Amendment No. 57

Representative Brimer offered the following amendment to Amendment No. 54:

Amend the Clemons Amendment No. 54 to **CSSB 60** immediately after added Section 46.035(g) by adding the following:

(h) A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun on or about the license holder's person under the authority of Article 4413 (29ee), Revised Statutes, regardless of whether the handgun is concealed, on the premises of an amusement park. In this subsection, "amusement park" means a permanent indoor or outdoor facility or park where amusement rides are available for use by the public that is located in a county with a population of more than 1,000,000 encompassing at least 75 acres in surface area, enclosed with access only through controlled entries, open for operation more than 120 days in each calendar year and having security guards on the premises at all times. The term does not include any public or private driveway, street, sidewalk, or walkway, parking lot, parking garage, or other parking area.

Amendment No. 57 was adopted without objection.

Amendment No. 58

Representatives Hightower and Edwards offered the following amendment to Amendment No. 54:

Amend the Clemons Amendment No. 54 to **CSSB 60** immediately after added Section 46.035(g) by adding the following:

(h) A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun on or about the license holder's person under the authority of Article 4413(29ee), Revised Statutes, regardless of whether the handgun is concealed, on the premises of a church, synagogue, or other established or temporary place of religious worship.

Amendment No. 58 was adopted without objection.

Amendment No. 59

Representative Serna offered the following amendment to Amendment No. 54:

Amend the Clemons Amendment No. 54 to **CSSB 60** immediately after added Section 46.035(g) by adding the following:

(h) A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun on or about the license holder's person under the authority of Article 4413(29ee), Revised Statutes, regardless of whether the handgun is concealed, on the premises of a nursing home licensed under Chapter 242, Health and Safety Code, or on the premises of a senior citizen nutrition center operated by a county or municipality.

Representative Clemons moved to table Amendment No. 59.

The motion to table prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Harris moved to suspend all necessary rules to allow the Committee on Calendars to meet while the house is in session.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, at this time, speakers committee room.

CSSB 60 - (consideration continued)**Amendment No. 60**

Representative Swinford offered the following amendment to Amendment No. 54:

Amend the Clemons Amendment No. 54 to **CSSB 60** immediately after added Section 46.035(g) by adding the following:

(h) A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun on or about the license holder's person under the authority of Article 4413(29ee), Revised Statutes, regardless of whether the handgun is concealed, on the premises of a correctional facility, law enforcement office, or any place where suspects are booked or held.

Amendment No. 60 was withdrawn.

Amendment No. 61

Representative Giddings offered the following amendment to Amendment No. 54:

Amend the Clemons Amendment No. 54 to **CSSB 60** immediately after added Section 46.035(g) by adding the following:

(h) A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun on or about the license holder's person under the authority of Article 4413(29ee), Revised Statutes, regardless of whether the handgun is concealed, on the premises of any federal, state, or local government entity or at any meeting of a governmental entity.

Representative Clemons moved to table Amendment No. 61.

The motion to table prevailed.

Amendment No. 62

Representative Dutton offered the following amendment to Amendment No. 54:

Amend the Clemons Amendment No. 54 to **CSSB 60** immediately after added Section 46.035(g) by adding the following:

(h) A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun on or about the license holder's person under the authority of Article 4413(29ee), Revised Statutes, regardless of whether the handgun is concealed, on a bus operated by a metropolitan transit authority.

Representative Clemons moved to table Amendment No. 62.

The motion to table prevailed.

Amendment No. 54, as amended, failed of adoption.

Amendment No. 63

Representative Brimer offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

1. On Page 37, line 4, add a new paragraph (4) to read as follows, and renumber subsequent paragraphs appropriately:

"(4) in an amusement park;"

2. On Page 38, line 3, in section (f), add a new subsection (3) to read as follows:

"(3) "Amusement park" means a permanent indoor or outdoor facility or park where amusement rides are available for use by the public that is located in a county with a population of more than 1,000,000, encompassing at least 75 acres in surface area, enclosed with access only through controlled entries, open for operation more than 120 days in each calendar year, and having security guards on the premises at all times. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

Amendment No. 63 was adopted without objection.

Amendment No. 64

Representatives Hightower and Edwards offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

(1) In SECTION 4 of the bill, in proposed Section 46.035(b)(4), Penal Code (House committee report, page 37, line 4), following the semicolon, strike "or".

(2) In SECTION 4 of the bill, in proposed Section 46.035(b)(5), Penal Code (House committee report, page 37, line 7), between "administration" and the period, insert the following: "; or

(6) on the premises of a church, synagogue, or other established or temporary place of religious worship".

Amendment No. 64 was adopted without objection.

Amendment No. 65

Representative Swinford offered the following amendment to **CSSB 60**:

Amend **CSSB 60** in SECTION 4 of the bill, in proposed Section 46.035, Penal Code, (page 37, line 4), between "facility" and the semicolon by inserting "law enforcement office, or any other place where suspects are booked or held".

Amendment No. 65 was adopted without objection.

Amendment No. 66

Representative Serna offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

(1) In SECTION 4 of the bill, in proposed Section 46.035, Penal Code, after the semicolon at the end of Subsection (b)(4) (house committee printing, page 37, line 4), strike "or".

(2) In SECTION 4 of the bill, in proposed Section 46.035, Penal Code, between "administration" and the period at the end of Subsection (b)(5) (house committee printing, page 37, line 7), insert the following:

:or

(6) on the premises of a place that offers social and medical services to senior citizens and disabled persons

Amendment No. 66 was withdrawn.

Amendment No. 67

Representative Giddings offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

On page 37, line 11, after the word "concealed." and before the word "at", add the words "on the premises of any federal, state or local government entity or"

Representative Allen moved to table Amendment No. 67.

The motion to table was withdrawn.

Amendment No. 67 was withdrawn.

Amendment No. 68

Representative Giddings offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

On page 37, line 11, after the word "concealed." and before the word "at", add the words "on the premises of any federal, state or local government building or"

Representative Allen moved to table Amendment No. 68.

The motion to table prevailed.

Amendment No. 69

Representative R. Cuellar offered the following amendment to **CSSB 60**:

Amend **CSSB 60**, in SECTION 4 of the bill, in proposed Section 46.035, Penal Code, as follows:

(1) Strike proposed Subsection (c) and by renumber the existing subsections of Section 46.035 accordingly.

(2) In proposed Subsection (g), strike "(c).".

Representative Wilson moved to table Amendment No. 69.

The motion to table prevailed.

Amendment No. 70

Representative Wolens offered the following amendment to **CSSB 60**:

Amend **CSSB 60** as follows:

(1) In SECTION 1 of the bill, in Section 30(a) of proposed Article 4413(29ee), Revised Statutes (house committee printing, page 34, line 2), strike "Subsection (b)" and substitute "Subsection (c)".

(2) In SECTION 1 of the bill, in Section 30 of proposed Article 4413(29ee), Revised Statutes (house committee printing, page 34, between lines 2 and 3), add a new Subsection (b) to read as follows and redesignate the existing Subsection (b) as Subsection (c):

(b) A hospital licensed under Chapter 241, Health and Safety Code, or a nursing home licensed under Chapter 242, Health and Safety Code, shall prominently display at each entrance to the hospital or nursing home, as appropriate, a sign that complies with the requirements of Subsection (c) of this section.

(3) In SECTION 4 of the bill, in proposed Section 46.035, Penal Code, after the semicolon at the end of Subsection (b)(4) (house committee printing, page 37, line 4), strike "or".

(4) In SECTION 4 of the bill, in proposed Section 46.035, Penal Code, at the end of Subsection (b)(5) (house committee printing, page 37, line 7), between "administration" and the period insert the following:

; or

(6) on the premises of a nursing home licensed under Chapter 242, Health and Safety Code, unless the license holder has written authorization of the nursing home administration

Amendment No. 70 was adopted without objection.

A record vote was requested.

CSSB 60, as amended, was passed to third reading by (Record 268): 98 Yeas, 40 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Black; Bosse; Brimer; Carona; Carter; Chisum; Clemons; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Culberson; De La Garza; Dear; Denny; Driver; Duncan; Eiland; Elkins; Finnell; Glaze; Goodman; Goolsby; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzhauser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; Marchant; McCall; Moffat; Mowery; Munoz; Nixon; Oakley; Park; Patterson; Pitts; Place; Rabuck; Ramsay; Raymond; Reyna; Rhodes; Rodriguez; Saunders; Seidlits; Shields; Siebert; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Turner, B.; Uher; Van de Putte; Walker; West; Williamson; Wilson; Wohlgemuth; Woolley; Yarbrough; Yost; Zbrank.

Nays — Alonzo; Alvarado; Berlanga; Brady; Conley; Cuellar, R.; Danburg; Davila; Davis; Dukes; Dutton; Ehrhardt; Farrar; Giddings; Gray; Greenberg; Hernandez; Hochberg; Hudson; Jones, D.; Jones, J.; Lewis, G.; Longoria; Luna; Maxey; Moreno; Naishtat; Oliveira; Pickett; Price; Puente; Rangel; Romo; Sadler; Serna; Solis; Torres; Turner, S.; Willis; Wolens.

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

Absent, Excused — McCoulskey; Smithee; Stiles.

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

Absent — McDonald; Rusling.

**STATEMENT BY REPRESENTATIVES JUNELL, OGDEN,
DELISI, AND GALLEGO**

As a member of the conference committee on **HB 1** (Appropriations Act) I was in the conference committee meeting with the senate conferees with permission of the house when the final vote on **SB 60** came up. Had I been there I would have voted "in favor" of **SB 60**.

Junell
Ogden
Gallego
Delisi

HCR 189 - ADOPTED

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HCR 189**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Laney and Craddick,

HCR 189, Paying tribute to the life of Harold B. Welch.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Craddick, the names of all the members of the house were added to **HCR 189** as signers thereof.

REGULAR ORDER OF BUSINESS SUSPENDED

By unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

HOUSE BILLS ON FIRST READING

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

By Price,

HB 3232, A bill to be entitled An Act relating to the election of commissioners of the Port of Beaumont Navigation District of Jefferson County.
To Committee on Natural Resources.

By Danburg and Woolley,

HB 3233, A bill to be entitled An Act relating to the creation, administration, powers, and duties of the Upper Kirby Management District; granting the authority to issue bonds; authorizing a tax.
To Committee on State Affairs.

SENATE BILL ON FIRST READING

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

SB 21 to Committee on Land and Resource Management.

RULES SUSPENDED

Representative Saunders moved to suspend the 5-day posting rule to allow the Committee on Land and Resource Management to consider **HB 2489**, **SB 21**, **SB 390**, and **SB 595**.

The motion prevailed without objection.

Representative Oliveira moved to suspend the 5-day posting rule to allow the Committee on Economic Development to consider all bills posted for 2 p.m. this afternoon.

The motion prevailed without objection.

Representative Seidlits moved to suspend the 5-day posting rule to allow the Committee on State Affairs to consider **HB 3204**, **HCR 168**, and **HJR 132**.

The motion was withdrawn.

Representative Seidlits moved to suspend the 5-day posting rule to allow the Committee on State Affairs to consider **HB 3204** and **HCR 168**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Urban Affairs, on adjournment today,

Local and Consent Calendars, on adjournment today, Desk 81.

Financial Institutions, on adjournment today, Desk 27.

Human Services, on adjournment today, Desk 41, to consider pending business.

Natural Resources, originally scheduled for this evening, has been cancelled.

Criminal Jurisprudence, scheduled for today, will not meet.

Energy Resources, scheduled to meet on adjournment today, has been cancelled.

Economic Development, on adjournment today.

Civil Practices, on adjournment today, Desk 32.

STATEMENTS OF VOTE

On April 28, I was shown voting no on Record No. 253 on **HB 886**. I intended to vote yes.

Alvarado

On April 28, I was shown voting yes on Record No. 254 on **HB 823**. I intended to vote no.

Hirschi

ADJOURNMENT

Representative Davila moved that the house adjourn until 10 a.m. tomorrow in memory of Manuel Porras of Houston.

The motion prevailed without objection.

The house accordingly, at 9:03 p.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

Agriculture and Livestock - **HB 2536**

Business and Industry - **HB 2656, HB 3162, SB 533**

Criminal Jurisprudence - **HB 1805**

Economic Development - **HB 377, HB 2492**

Elections - **HB 485, HJR 130**

Environmental Regulation - **SB 1125**

Financial Institutions - **HB 3079**

Insurance - **SB 490**

Judicial Affairs - **HB 2781, HB 2961, HB 3205, HB 3222**

Juvenile Justice and Family Issues - **HB 1189, HB 2569, HB 2827**

Land and Resource Management - **HB 463, HB 2481, HB 2712, HB 3040, HB 3092, HB 3193, HB 3226, SB 992**

Licensing and Administrative Procedures - **SB 489**

Natural Resources - **HB 3215**

Public Education - **SB 1**

Public Health - **HB 299, HB 1023, HB 1575, HB 1604, HB 2253, HB 2274, HB 2293, HB 2377, HB 2436, HB 2550, HB 2809, HB 3009, HB 3058, SB 513, HCR 137**

Public Safety - **HB 620**

State Affairs - **HB 668, HB 2023, HB 2356, HB 2448, HB 2449, HB 2646, HB 3199, SJR 7**

State Recreational Resources - **SB 814**

Transportation - **HB 341, SB 831, SB 832, SB 876, SB 882, SB 927, SB 1129**

Ways and Means - **HB 177, HB 627, HB 2940, HJR 68**

ENGROSSED

April 28 - **HB 32, HB 49, HB 321, HB 331, HB 344, HB 399, HB 428, HB 752, HB 771, HB 788, HB 814, HB 824, HB 865, HB 867, HB 885, HB 886, HB 1059, HB 1124, HB 1193, HB 1233, HB 1271, HB 1329, HB 1432, HB 1472, HB 1542, HB 1544, HB 1559, HB 1642, HB 1651, HB 1670, HB 1680, HB 1770, HB 1882, HB 1979, HB 1989, HB 2069,**

HB 2078, HB 2159, HB 2349, HB 2376, HB 2387, HB 2446, HB 2574, HB 2579, HB 2610, HB 2625, HB 2673, HB 2696, HB 2726, HB 2732, HB 2790, HB 2842, HB 2866, HB 2875, HB 2943, HB 3031, HB 3061, HB 3062, HB 3075, HB 3109, HB 3171, HB 3183

April 29 - **HB 283, HB 1586, HB 2687, HB 2731**

ENROLLED

April 26 - **HB 889**

April 28 - **HB 1475**

April 30 - **HB 320, HB 750, HB 751, HB 840, HB 1529, HCR 87, HCR 179**

SENT TO THE GOVERNOR

May 1 - **HB 320, HB 750, HB 751, HB 840, HB 1475, HB 1529, HCR 87, HCR 179**

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