

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-EIGHTH DAY — MONDAY, MAY 8, 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 335).

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

The invocation was offered by Reverend Lamon L. Atkins, Sr., minister, Progressive New Hope Baptist Church, Houston, as follows:

Eternal God, Creator of the heavens and earth: as we assemble this blessed day in the Texas State Capitol, we humbly beseech your holy presence and your divine guidance. We thank you for another opportunity to come boldly unto your throne of grace and make our petitions known unto thee.

Although you are fully aware of our desires as well as our motives, in obedience to your holy word, we come reverently asking, seeking, and knocking with intense hope that you will accept our coming and grant our petitions.

I, your humble servant, give praise and thanks to you for this blessed privilege to stand before this elected state body of law makers and implore your choice blessings. Bless now Governor Bush and his cabinet; our senators and representatives; and all other persons involved in the development and implementation of the critical issues affecting this great state, Texas. Guide the thoughts and actions of each individual and interest group that will be involved in these sessions. I pray that the laws enacted by this body benefit our entire state. As a result of this state being a part of the Union, may all decisions have a positive impact upon the United States of America as a whole.

We pray for your protection and peace upon each city within our state, and each state within this nation. Forever keep us mindful of your supremacy. In the blessed name of our Lord and Redeemer, we pray. Amen.

CAPITOL PHYSICIAN

Speaker Laney presented Dr. Ben Garza of Edinburg as the "Doctor for the Day."

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

HR 837 - ADOPTED

Representative B. Turner moved to suspend all necessary rules to take up and consider at this time **HR 837**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By B. Turner,

HR 837, Honoring Lucile and John Bohannon on their 65th wedding anniversary.

The resolution was adopted without objection.

SIGNED BY THE SPEAKER

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

SB 360

HR 532

HR 532, Honoring the Friendswood High School academic decathlon team, having been previously adopted, was read.

LEAVE OF ABSENCE GRANTED

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

Davila on motion of Rangel.

RESOLUTIONS REFERRED TO COMMITTEES

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

By Ramsay,

HCR 197, Recognizing May 11, 1995, as Wood County Day at the Capitol.

To Committee on Rules and Resolutions.

By Mowery,

HR 812, In memory of Fort Worth police officer Alan Chick.

To Committee on Rules and Resolutions.

By Davis,

HR 813, Honoring the DeSoto West Junior High School Band.

To Committee on Rules and Resolutions.

By Kubiak,

HR 814, Honoring Rob Parker.

To Committee on Rules and Resolutions.

By Counts,

HR 815, Honoring Joseph Pickle.

To Committee on Rules and Resolutions.

By Craddick,

HR 816, Honoring Homer and Theresa Lowe.

To Committee on Rules and Resolutions.

By Craddick,

HR 817, Honoring Mr. and Mrs. Robert Drummond.

To Committee on Rules and Resolutions.

By Craddick,

HR 818, Congratulating Mr. and Mrs. Donald O. Crookham on their 50th wedding anniversary.

To Committee on Rules and Resolutions.

By Craddick,

HR 819, Honoring Mr. and Mrs. George Wolf.

To Committee on Rules and Resolutions.

By Craddick,

HR 820, Honoring Mr. and Mrs. John P. Hammett.

To Committee on Rules and Resolutions.

By Wilson,

HR 821, Calling for the resignation of the chairman of the board of regents of Texas Southern University.

To Committee on Higher Education.

By Crabb,

HR 822, Honoring the Kingwood High School girls' soccer team.

To Committee on Rules and Resolutions.

By Torres,

HR 823, In memory of Manuel G. Porras.

To Committee on Rules and Resolutions.

By Zbranek,

HR 832, Honoring Bevil Lindsey on his 50th year as a teacher.

To Committee on Rules and Resolutions.

By Pitts,

HR 833, Honoring Mr. and Mrs. Lawrence A. Milner.

To Committee on Rules and Resolutions.

SENATE BILL ON FIRST READING

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

SB 1276 to Committee on State Affairs.

LEAVE OF ABSENCE GRANTED

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

Cook on motion of Goodman.

HR 705 - ADOPTED

Representative Saunders moved to suspend all necessary rules to take up and consider at this time **HR 705**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Saunders,

HR 705, Designating Elgin the Sausage Capital of Texas.

The resolution was read and was adopted without objection.

On motion of Representative Kubiak, the names of all the members of the house were added to **HR 705** as signers thereof.

HR 832 - ADOPTED

Representative Zbranek moved to suspend all necessary rules to take up and consider at this time **HR 832**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Zbranek,

HR 832, Honoring Bevil Lindsey on his 50th year as a teacher.

The resolution was adopted without objection.

SB 1150 - RECOMMITTED

Representative Driver moved to recommit **SB 1150** to the Committee on Insurance.

The motion prevailed without objection.

COMMITTEE GRANTED PERMISSION TO MEET

On motion of Representative Goodman and by unanimous consent, the conference committee on **HB 327** was granted permission to meet while the house is in session for the remainder of the session.

HR 838 - ADOPTED

Representative Price moved to suspend all necessary rules to take up and consider at this time **HR 838**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Price,

HR 838, Honoring Arthur Guidry for his many years of service on the Port Arthur City Council.

The resolution was adopted without objection.

On motion of Representative Price, the names of all the members of the house were added to **HR 838** as signers thereof.

SB 1633 ON SECOND READING
(Berlanga - House Sponsor)

The speaker laid before the house, in lieu of **CSHB 2211**, on its second reading and passage to third reading,

SB 1633, A bill to be entitled An Act relating to requiring the approval of the Texas Transportation Commission before a political subdivision or private entity may construct or finance the construction of a bridge across the Rio Grande.

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

CSHB 2211 - LAID ON THE TABLE SUBJECT TO CALL

Representative Berlanga moved to lay **CSHB 2211** on the table subject to call.

The motion prevailed without objection.

SB 626 ON SECOND READING
(Yost - House Sponsor)

The speaker laid before the house, in lieu of **CSHB 1104**, on its second reading and passage to third reading, the complete committee substitute for **SB 626**.

CSSB 626, A bill to be entitled An Act relating to certain laws governing water districts and nonprofit water or sewer service corporations; creating penalties; granting authority to issue bonds; granting the power of eminent domain.

CSSB 626 was read second time.

Amendment No. 1

Representative Hochberg offered the following amendment to **CSSB 626**:

Amend **CSSB 626** as follows:

(1) Add to Section 3 of the bill by adding Section 59.008 to read as follows:

Sec. 59.008. The district will coordinate with the Texas Department of Transportation on any TxDOT project that constructs or improves roads or other major facilities that would affect the drainage pattern in a manner that might increase the potential for or the severity of flooding. The district and the Texas Department of Transportation will cooperate under a jointly developed memorandum of agreement which may address but is not limited to:

- (1) potential impact and risk assessment;
- (2) drainage retention strategies;
- (3) drainage and erosion control design policy and procedures;
- (4) justification and economic cost savings strategies;

(5) road or road improvement project inclusion in the master drainage plan; and

(6) long term drainage planning to protect the safety and welfare of county residents and the travelling public.

Amendment No. 1 was adopted without objection.

CSSB 626, as amended, was passed to third reading.

CSHB 1104 - LAID ON THE TABLE SUBJECT TO CALL

Representative Yost moved to lay **CSHB 1104** on the table subject to call.

The motion prevailed without objection.

CSHB 2288 ON SECOND READING

The speaker laid before the house, as postponed business, on its second reading and passage to engrossment, the complete committee substitute for **HB 2288**.

CSHB 2288, A bill to be entitled An Act relating to educational programs for medical students and physicians regarding pain management and treatment.

CSHB 2288 was read second time on May 2 and was postponed until 10 a.m. today.

Representative Hirschi moved to postpone consideration of **CSHB 2288** until 10 a.m. Thursday, May 11.

The motion prevailed without objection.

CSHB 1905 ON SECOND READING

The speaker laid before the house, as postponed business, on its second reading and passage to engrossment, the complete committee substitute for **HB 1905**.

CSHB 1905, A bill to be entitled An Act relating to enforcement of a motor vehicle warranty.

CSHB 1905 was read second time on May 2, postponed until May 3, and again postponed until 10 a.m. today.

Amendment No. 1

Representative Combs offered the following amendment to **CSHB 1905**:

Amend **CSHB 1905** as follows:

(1) In SECTION 1, page 1, lines 15-16, strike "on payment of a reasonable allowance for the owner's use of the vehicle".

(2) In SECTION 1, section (d)(1), strike the language starting on page 4 at line 5, through the sentence ending on page 5 at line 3, and substitute the following language:

"For purposes of this section a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranties if (A) the same nonconformity has been subject to the repair three or more times by the manufacturer, converter, or distributor, its agent, or its authorized dealer

and within 24 months or 24,000 miles following the date of original delivery to an owner, but such nonconformity continues to exist; (B) the same nonconformity creates a serious safety hazard and has caused the vehicle to have been subject to repair two or more times by the manufacturer, converter, or distributor, or an authorized agent or dealer and within 24 months or 24,000 miles, but the nonconformity continues or exist, or (C) the vehicle is out of service for repair for a cumulative total of 30 or more days in the 24 months or 24,000 miles, whichever occurs first, following the date of original delivery to owner and a nonconformity still exists that substantially impairs the vehicle's use or market value."

(3) In SECTION 1, page 5, after line 26, add a new section (d)(5) as follows:

"Written notice to the manufacturer, converter, or distributor shall occur after a reasonable number of attempts as defined under Section (d)(1) to correct the defect, nonconformity, or condition have been made. The written notice may be sent to the manufacturer, converter, or distributor by the owner, the dealer, or the Commission. Upon receipt of the written notice, the manufacturer, converter, or distributor shall be given: (A) 21 days to cure the defect, nonconformity, or condition following three attempts to repair; (B) 10 days to cure the defect, nonconformity, or condition following the 30 day period in which the car was not available to the owner due to repairs; and (C) 7 days to cure the defect, nonconformity, or condition, following the second attempt to repair a serious safety hazard. The manufacturer's, distributor's, or converter's opportunity to cure the defect, nonconformity, or condition shall not be included in determining whether a reasonable number of attempts have been made to cure the defect, nonconformity or condition. An order to refund or to replace may not be issued by the Executive Director against the manufacturer, converter, or distributor unless the manufacturer, converter, or distributor has received the written notice required under this section and is given the opportunity to correct the defect, nonconformity, or condition as required by this section."

(4) In SECTION 1, page 5, after line 26, add a new section (d)(6) as follows:

"The Commission shall prescribe a notice informing the owner of the obligation to send written notice of the defect, nonconformity, or condition to the manufacturer, converter, or distributor. The notice shall be:

(A) on lemon yellow paper;

(B) given to the owner at the time of purchase by the seller;

(C) prominently displayed at the dealer's maintenance service desk;

and

(D) prominently displayed where payment is normally made for repair services."

(5) In SECTION 1, page 6, line 7, strike "24" and substitute "36" and on line 8, strike "24,000" and substitute "36,000".

(6) In SECTION 1, line 10, after "owner." add the following language: "If the Commission has not acted on a timely filed complaint prior to the expiration of the earlier of 36 months or 36,000 miles, the Executive Director, shall in writing sent by certified mail, inform the complainant and manufacturer,

converter, or distributor of this failure to timely meet the constraints contained herein. Further, the Executive Director shall inform the complainant of his right to file a civil action against the manufacturer, converter, or distributor. The Commission shall extend the period from the earlier of 36 months or 36,000 miles period for an additional 60 days upon receipt of a written request by complainant requesting such extension. Further, the complainant will receive an additional 2,000 miles of use to cover the 60 day extension period."

(6) In SECTION 1, page 6, strike lines 11-24.

(7) Strike SECTION 2 of the bill and renumber the subsequent sections appropriately.

Amendment No. 1 was adopted without objection.

CSHB 1905, as amended, was passed to engrossment. (Heflin recorded voting no)

HB 2593 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2593**.

CSHB 2593, A bill to be entitled An Act relating to rates for commercial windstorm and hail insurance coverage through the Texas Catastrophe Property Insurance Association.

CSHB 2593 was read second time.

Amendment No. 1

Representative Jackson offered the following amendment to **CSHB 2593**:

Amend **CSHB 2593** by inserting the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill as appropriate:

SECTION _____. Section 3(h), Texas Catastrophe Property Insurance Pool Act (Article 21.49, Insurance Code), is amended to read as follows:

(h) "Catastrophe Area" means a city or a part of a city or a county or a part of a county in which it may be determined by the commissioner [~~Board~~], after notice of not less than 10 days and a hearing, that windstorm and hail insurance is not reasonably available to a substantial number of owners of insurable property within that [~~such~~] city or a part of that city or a county or a part of that county, due to such insurable property being located within a city or a part of that city or a county or a part of that county that is subject to unusually frequent and severe damage resulting from windstorms and/or hailstorms. Such designation shall be revoked by the commissioner [~~Board~~] if the commissioner [~~it~~] determines, after notice of not less than 10 days and a hearing, that windstorm and hail insurance in such catastrophe area is no longer reasonably unavailable to a substantial number of owners of insurable property within such designated city or a part of that city or county or a part of that county. If the Association shall determine that windstorm and hail insurance is no longer reasonably unavailable to a substantial number of owners of insurable property in any designated catastrophe area or areas, then the Association may request in writing that the commissioner [~~Board~~] revoke the

designation of any or all of such catastrophe areas and, after notice of not less than 10 days and a hearing, but within 30 days of such hearing, the commissioner [Board] shall either approve or reject the Association's request and shall, if such request be approved, revoke such designation or designations.

Amendment No. 1 was adopted without objection.

CSHB 2593, as amended, was passed to engrossment.

HB 1367 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1367**.

CSHB 1367, A bill to be entitled An Act relating to certain acts of unfair discrimination in the business of insurance and certain methods, programs, and mechanisms for providing property and casualty insurance in underserved areas.

CSHB 1367 was read second time.

Representative De La Garza moved to postpone consideration of **CSHB 1367** until 2 p.m. today.

The motion prevailed without objection.

HB 1399 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1399**.

CSHB 1399, A bill to be entitled An Act relating to the continuation and functions of the Office of State-Federal Relations and to assistance for acquiring federal grants and other funds.

CSHB 1399 was read second time.

Amendment No. 1

Representative Gray offered the following amendment to **CSHB 1399**:

Amend **CSHB 1399**, on page 17, line 16, by striking "Subsection (e)" and substituting "Subsection (g)".

Amendment No. 1 was adopted without objection.

CSHB 1399, as amended, was passed to engrossment.

HB 439 ON SECOND READING

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

HB 439, A bill to be entitled An Act relating to drug-free and weapon-free zones and to the imposition of penalties for the possession, delivery, manufacture, or possession with the intent to deliver or manufacture a controlled substance in drug-free zones or on school buses and penalties for certain offenses involving weapons committed in weapon-free zones.

The bill was read second time.

Representative De La Garza moved to postpone consideration of **HB 439** until 10 a.m. Thursday, May 11.

The motion prevailed without objection.

HB 1805 ON SECOND READING

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

HB 1805, A bill to be entitled An Act relating to the procedures for determining eligibility for parole of a defendant serving a life sentence after conviction of a capital felony.

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

HB 2664 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2664**.

CSHB 2664, A bill to be entitled An Act relating to the enforcement of certain child support and medical support obligations.

CSHB 2664 was read second time.

Representative Goodman moved to postpone consideration of **CSHB 2664** until 10 a.m. Thursday, May 11.

The motion prevailed without objection.

HB 1718 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1718**.

CSHB 1718, A bill to be entitled An Act relating to the revision of the open records law.

CSHB 1718 was read second time.

Representative Bosse moved to postpone consideration of **CSHB 1718** until 2 p.m. today.

The motion prevailed without objection.

HB 2843 ON SECOND READING

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

HB 2843, A bill to be entitled An Act relating to the adoption of rules by the Texas Natural Resource Conservation Commission.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

Representative R. Lewis offered the following committee amendment to the bill:

Amend Section 2(a)(2) on page 2, line 10 to read as follows:
statement described by Section 5.103(e), Water Code as added by

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Holzheuser offered the following amendment to the bill:

Amend **HB 2843** (House Committee Report) as follows:

(1) On page 1, line 6, strike "(d) and (e)" and substitute "(d), (e), and (f)".

(2) On page 1, between lines 23 and 24, add Subsection (f) to read as follows:

"(f) The commission may not adopt any rule pertaining to a water system that serves 50 or fewer connections except to comply with federal requirements or to protect the public health."

Amendment No. 2 was adopted without objection.

HB 2843, as amended, was passed to engrossment. (Bosse and Seidlits recorded voting no)

HJR 72 ON SECOND READING

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

HJR 72, A joint resolution proposing a constitutional amendment relating to the ad valorem taxation of open-space land used for wildlife management.

The resolution was read second time.

Representative Alexander moved to postpone consideration of **HJR 72** until 2 p.m. today.

The motion prevailed without objection.

LEAVE OF ABSENCE GRANTED

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

Moreno on motion of Rangel.

HJR 82 ON SECOND READING

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

HJR 82, A joint resolution proposing a constitutional amendment granting the legislature authority to release the state's interest in land that is held by a person in good faith under color of title.

A record vote was requested.

The resolution was read second time and was adopted by (Record 336): 141 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman;

Combs; Conley; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Gallego; 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, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgenuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nay — Shields.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cook; Davila; Moreno.

Absent — Elkins; Giddings; Lewis, G.; Ogden.

MESSAGE FROM THE SENATE

Austin, Texas, May 8, 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 96 by Jones, Jesse, commending America's minority veterans of World War II for their service to their country.

HCR 97 by Jones, Jesse, congratulating Dr. James L. Sweatt III on his installation as president of the Dallas County Medical Society.

SCR 142 by Barrientos, commemorating the month of May 1995 as Older Americans' Month.

SCR 143 by Barrientos, recognizing the Austin Division of the Casey Family Program.

Local and Uncontested Bills

HCR 81 by Coleman (Sponsor-Ellis), recognizing Black History Month, February 1995, and providing for a historical volume and Capitol exhibit chronicling the contributions of 19th-century African-American legislators.

HCR 160 by Black (Sponsor-Harris, Chris), authorizing the lieutenant governor and speaker to create joint committees by mutual agreement.

HB 475 by Willis (Sponsor-Harris, Chris), relating to the right to divert state water for irrigation of certain cemeteries (committee substitute).

HB 596 by Duncan and Naishtat (Sponsor-Montford), relating to exempting sales by university and college student organizations from the state sales tax.

HB 1155 by Telford (Sponsor-Ratliff), relating to the limited authority of a peace officer from an adjoining state to transport certain criminal defendants in this state.

HB 1493 by Chisum (Sponsor-Bivins), relating to the creation, administration, powers, duties, operation, and financing of the Hemphill County Underground Water Conservation District.

HB 1743 by Glaze (Sponsor-Cain), relating to preservation of historic properties by certain municipalities.

SCR 45 by Lucio, et al., directing the board of regents of The University of Texas System to conduct a study to assess the availability and suitability of existing facilities for use in connection with the operation of health education programs.

SCR 102 by Madla, requesting the lieutenant governor and speaker to establish a special interim committee to study airport needs and financing options.

SB 225 by Zaffirini, relating to requiring law enforcement officers to receive training in documentation techniques for certain cases.

SB 376 by Ellis, relating to municipal solid waste disposal fees.

SB 378 by Moncrief, et al., relating to the licensing of graduates of foreign or nonaccredited dental schools to practice dentistry.

SB 544 by Truan, relating to lead-based paint activities in target housing; providing civil, administrative, and criminal penalties.

SB 623 by Harris, Chris, relating to enforcement by political subdivisions of the National Flood Insurance Program; providing a civil penalty.

SB 634 by Wentworth, relating to the regulation of real estate appraisers.

SB 858 by Wentworth, relating to the display of a sales tax permit or permit number by a person performing taxable landscaping services.

SB 919 by Cain, relating to reporting of stolen vehicles.

SB 935 by Madla, relating to the rate of interest on and collection fees for unpaid assessments by water control and improvement districts.

SB 1084 by Moncrief, relating to the regulation of dental laboratories.

SB 1093 by Gallegos, relating to information to be provided to the attorney general for defense of claims against certain governmental employees and departments.

SB 1133 by West, Royce, relating to the requirement of advance approval for certain international travel.

SB 1222 by Leedom, relating to the payment of interest to designated beneficiaries.

SB 1261 by Barrientos, relating to the annexation of and the provision of services to certain districts by cities and the assessment of surcharges on the dissolution of those districts.

SB 1333 by Barrientos, relating to the operations, powers, and duties of the Texas Department of Housing and Community Affairs.

SB 1336 by Moncrief, relating to the eligibility of the Texas Department on Aging to participate in certain block grant programs.

SB 1396 by Barrientos, relating to altering the annexation status of land in

certain municipal utility districts and authorizing the collection of municipal sales taxes in the districts.

SB 1397 by Barrientos, relating to the release of extraterritorial jurisdiction over a tract of land by certain municipalities and the inclusion of that tract in the extraterritorial jurisdiction of another municipality.

SB 1415 by Barrientos, relating to creation of the County Court at Law Number 4 of Travis County.

SB 1461 by Armbrister, relating to exempting officers and employees of counties, municipalities, school districts, and any other political subdivision from interest payments described in Chapter 74, Property Code.

SB 1477 by Madla, relating to the operation of Class C pharmacies within hospice in-patient facilities.

SB 1478 by Madla, relating to investigations, functions, and duties of the State Board of Examiners of Psychologists and to examinations, the provision of temporary licensure and certification, and confidentiality.

SB 1610 by Barrientos, relating to the manner in which the clerk of the municipal courts of Austin is required to file and maintain original complaints and other court papers.

SB 1645 by Barrientos and Wentworth, relating to the division of an original water control and improvement district with no outstanding indebtedness.

SB 1646 by Madla, relating to the ability of a public housing authority to sponsor a public facility corporation.

SB 1647 by Madla, relating to the governance of the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.

SB 1657 by Nelson, relating to the boundaries of the Upper Trinity Regional Water District, to weighted voting by contracting entities, and to the validation of certain actions of the district.

SB 1682 by Nelson, et al., relating to the conveyance of a possessory interest in property acquired by a public entity or state agency in connection with the superconducting super collider facility.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on the following: **SB 114** by 30 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has concurred in House amendments to the following by Viva Voce Vote: **SB 31**, **SB 32**, **SB 365**, and **SB 1196**.

I am directed by the Senate to inform the House that the Senate has refused to concur in House amendments to the following Senate Bills and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

SB 1, the following have been appointed on the part of the Senate: Senators Ratliff, Chair, Armbrister, Luna, Sibley, and Nelson.

SB 776, the following have been appointed on the part of the Senate: Senators Brown, Chair, Ratliff, Sims, Montford, and Cain.

Respectfully,
Betty King
Secretary of the Senate

HB 2771 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2771**.

CSHB 2771, A bill to be entitled An Act relating to pyramid promotional schemes; providing penalties.

CSHB 2771 was read second time.

Representative Heflin moved to postpone consideration of **CSHB 2771** until 2 p.m. today.

The motion prevailed without objection.

HB 2022 ON SECOND READING

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

HB 2022, A bill to be entitled An Act relating to the construction of laboratory and office facilities for the Texas Department of Health; granting authority to issue a bond.

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

HB 2451 ON SECOND READING

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

HB 2451, A bill to be entitled An Act relating to the regulation of alcoholic beverages and imposing a limit on the number of package store permits which may be issued in a county.

The bill was read second time.

Amendment No. 1

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

Amend **HB 2451** as follows:

1). Replace quoted subsection 22.50(b) with the following language:

(b) Except as provided in the subchapter, the maximum number of permits the commission may issue in a single county is limited as follows:

(1) in a county with a population of 100,000 or less; 10 permits;

(2) in a county with a population of greater than 100,000; one permit for each 10,000 inhabitants or fraction thereof.

2). Insert immediately after quoted Section 22.52 the following new quoted Section 22.53:

Sec. 22.53. PROVISIONS TO INSURE ADEQUATE COMPETITION. (a) Upon finding by the county commissioners of a county and by the Texas Alcoholic Beverage Commission that there is insufficient market competition in that county, additional permits may be authorized by the commission for that county, and the number of new permits so authorized shall be determined by the commission. Any new permits authorized by this subsection shall be issued by lottery in accordance with Section 22.52.

(b) A person who has an ownership interest in 20% or more of the total permits issued in a county shall not be eligible to receive a new permit in that county under Section 22.52.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Solomons offered the following amendment to the bill:

Amend **HB 2451** on page 5, line 2 by inserting "divorce." between the comma and "or".

Amendment No. 2 was adopted without objection.

HB 2451, as amended, was passed to engrossment. (Uher and Wilson recorded voting no)

HB 2187 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2187**.

CSHB 2187, A bill to be entitled An Act relating to coordination between The University of Texas at Tyler and other institutions of higher education.

CSHB 2187 was read second time.

Amendment No. 1

Representatives Kamel, J. Jones, and Glaze offered the following amendment to **CSHB 2187**:

Amend **CSHB 2187** on page 1, line 21, by adding the following at the end of Subsection (a) of proposed Section 76.07, Education Code:
With the approval of the Texas Higher Education Coordinating Board, the institution may enter into a partnership agreement with a private institution of higher education located in the same county as any campus of the institution, subject to the same provisions as provided by Subchapter N, Chapter 51, for a partnership agreement between the institution and a public junior college.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representatives Kamel and J. Jones offered the following amendment to **CSHB 2187**:

Amend **CSHB 2187** by inserting a new Section 2 to read as follows and renumbering the subsequent sections accordingly:

SECTION 2. Section 76.05, Education Code, is amended to read as follows:

Sec. 76.05. GIFTS AND GRANTS. (a) The board may accept donations, gifts, and endowments for the institution. They are to be held in trust and administered by the board according to the purposes, directions, limitations, and provisions declared in writing in the donation, gift, or endowment. The provisions of the donation, gift, or endowment shall be followed to the extent that they are not inconsistent with the laws of this state or with the objective and proper management of the institution.

(b) The board shall solicit and may accept donations, gifts, and endowments from private sources to provide equipment and other personal property for the engineering degree program, if one is established. The board shall establish an account for the deposit of money accepted under this subsection. Money in the account may be used only to provide and maintain equipment and other personal property used by the engineering degree program.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Kamel offered the following amendment to **CSHB 2187**:

Amend **CSHB 2187** on page 2, between lines 16 and 17, by inserting the following:

(e) A nonresident student who is simultaneously enrolled in the institution and another public institution of higher education under a program offered jointly by the two institutions under a partnership agreement and who pays the fees and charges required of Texas residents at one of the institutions as provided by Section 54.064 because the student holds a competitive scholarship is entitled to pay the fees and charges required of Texas residents at each public institution of higher education in which the student is simultaneously enrolled under the program.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Kamel offered the following amendment to **CSHB 2187**:

Amend **CSHB 2187** on page 2, between lines 16 and 17, by inserting the following:

(e) The institution and other parties to a partnership agreement may contract with any person to provide shuttle bus service or other transportation service for or among the campuses of the institutions that are parties to the agreement and may charge and collect a fee from students registered in courses at the campuses of two or more of the institutions in the same semester or term in an amount determined by the institutions to pay for all or part of the costs of that service.

Amendment No. 4 was adopted without objection.

CSHB 2187, as amended, was passed to engrossment.

HB 2261 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2261**.

CSHB 2261, A bill to be entitled An Act relating to the authority of political subdivisions to contract with the Department of Public Safety to assist in the enforcement of outstanding warrants of arrest for the failure to appear for certain traffic offenses, and authorizing the department to contract with a private vendor to facilitate such contracts.

CSHB 2261 was read second time.

Representative Conley moved to postpone consideration of **CSHB 2261** until 10 a.m. Wednesday, May 10.

The motion prevailed without objection.

HB 2960 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2960**.

CSHB 2960, A bill to be entitled An Act relating to the liquidation of insolvent insurers, the Commissioner of Insurance in his statutory capacity as Receiver, and the insurance guaranty associations.

CSHB 2960 was read second time and was passed to engrossment.

HB 2510 ON SECOND READING

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

HB 2510, A bill to be entitled An Act relating to regulation of certain irrigators and irrigation system installers.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Combs, Representative Wilson offered the following committee amendment to the bill:

Amend Section 1 of **HB 2510** as follows:

- (1) at page 3, line 20, by deleting the word "or" at the end of the line;
- (2) at page 3, line 24, by deleting the period (".") at the end of the line and by inserting "; or" in its place;
- (3) at page 3, between lines 24 and 25, by adding a new paragraph (10) to Section 34.002, Water Code, to read as follows:

"(10) irrigation or yard sprinkler work done by a property owner, or at his or her direction, on premises owned by the property owner if the system is not connected to a private or public water supply system."

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Combs, Representative Wilson offered the following committee amendment to the bill:

Amend Section 4 of **HB 2510** by Wilson as follows:

On page 8, lines 11-26, delete subsections (i) and (j) of Section 34.006, Water Code, in their entirety.

Amendment No. 2 was adopted without objection.

HB 2510, as amended, was passed to engrossment. (Chisum, Heflin, and Rabuck recorded voting no)

HB 2603 ON SECOND READING

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

HB 2603, A bill to be entitled An Act relating to the liability of certain volunteer fire departments.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Culberson, Representative Kubiak offered the following committee amendment to the bill:

Amend **HB 2603** as follows:

- (1) On page 2, line 4, following the semicolon, insert "and".
- (2) On page 2, line 8, strike "; and" and substitute ";".
- (3) On page 2, strike lines 9-10.

Amendment No. 1 was adopted without objection.

HB 2603, as amended, was passed to engrossment.

SB 1190 ON SECOND READING
(Maxey - House Sponsor)

The speaker laid before the house, in lieu of **HB 3009**, on its second reading and passage to third reading,

SB 1190, A bill to be entitled An Act relating to the duty of nonprofit, tax-exempt hospitals to provide charity care.

The bill was read second time.

Amendment No. 1

Representative Howard offered the following amendment to the bill:

Amend **SB 1190** in SECTION 1 of the bill, in amended Section 311.031 (2)(B), by striking all the underscored language between "or health care organizations" and the period.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Swinford offered the following amendment to the bill:

SB 1190 is amended as follows:

On page 9, lines 6-11, add the following:

(4) A nonprofit hospital that is located in a county with a population under 110,000 which has a hospital district created pursuant to Article IX, Section 5, of the Texas Constitution and Chapter 136, Acts of the 55th Legislature, Regular Session, 1957, shall not be required to comply with one or more of the standards set forth in this subsection.

Amendment No. 2 was adopted without objection.

SB 1190, as amended, was passed to third reading.

HB 3009 - LAID ON THE TABLE SUBJECT TO CALL

Representative Maxey moved to lay **HB 3009** on the table subject to call.

The motion prevailed without objection.

HB 603 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 603**.

CSHB 603, A bill to be entitled An Act relating to the issuance of a qualified domestic relations order to clarify or modify a final divorce order that provides for the division of a pension or other retirement benefits.

CSHB 603 was read second time.

Representative Gray moved to postpone consideration of **CSHB 603** until 9 a.m. Tuesday, May 9.

The motion prevailed without objection.

HB 1706 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1706**.

CSHB 1706, A bill to be entitled An Act relating to the creation and operation of industrial development corporations by certain cities.

CSHB 1706 was read second time.

Amendment No. 1

Representative Ramsay offered the following amendment to **CSHB 1706**:

Amend **CSHB 1706** by striking all below the enacting clause and substitute the following:

SECTION 1. Section 4B, Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), is amended by amending Subsection (c) and adding Subsection (o) to read as follows:

(c) The board of directors of a corporation under this section consists of seven directors who are appointed by the governing body of the eligible city for two-year terms of office. A director may be removed by the governing body of the eligible city at any time without cause. Each director must be a resident of or owner of real property located in the eligible city. Three directors shall be persons who are not employees, officers, or members of the governing body of the eligible city. A majority of the entire membership of the board is a quorum. The board shall conduct all meetings within the boundaries of the eligible city. The board shall appoint a president, a secretary, and other officers of the corporation that the governing body of the eligible city considers necessary. The corporation's registered agent must be an individual resident of the state and the corporation's registered office must be within the boundaries of the eligible city.

(o) A corporation created under this section may spend corporate revenues for promotional purposes and may contract with other existing private corporations to carry out industrial development programs consistent with the purposes and duties as set out in this Act.

SECTION 2. Notwithstanding Section 4B(i), Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), a corporation created under Section 4B of that Act for which taxes are being collected under Section

4B on the effective date of this Act may continue to collect the tax until September 1, 1997.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 2

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

Amend Amendment No. 1 by Ramsay to **CSHB 1706** by adding the following new SECTION 2 and renumbering subsequent SECTIONS accordingly.

SECTION 2. INDUSTRIAL DEVELOPMENT SALES TAX ELECTION. All actions and procedures of a municipality in calling an industrial sales tax election on December 6, 1994 under authority of Section 4B of Article 5190.6, Vernon's Texas Civil Statutes, declaring the results thereof, or declaring the purpose for which bond proceeds and sales tax proceeds may be used, are validated as of that date.

Amendment No. 2 was adopted without objection.

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

CSHB 1706, as amended, was passed to engrossment. (Heflin recorded voting no)

HB 1358 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1358**.

CSHB 1358, A bill to be entitled An Act relating to the appraisal for ad valorem tax purposes of open-space land used for wildlife management.

CSHB 1358 was read second time.

Amendment No. 1

Representative Hirschi offered the following amendment to **CSHB 1358**:

Amend **CSHB 1358** as follows:

On page 1, line 12, after the word "breeding" insert , migrating or wintering

Amendment No. 1 was adopted without objection.

CSHB 1358, as amended, was passed to engrossment.

MESSAGE FROM THE SENATE

Austin, Texas, May 8, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

HB 356 by Hartnett (Sponsor-Leedom), relating to auxiliary members of an appraisal review board and to the removal of board members.

HB 1336 by Rodriguez (Sponsor-Luna, Gregory), relating to authorizing public junior colleges to offer courses for joint high school and junior college credit (amended).

HB 3157 by Conley (Sponsor-Wentworth), relating to the board of certain metropolitan rapid transit authorities (committee substitute and amended).

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to the following: **SB 28** by Viva Voce Vote; and **SB 1032** by 30 Yeas, 0 Nays.

Respectfully,
Betty King
Secretary of the Senate

HB 1620 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1620**.

CSHB 1620, A bill to be entitled An Act relating to licensing fees of veterinarians.

CSHB 1620 was read second time and was passed to engrossment. (Corte recorded voting no)

HB 2247 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2247**.

CSHB 2247, A bill to be entitled An Act relating to the transfer of the University of Central Texas to The Texas A&M University System.

CSHB 2247 was read second time and was passed to engrossment. (Corte, Heflin, Horn, and Talton recorded voting no)

INTRODUCTION OF GUESTS

The speaker recognized Representative Gallego, who introduced Raul Garza, chairman of the Kickapoo Tribe, and Margie Salazar, assistant tribal administrator.

RULES SUSPENDED

Representative Telford moved to suspend the 5-day posting rule to allow the Committee on Pensions and Investments to consider **HB 3125**.

The motion prevailed without objection.

Representative Berlanga moved to suspend the 5-day posting rule to allow the Committee on Public Health to consider **SB 667**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Financial Institutions, on recess today, Desk 109.

Business and Industry, on recess today, Desk 30, to consider **SB 325**, **SB 526**, and **SB 1029**.

Public Health, on recess today, Desk 138, to consider pending business.

Pensions and Investments, on recess today, Desk 50, to consider **HB 3125**.

Land and Resource Management, on recess today, Desk 1.

Civil Practices, on recess today, Desk 32.

Juvenile Justice and Family Issues, on recess today, Desk 31.

Judicial Affairs, on recess today, Desk 67.

Urban Affairs, on recess today, Desk 73.

RECESS

Representative Yarbrough moved that the house recess until 2 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:19 p.m., recessed until 2 p.m. today.

AFTERNOON SESSION

The house met at 2 p.m. and was called to order by the speaker.

(Speaker pro tempore in the chair)

CSHB 1367 ON SECOND READING

The chair laid before the house, as postponed business, on its second reading and passage to engrossment, the complete committee substitute for **HB 1367**.

CSHB 1367, A bill to be entitled An Act relating to certain acts of unfair discrimination in the business of insurance and certain methods, programs, and mechanisms for providing property and casualty insurance in underserved areas.

CSHB 1367 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Dutton offered the following amendment to **CSHB 1367**:

Amend **CSHB 1367** (Committee Printing) as follows:

(1) On page 4, line 26, between "Sec. 1." and "By rule", insert "(a)".

(2) On page 5, between lines 7 and 8, insert:

(b) The property protection program for underserved areas operated under this article may not include windstorm and hail insurance coverage for a risk eligible for that coverage under Article 21.49 of this code.

(3) On page 6, line 10, between "Sec. 1." and "By rule", insert "(a)".

(4) On page 6, between lines 18 and 19, insert:

(b) Group insurance provided under this article may not include windstorm and hail insurance coverage for a risk eligible for that coverage under Article 21.49 of this code.

(5) On page 7, line 11, between "PROGRAMS." and "The Commissioner", insert "(a)".

(6) On page 7, between lines 23 and 24, insert:

(b) The market assistance program established under this article may not provide assistance with respect to windstorm and hail insurance coverage for a risk eligible for that coverage under Article 21.49 of this code.

(7) On page 13, line 13, between "PURPOSE." and "If the", insert "(a)".

(8) On page 13, following line 27, add:

(b) The FAIR Plan may not provide windstorm and hail insurance coverage for a risk eligible for that coverage under Article 21.49 of this code.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representatives Maxey, Gray, Hochberg, Greenberg, Rhodes, Gallego, Price, Oliveira, Dukes, Stiles, Eiland, Junell, Van de Putte, Rangel, Serna, Conley, Alvarado, Giddings, Torres, Berlanga, Longoria, R. Cuellar, Farrar, Naishtat, Coleman, De La Garza, Romo, Gutierrez, Hernandez, Luna, Bailey, Rodriguez, Alonzo, Solis, Puente, Moreno, Davis, H. Cuellar, Danburg, Thompson, Pickett, Davila, Ehrhardt, Tillery, Raymond, Yarbrough, Hawley, J. Jones, and King offered the following amendment to **CSHB 1367**:

Amend **CSHB 1367** as follows:

(1) On page 4, between lines 7 and 8, insert a new Section 2 of the bill to read as follows:

SECTION 2. Subchapter B, Chapter 21, Insurance Code, is amended by adding Article 21.21-7 to read as follows:

Art. 21.21-7. PROHIBITION ON USE BY HEALTH INSURERS OF UNDERWRITING GUIDELINES BASED ON FLUENCY IN ENGLISH

Sec. 1. DEFINITIONS. In this article:

(1) "Health insurer" means any insurance company, group hospital service corporation, or health maintenance organization that delivers or issues for delivery an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an evidence of coverage that provides health insurance or health care benefits. Without limiting the foregoing, the definition includes insurance companies, associations and organizations which come within the purview of the following designated chapters of the insurance code: Chapter 3, pertaining to life, health and accident insurance companies. Chapter 8, pertaining to general casualty companies. Chapter 10, pertaining to fraternal benefit societies. Chapter 11, pertaining to mutual life insurance companies. Chapter 12, pertaining to local mutual aid associations. Chapter 13 and 14, pertaining to statewide mutual assessment companies, mutual assessment companies, and mutual assessment life, health and accident associations. Chapter 15, pertaining to mutual insurance

companies writing other than life insurance. Chapter 18, pertaining to underwriters making insurance on the Lloyd's plan. Chapter 19, pertaining to reciprocal exchanges, and Chapter 22, pertaining to stipulated premium insurance companies.

(2) "Underwriting guideline" means a rule, standard, marketing decision, or practice, whether written, oral or electronic, that is used by a health insurer or an agent of a health insurer to examine, bind, accept, reject, renew, non-renew, cancel, charge a different rate for the same coverage, or limit coverage(s) made available to classes of consumers of insurance.

Sec. 2. APPLICATION. This article applies to any health insurance policy, agreement, contract, or evidence of coverage delivered or issued for delivery by a health insurer.

Sec. 3. PROHIBITION. A health insurer may not use an underwriting guideline that is based on the ability of an insured or an applicant for insurance coverage or health care benefits to speak English fluently or to be literate in the English language. The applicant has the burden of proof to establish a violation of this article.

(2) On page 24, between lines 9 and 10, insert the following new section to the bill, appropriately numbered:

SECTION _____. Article 21.21-7, Insurance Code, as added by this Act, applies only to a health insurance policy, contract, agreement, or evidence of coverage that is delivered, issued for delivery, or renewed on or after January 1, 1996. A policy, contract, agreement, or evidence of coverage that is delivered, issued for delivery, or renewed before January 1, 1996, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(3) Renumber the sections of the bill appropriately.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative De La Garza offered the following amendment to **CSHB 1367**:

Amend **CSHB 1367** (Committee Printing) as follows:

(1) On page 2, line 13, strike "solely".

(2) On page 2, line 18, strike "solely".

(3) On page 2, line 18, strike "or" and substitute "and".

(4) On page 2, line 18, between "status" and "of", insert ", or geographic location".

(5) On page 2, line 24, strike "solely".

(6) On page 2, line 25, strike "handicap or partial handicap" and substitute "disability or partial disability".

(7) Strike proposed Section 4(b), Article 21.21-6, Insurance Code, as added by SECTION 1 of the bill (page 3, lines 11-19), and substitute the following:

(b) A legal entity engaged in the business of insurance as specified in section 2 of this article is not in violation of the prohibited acts defined in or determined pursuant to section 3 of this article if the entity provides insurance coverage only to persons who are required to obtain or maintain membership

or qualification for membership in a club, group, or organization, so long as membership or membership qualifications are uniform requirements of the insurer as a condition of providing insurance, and are applied uniformly throughout this state, and the entity does not engage in any of the prohibited acts defined in or determined pursuant to section 3 of this article for persons who are qualified members, except as otherwise provided in this section.

(8) On page 3, line 26, between "required" and "by", insert "or authorized".

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Duncan offered the following amendment to **CSHB 1367**:

Amend **CSHB 1367** (Committee Printing) as follows:

(1) On page 3, strike line 4, and substitute "is not in violation of the prohibited acts".

(2) On page 3, strike lines 21 and 22, and substitute "specified in section 2 of this article is not in violation of the prohibited acts defined in or determined".

(3) On page 5, strike line 7, and substitute "insurance coverage against direct loss to real or tangible personal property at a fixed location provided in a homeowners policy, residential fire and allied lines policy, or farm and ranch owners policy."

(4) On page 9, line 9, strike "different" and substitute "unaffiliated".

(5) On page 11, strike lines 15-19, and substitute:

(d) An originating agent shall ~~may~~ share commissions, as required by the market assistance program plan of operation ~~negotiated on an individual basis~~, with the issuing agent if the originating agent holds a license as either a local recording agent or as a salaried representative for those companies whose plan of operation does not contemplate the use of local recording agents.

(6) On page 13, strike lines 18 and 19, and substitute "to the residential property market assistance program who are qualified under the plan of operation, after the commissioner has made insurer participation mandatory under the plan of operation, have not been placed with an insurer in the previous 12-month period.".

(7) On page 21, strike line 2, and substitute "with Article 1.04 of this code."

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Alvarado offered the following amendment to **CSHB 1367**:

Amend Section 1 (page 3) of **CSHB 1367** by adding Sec. 3(d), renumbering as needed, to read as follows:

(d) Refusing to insure; refusing to continue to insure; limiting the amount, extent, or kind of coverage available; or charging an individual a different rate for the same coverage using an underwriting guideline that is based in whole or in part on a report relating to an insured or an applicant for insurance coverage that is issued by a credit reporting bureau.

(1) This section does not prohibit an insurer from refusing to offer an

installment payment plan for the payment of premiums to a person who, during the preceding two years, has defaulted in the payment of premiums to an insurer in a manner that caused a lapse in the coverage offered under the affected insurance policy.

(2) Definitions in this section:

(A) "Credit reporting bureau" means a person or organization that gathers, records, or disseminates information regarding an individual to a third party for use by the third party in evaluating the individual's:

(1) financial responsibility;

(2) payment habits; or

(3) other analogous characteristics affecting creditworthiness.

Representative Duncan moved to table Amendment No. 5.

The motion to table prevailed.

Amendment No. 6

Representative Harris offered the following amendment to **CSHB 1367**:

Amend **CSHB 1367** by adding an appropriately numbered SECTION to read as follows and renumbering subsequent sections accordingly as needed:

SECTION _____. Article 21.53B, Insurance Code, is amended by adding a new subsection (c) to read as follows:

(c) The commissioner shall have all necessary authority to enforce this section. An aggrieved party may ask the commissioner to conduct any investigation, review, hearing or other proceeding to determine compliance with this section. The commissioner shall take all reasonable steps, including the issuance or orders and the assessment of penalties, to ensure compliance with this section.

Amendment No. 6 was adopted without objection.

CSHB 1367, as amended, was passed to engrossment.

CSHB 1718 ON SECOND READING

The chair laid before the house, as postponed business, on its second reading and passage to engrossment, the complete committee substitute for **CSHB 1718**.

CSHB 1718, A bill to be entitled An Act relating to the revision of the open records law.

CSHB 1718 was read second time earlier today, and was postponed until this time.

Amendment No. 1

Representative Combs offered the following amendment to **CSHB 1718**:

Amend **CSHB 1718** as follows:

(1) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Section 552.022, Government Code, is amended to read as follows:

Sec. 552.022. CATEGORIES OF PUBLIC INFORMATION; EXAMPLES. Without limiting the amount or kind of information that is public information under ~~[meaning of other sections of]~~ this chapter, the following categories of information are public information:

- (1) a completed report, audit, evaluation, or investigation made of, for, or by a governmental body;
- (2) the name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a governmental body;
- (3) information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body, if the information is not otherwise made confidential by law;
- (4) the name of each official and the final record of voting on all proceedings in a governmental body;
- (5) all working papers, research material, and information used to estimate the need for or expenditure of public funds or taxes by a governmental body, on completion of the estimate;
- (6) the name, place of business, and the name of the municipality to which local sales and use taxes are credited, if any, for the named person, of a person reporting or paying sales and use taxes under Chapter 151, Tax Code;
- (7) a description of an agency's central and field organization, including:
 - (A) the established places at which the public may obtain information, submit information or requests, or obtain decisions;
 - (B) the employees from whom the public may obtain information, submit information or requests, or obtain decisions;
 - (C) in the case of a uniformed service, the members from whom the public may obtain information, submit information or requests, or obtain decisions; and
 - (D) the methods by which the public may obtain information, submit information or requests, or obtain decisions;
- (8) a statement of the general course and method by which an agency's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures;
- (9) a rule of procedure, a description of forms available or the places at which forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations;
- (10) a substantive rule of general applicability adopted or issued by an agency as authorized by law, and a statement of general policy or interpretation of general applicability formulated and adopted by an agency;
- (11) each amendment, revision, or repeal of information described by Subdivisions (7)-(10);
- (12) final opinions, including concurring and dissenting opinions, and orders issued in the adjudication of cases;
- (13) a policy statement or interpretation that has been adopted or issued by an agency;
- (14) administrative staff manuals and instructions to staff that affect a member of the public; ~~and~~
- (15) information regarded as open to the public under an agency's policies;

(16) information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege or confidential under other law;
 (17) information that is also contained in a public court record; and
 (18) a settlement agreement to which a governmental body is a party unless the agreement is confidential under other law.

(2) On page 5, line 17, between "552.103" and "and", insert ", 552.107,".

(3) On page 7, insert the following between lines 6 and 7:

Sec. 552.107. EXCEPTION: CERTAIN LEGAL MATTERS. Information is excepted from the requirements of Section 552.021 if:

(1) it is information that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct [~~the State Bar of Texas~~]; or

(2) a court by order has prohibited disclosure of the information.

(4) Strike page 10, line 26, through page 11, line 9, and substitute the following:

Sec. 552.221. APPLICATION FOR PUBLIC INFORMATION; Production of Public Information. (a) An officer for public information [~~records~~] of a governmental body shall [~~promptly~~] produce public information for inspection, duplication, or both [~~in the offices of the governmental body~~] on application by any person to the officer.

(b) An officer for public information complies with Subsection (a) by:

(1) providing the public information for inspection or duplication in the offices of the governmental body; or

(2) sending copies of the public information by first class United States mail if the person requesting the information requests that copies be provided by mail and agrees to pay the postage.

(c) If the requested information is unavailable at the time of the request to examine because it is in active use or in storage, the officer for public information [~~records~~] shall certify this fact in writing to the requestor [~~applicant~~] and set a date and hour within a reasonable time when the information [~~record~~] will be available for inspection or duplication.

(d) If an officer for public information cannot produce public information for inspection or duplication within 10 calendar days after the date the information is requested under Subsection (a), the officer shall certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

(5) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Section 552.301, Government Code, is amended to read as follows:

Sec. 552.301. REQUEST FOR ATTORNEY GENERAL DECISION. (a) A governmental body that receives a written request for information that it wishes to withhold from public disclosure and that it considers to be within one of the exceptions under Subchapter C must ask for a decision from the attorney general about whether the information is within that exception if there has not been a previous determination about whether the information falls within one of the exceptions. The governmental body must ask for the attorney general's

decision and state the exceptions that apply within a reasonable time but not later than the 10th calendar day after the date of receiving the written request.

(b) A governmental body that requests an attorney general decision under Subsection (a) [wishes to withhold information] must within a reasonable time but not later than the 15th calendar day after the date of receiving the written request:

(1) submit to the attorney general written comments stating the reasons why the stated exceptions apply that would allow the information to [should] be withheld;

(2) submit to the attorney general a copy of the written request for information;

(3) submit to the attorney general a copy of the specific information requested, or submit representative samples of the information if a voluminous amount of information was requested; and

(4) label that copy of the specific information, or of the representative samples, to indicate which exceptions apply to which parts of the copy.

SECTION _____. Section 552.303, Government Code, is amended to read as follows:

Sec. 552.303. DELIVERY OF REQUESTED INFORMATION TO ATTORNEY GENERAL; DISCLOSURE OF REQUESTED INFORMATION; Attorney General Request for Submission of Additional Information. (a) A governmental body that requests an attorney general decision under this subchapter shall supply to the attorney general, in accordance with Section 552.301, the specific information requested. The governmental body may [and shall] not disclose the information to the public or to the requestor [party requesting the information] until the attorney general makes a final determination that the information is public or, if suit is filed under this chapter, until a final determination that the information is public [decision] has been made by the court with jurisdiction over the suit, except as otherwise provided by Section 552.322.

(b) The attorney general may determine whether a governmental body's submission of information is sufficient to render a decision.

(c) If the governmental body failed to supply to the attorney general all of the specific information that is necessary to render a decision, the attorney general shall give written notice of that fact to the governmental body and the requestor.

(d) A governmental body notified under Subsection (c) shall submit the necessary additional information to the attorney general not later than the seventh calendar day after the date the notice is received.

(e) If a governmental body does not comply with Subsection (d), the information that is the subject of a person's request to the governmental body and regarding which the governmental body fails to comply with Subsection (d) is presumed to be public information.

(6) Strike SECTION 15 of the bill (page 24, lines 2 through 7) and substitute the following appropriately numbered SECTION:

SECTION _____. Section 552.306, Government Code, is amended to read as follows:

Sec. 552.306. RENDITION OF ATTORNEY GENERAL DECISION; ISSUANCE OF WRITTEN OPINION. (a) The attorney general shall promptly

render a decision requested under this subchapter, consistent with the standards of due process, determining whether the requested information is [~~a public record or is~~] within one of the exceptions of Subchapter C. The attorney general shall render the decision not later than the 60th working day after the date the attorney general received the request for a decision. If the attorney general is unable to issue the decision within the 60-day period, the attorney general may extend the period for issuing the decision by an additional 20 working days by informing the governmental body and the requestor, during the original 60-day period, of the reason for the delay.

(b) The attorney general shall issue a written opinion of the determination and shall provide a copy of the opinion to the requestor.

(7) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Subchapter G, Chapter 552, Government Code, is amended by adding Section 552.308 to read as follows:

Sec. 552.308. TIMELINESS OF ACTION BY MAIL. When this subchapter requires a request, notice, or other document to be submitted or otherwise given to a person within a specified period, the requirement is met in a timely fashion if the document is sent to the person by first class United States mail properly addressed with postage prepaid and:

(1) it bears a post office cancellation mark indicating a time within the period; or

(2) the person required to submit or otherwise give the document furnishes satisfactory proof that it was deposited in the mail within the period.

(8) Strike page 24, lines 11-18, and substitute the following:

Sec. 552.321. SUIT FOR WRIT OF MANDAMUS. (a) A requestor [person requesting information] or the attorney general may file suit in accordance with Subsections (b), (e), and (f) for a writ of mandamus compelling a governmental body to make information available for public inspection or duplication or for inspection or duplication under a special right of access [if the governmental body refuses to request an attorney general's decision as provided by Subchapter G or refuses to supply public information or information that the attorney general has determined is a public record]. A requestor may also file suit in accordance with Subsections (c), (d), (e), and (f) for a writ of mandamus compelling a governmental body to make information available for public inspection or duplication or for inspection or duplication under a special right of access.

(b) A requestor or the attorney general may file suit under Subsection (a) if the governmental body has not produced the information for inspection or duplication and:

(1) more than 10 calendar days, plus if applicable any additional reasonable amount of time allowed under Section 552.221, have passed since the person made a written request for information and the governmental body has not requested an attorney general decision as provided by Section 552.301(a); or

(2) more than 10 calendar days have passed since the attorney general issued a decision determining that the information requested is:

(A) public information that is not excepted from disclosure under Subchapter C; or

(B) information available to the requestor under a special right of access in accordance with Section 552.023.

(c) A requestor may file suit under Subsection (a) if the governmental body has not produced the information for inspection or duplication and:

(1) more than 80 working days have passed since the attorney general received the governmental body's request for a decision under Section 552.301(a) and the attorney general has not issued the decision; or

(2) the attorney general has issued a decision that determines part or all of the information requested is:

(A) excepted from disclosure as public information under Subchapter C; or

(B) not available to the requestor under a special right of access in accordance with Section 552.023.

(d) A person who files suit under circumstances described by Subsection (c)(1) must also file suit in the same action for a writ of mandamus compelling the attorney general to render a decision.

(e) The district courts have original jurisdiction in a suit filed under this section.

(f) Venue in a suit filed under this section is in:

(1) the county in which the governmental body from which the information is requested has its principal office; or

(2) the county in which the requestor filing the suit resides.

(9) On page 28, insert the following between lines 23 and 24, appropriately numbering the added SECTION of the bill:

(c) The change in law made by this Act to Section 552.306, Government Code, applies only to a request for an attorney general decision made under Section 552.301, Government Code, on or after January 1, 1996.

(d) Sections 552.321(c)(1) and (d), Government Code, as added to Section 552.321 by this Act, apply only to a request for information filed under Chapter 552, Government Code, for which a request for an attorney general decision is made under Section 552.301, Government Code, on or after January 1, 1996.

SECTION _____. The attorney general may not use additional general revenue to pay for implementing the changes in law made to Section 552.306, Government Code, by this Act or add additional employees to comply with the changes in law made to Section 552.306, Government Code, by this Act.

(10) Strike SECTION 20 of the bill (page 29, line 2) and substitute the following appropriately numbered SECTION:

SECTION _____. This Act takes effect September 1, 1995, except the following changes in law take effect January 1, 1996:

(1) the change in law to Section 552.306, Government Code, made by this Act; and

(2) Sections 552.321(c)(1) and (d), Government Code, as added to Section 552.321 by this Act.

(11) Renumber the remaining SECTIONS of the bill appropriately.

Amendment No. 2

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

Amend the Combs Amendment to **CSHB 1718** on page 4 line 12 by striking "[promptly]" and substituting "promptly".

Amendment No. 2 was adopted without objection.

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

Amendment No. 3

Representative R. Lewis offered the following amendment to **CSHB 1718**:

Amend **CSHB 1718** as follows:

(1) In SECTION 12 by deleting Sec. 552.262 and substituting the following:

Sec. 552.262. RULES AND GUIDELINES OF THE GENERAL SERVICES COMMISSION [~~COST FOR NONSTANDARD RECORDS~~]. (a) The General Services Commission may adopt rules for use by each agency of state government and general guidelines for other governmental bodies in determining charges under this subchapter. The rules and guidelines adopted by the General Services Commission may be used by each agency of state government and other governmental bodies in determining charges for copies of public information, except to the extent that other law provides for charges for specific kinds of public information.

(b) The rules and guidelines of the General Services Commission may prescribe the methods for computing the charges for copies of public information in paper, electronic, and other kinds of media. The rules and guidelines may establish costs for various components of charges for public information that may be used by each agency of state government or other governmental body in providing copies of public information.

(c) A governmental body other than a state agency shall determine its own charges for copies of public information. [~~the charge for access to public records that are comprised in a form other than standard or smaller-sized pages or that are in computer record banks, microfilm records, or other similar record-keeping systems shall be set:~~

[~~(1) making every effort to match the charge with the actual cost of providing the record;~~

[~~(2) after consultation between a governmental body's officer for public records and the General Services Commission; and~~

[~~(3) in an amount that reasonably includes all costs related to providing the record, including costs of materials, labor, and overhead.]~~

(2) In SECTION 12 by deleting Sec. 552.269 and substituting the following:

"Sec. 552.269. OVERCHARGE OR RECOVERY OF OVERPAYMENT FOR PUBLIC INFORMATION RECORD]. A person who overpays for a copy of [a] public information [record] because a governmental body refuses or fails to follow the rules for charges adopted by the General Services Commission [~~provide the copy at the actual cost of reproducing the record as provided by Sections 552.261 and 552.262~~] is entitled to recover three times the amount of the overcharge if the governmental body did not act in good faith in computing the costs.

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 Hirschi.

Delisi on motion of Hirschi.

Coleman on motion of Hirschi.

Gallego on motion of Hirschi.

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

Goolsby on motion of Jackson.

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

Ogden on motion of Hirschi.

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

Greenberg on motion of Seidlits.

CSHB 1718 - (consideration continued)

Representative S. Turner moved to table Amendment No. 3.

A record vote was requested.

The motion to table was lost by (Record 337): 55 Yeas, 82 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Bailey; Berlanga; Bosse; Combs; Conley; Cuellar, R.; Danburg; Davis; De La Garza; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Giddings; Gray; Gutierrez; Hernandez; Hirschi; Hochberg; Hudson; Jones, D.; Jones, J.; Kubiak; Lewis, G.; Longoria; Luna; Maxey; McCoulskey; McDonald; Naishtat; Oliveira; Pickett; Price; Puente; Rangel; Rhodes; Rodriguez; Romo; Sadler; Seidlits; Serna; Solis; Thompson; Tillery; Torres; Turner, S.; Van de Putte; Wilson; Wolens; Yarbrough.

Nays — Alexander; Allen; Averitt; Black; Brady; Brimer; Carona; Carter; Chisum; Clemons; Corte; Counts; Crabb; Craddick; Cuellar, H.; Culberson; Dear; Denny; Driver; Duncan; Finnell; Glaze; Goodman; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Holzhauser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Kamel; King; Krusee; Kuempel; Lewis, R.; Madden; Marchant; McCall; Moffat; Mowery; Munoz; Nixon; Oakley; Park; Patterson; Pitts; Place; Rabuck; Ramsay; Raymond; Reyna; Rusling; Saunders; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Turner, B.; Walker; West; Williamson; Willis; Wohlgemuth; Woolley; Yost; Zbrank.

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

Absent, Excused — Cook; Davila; Goolsby; Greenberg; Moreno.

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

Absent — Hightower.

(Greenberg now present)

A record vote was requested.

Amendment No. 3 was adopted by (Record 338): 81 Yeas, 57 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Black; Brady; Brimer; Carona; Carter; Chisum; Clemons; Corte; Counts; Crabb; Craddick; Cuellar, H.; Culberson; Dear; Denny; Driver; Duncan; Finnell; Glaze; Goodman; Grusendorf; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Kamel; King; Krusee; Kuempel; Lewis, R.; Longoria; Madden; Marchant; McCall; Moffat; Mowery; Munoz; Nixon; Oakley; Park; Patterson; Pitts; Place; Rabuck; Ramsay; Raymond; Reyna; Rusling; Saunders; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Turner, B.; West; Williamson; Wohlgemuth; Woolley; Yost; Zbranek.

Nays — Alonzo; Alvarado; Bailey; Berlanga; Bosse; Combs; Conley; Cuellar, R.; Danburg; Davis; De La Garza; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Giddings; Gray; Greenberg; Gutierrez; Haggerty; Hernandez; Hirschi; Hochberg; Hudson; Jones, D.; Jones, J.; Kubiak; Lewis, G.; Luna; Maxey; McCoulskey; McDonald; Naishtat; Oliveira; Pickett; Price; Puente; Rangel; Rhodes; Rodriguez; Romo; Sadler; Seidlits; Serna; Solis; Thompson; Tillery; Torres; Turner, S.; Van de Putte; Willis; Wilson; Wolens; Yarbrough.

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

Absent, Excused — Cook; Davila; Goolsby; Moreno.

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

Absent — Walker.

STATEMENT OF VOTE

When Record No. 338 was taken, I was in the house but away from my desk. I would have voted yes.

Walker

CSHB 1718, as amended, was passed to engrossment. (Heflin recorded voting no)

HJR 72 ON SECOND READING

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

HJR 72, A joint resolution proposing a constitutional amendment relating to the ad valorem taxation of open-space land used for wildlife management.

HJR 72 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Alexander offered the following amendment to the resolution:

Amend **HJR 72** by striking page 1, line 24, through page 2, line 8, and substituting the following:

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 7, 1995. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to allow open-space land used for wildlife management to qualify for tax appraisal in the same manner as open-space agricultural land, subject to eligibility limitations provided by the legislature."

Amendment No. 1 was adopted without objection.

A record vote was requested.

HJR 72, as amended, was adopted by (Record 339): 136 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Cook; Davila; Goolsby; Moreno.

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

Absent — Allen; Jones, D.; Thompson.

CSHB 2771 ON SECOND READING

The chair laid before the house, as postponed business, on its second reading and passage to engrossment, the complete committee substitute for **HB 2771**.

CSHB 2771, A bill to be entitled An Act relating to pyramid promotional schemes; providing penalties.

CSHB 2771 was read second time earlier today and was postponed until this time.

CSHB 2771 was passed to engrossment.

HB 2845 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2845**.

CSHB 2845, A bill to be entitled An Act relating to the powers, functions, authority, and duties of the Automobile Theft Prevention Authority.

CSHB 2845 was read second time.

Amendment No. 1

Representative Counts offered the following amendment to **CSHB 2845**:

Amend **CSHB 2845** as follows:

On page 9, lines 4-10, delete subsection (c) of proposed Section 11 in its entirety.

Amendment No. 1 was adopted without objection.

CSHB 2845, as amended, was passed to engrossment.

HB 3101 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 3101**.

CSHB 3101, A bill to be entitled An Act relating to application of usury laws to certain purchases of accounts receivable.

CSHB 3101 was read second time and was passed to engrossment.

HB 3035 ON SECOND READING

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

HB 3035, A bill to be entitled An Act relating to the use of water loan assistance fund for purposes designated by legislative appropriation.

The bill was read second time.

HB 3035 - LAID ON THE TABLE SUBJECT TO CALL

Representative Rodriguez moved to lay **HB 3035** on the table subject to call.

The motion prevailed without objection.

HB 387 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 387**.

CSHB 387, A bill to be entitled An Act relating to the jurisdiction of certain justice courts.

CSHB 387 was read second time and was passed to engrossment.

HB 2614 ON SECOND READING

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

HB 2614, A bill to be entitled An Act relating to the jurisdiction of peace officers.

The bill was read second time.

Representative Oakley moved to postpone consideration of **HB 2614** until 10 a.m. Tuesday, May 9.

The motion prevailed without objection.

MESSAGE FROM THE SENATE

Austin, Texas, May 8, 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 453 by Brown, relating to the use as collateral of certificates of deposit by an applicant for a license as a bail bondsman.

SB 476 by Luna, Gregory, relating to the regulation of the practice of naturopathic medicine; providing penalties.

SB 664 by Lucio, relating to removal of county officers from office.

SB 1225 by Gallegos, relating to a report on fire protection services by the Texas Commission on Fire Protection.

SB 1508 by Montford, relating to the compensation of the commissioner of education and the payment of certain expenses.

SB 1601 by Brown, relating to the creation, administration, powers, and duties of the Westchase Area Management district; granting the authority to issue bonds; authorizing a tax.

SB 1629 by Henderson, relating to tax rebate for qualified hotel projects.

SB 1674 by Harris, Chris, relating to the authority of the board of directors of the Tarrant County Water Control and Improvement District No. 1 to provide certain benefits.

SB 1688 by Truan, relating to the establishment of the line of vegetation along the Gulf of Mexico where a natural vegetation line does not exist.

Respectfully,
Betty King
Secretary of the Senate

HB 1065 ON SECOND READING

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

HB 1065, A bill to be entitled An Act relating to the practice of property tax consulting.

The bill was read second time.

Amendment No. 1

Representative Brimer offered the following amendment to the bill:

Amend **HB 1065** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 1(a)(6), Article 8886, Revised Statutes, is amended to read as follows:

(6) "Property tax consultant" means a person who performs or supervises others in the performance of property tax consulting services for compensation.

SECTION 2. Sections 2(c), (d), and (f), Article 8886, Revised Statutes, are amended to read as follows:

(c) A person may not represent that an individual is a registered property tax consultant, agent, advisor, or representative unless the individual is a registered property tax consultant or registered senior property tax consultant.

(d) the registration requirement imposed under Subsection (a) of this section does not apply to:

(1) an individual acting under a general power of attorney, unless the individual represents that the individual is a property tax consultant, agent, advisor, or representative;

(2) an individual licensed to practice law in this state;

(3) an employee of a property owner or of an affiliated or subsidiary company of a property owner, if the employee performs property tax consulting services for the property owner or for a partnership, joint venture, or corporation in which the property owner owns an interest;

(4) a property owner's lessee who is designated as the agent of the property owner in accordance with Section 1.111, Tax Code;

(5) a public employee or officer who provides assistance to a property owner in the course of the employee's or officer's duties;

(6) a certified public accountant under the Public Accountancy Act of 1991 [~~1979~~] (Article 41a-1, Vernon's Texas Civil Statutes); ~~or~~

(7) an individual who assists another person in the performance of property tax consulting services or provides testimony on behalf of the other person at a protest hearing under Subchapter C, Chapter 41, Tax Code, unless the individual is designated as the person's agent under Section 1.111, Tax Code, or more than 50 percent of the individual's employment time is devoted to or income is derived from performing or supervising the performance of property tax consulting services; or

(8) an individual who holds an active license as a real estate broker or salesman under The Real Estate License Act (Article 6573a, Vernon's Texas

Civil Statutes), or an active license as a state licensed real estate appraiser or state certified real estate appraiser under the Texas Appraiser Licensing and Certification Act (Article 6573a.2, Vernon's Texas Civil Statutes), and who provides a property tax consultant service related to a single-family residence.

(f) The requirements imposed by Subsection (b) of this section and Subsections (b) and (c) of Section 3 of this article do not apply to an individual who applies for registration under this article before March 1, 1992, and who, on the date of the application, is licensed and on active status as a real estate broker under The Real Estate License Act (Article 6573a, Vernon's Texas Civil Statutes), unless the individual performs or supervises the performance of property tax consulting services for compensation in connection with a property that is not real property. Subsection (b) of this section does not apply to an individual who is registered under Section 3(b)(2) of this article.

SECTION 3. Sections 3(a) and (b), Article 8886, Revised Statutes, are amended to read as follows:

(a) To be eligible to register under this article, an individual must:

(1) have the following qualifications:

(A) be at least 18 years of age;

(B) [~~2~~] hold a high school diploma or an equivalent credential;

(C) [~~3~~] pay the fees required by the commission;

(D) [~~4~~] establish a place of business in this state or designate an agent for service of legal process who is a resident of this state; and

(E) [~~5~~] meet any additional qualifications required by this article or by the commissioner in the exercise of the commissioner's authority under this article or under Article 9100, Revised Statutes; or

(2) hold an active license as a real estate broker or salesman under The Real Estate License Act (Article 6573a, Vernon's Texas Civil Statutes), or an active license as a state licensed real estate appraiser or state certified real estate appraiser under the Texas Appraiser Licensing and Certification Act (Article 6573a.2, Vernon's Texas Civil Statutes).

(b) To be eligible to register as a property tax consultant under this article, an applicant must:

(1) complete at least 15 classroom hours of educational courses approved by the commissioner, of which at least four hours must include instruction on laws and legal issues in this state related to property tax consulting services; or

(2) furnish evidence to the commission that the applicant:

(A) holds an active license as a real estate broker or salesman under The Real Estate License Act (Article 6573a, Vernon's Texas Civil Statutes), or an active license as a state-licensed real estate appraiser or state-certified real estate appraiser under the Texas Appraiser Licensing and Certification Act (Article 6573a.2, Vernon's Texas Civil Statutes); and

(B) has completed at least four classroom hours in educational programs or courses on the legal issues and laws related to property tax consulting services.

SECTION 5. Section 5, Article 8886, Revised Statutes, is amended by adding Subsection (h) to read as follows:

(h) A continuing education course, including a course on the legal issues and law related to property tax consulting services, approved by the Texas Real Estate Commission or the Texas Appraiser Licensing and Certification Board and completed by a registrant who holds an active license as a real estate broker or salesman under The Real Estate License Act (Article 6573a, Vernon's Texas Civil Statutes), or an active license as a state licensed real estate appraiser or state certified real estate appraiser under the Texas Appraiser Licensing and Certificatin Act (Article 6573a.2, Vernon's Texas Civil Statutes), shall be recognized by the commissioner as an appropriate continuing education program for the purposes of this section.

SECTION 6. This Act takes effect September 1, 1995.

SECTION 7. 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.

Amendment No. 1 was adopted without objection.

HB 1065, as amended, was passed to engrossment. (Heflin recorded voting no)

HB 43 ON SECOND READING

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

HB 43, A bill to be entitled An Act relating to civil liability for stalking.

The bill was read second time.

Amendment No. 1

Representative Chisum offered the following amendment to the bill:

Amend **HB 43** as follows:

1) On page 2, line 20, after the ";" delete the word "~~and~~".

2) On page 2, line 22, after the word "behavior", delete the ":" and insert "; and".

2) On page 2, between lines 22 and 23, add a new subsection (F) to read as follows: (F) the harassing behavior has been reported to the police as a stalking offense.

Amendment No. 1 was adopted without objection.

HB 43, as amended, was passed to engrossment.

HB 127 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 127**.

CSHB 127, A bill to be entitled An Act relating to implementation of the National Voter Registration Act of 1993 and to related election processes and procedures; providing criminal penalties.

CSHB 127 was read second time.

Amendment No. 1

Representative Staples offered the following amendment to **CSHB 127**:

Amend **CSHB 127** by inserting the appropriately numbered section of the bill and renumbering remaining sections accordingly:

SECTION _____. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.007 to read as follows:

Sec. 31.007. SUSPENSION OF PROVISIONS IMPLEMENTING NATIONAL VOTER REGISTRATION ACT. (a) If under federal law, order, regulation, or other official action the National Voter Registration Act of 1993 is not required to be implemented or enforced in whole or in part, an affected state law or rule is suspended to the extent that the law or rule was enacted or adopted to implement that Act, and it is the intent of the legislature that the applicable law in effect immediately before the enactment or adoption be reinstated and continued in effect pending enactment of corrective state legislation.

(b) On a finding by the secretary of state that a suspension of a law or rule has occurred under Subsection (a), the secretary shall modify applicable procedures as necessary to give effect to the suspension and to reinstatement of the procedures of the former law.

(c) The secretary of state shall adopt rules to implement this section as necessary.

Amendment No. 2

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

Amend the Staples Amendment to read as follows:

Amend **CSHB 127** by inserting the appropriately numbered section of the bill and renumbering remaining sections accordingly:

SECTION _____. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.007 to read as follows:

Sec. 31.007. SUSPENSION OF PROVISIONS IMPLEMENTING NATIONAL VOTER REGISTRATION ACT. (a) If under federal law, order, regulation, or other official action the National Voter Registration Act of 1993 is not required to be implemented or enforced in whole or in part, an affected state law or rule is suspended to the extent that the law or rule was enacted or adopted to implement that Act, and it is the intent of the legislature that the applicable law in effect immediately before the enactment or adoption be reinstated and continued in effect pending enactment of corrective state legislation.

(b) On a finding by the secretary of state that a suspension of a law or rule has occurred under Subsection (a), the secretary may modify applicable procedures as necessary to give effect to the suspension and to reinstatement of the procedures of the former law.

(c) The secretary of state may adopt rules to implement this section as necessary.

Amendment No. 2 was adopted without objection.

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

Amendment No. 3

Representative Madden offered the following amendment to **CSHB 127**:

Amend **CSHB 127** as follows:

- (1) On page 13, line 3, strike "second" and substitute "first".
- (2) On page 16, line 2, strike "second" and substitute "first".
- (3) On page 18, line 11, strike "second" and substitute "first".
- (4) On page 26, line 23, strike "YES" and "No" and substitute "YES," "NO," "ALREADY REGISTERED," and "NOT A U.S. CITIZEN".
- (5) On page 27, line 3, strike "EITHER" and substitute "ANY".
- (6) On page 31, line 14, between "form" and the comma, insert "or is currently registered to vote".

(7) Insert a new appropriately numbered section of the bill and renumber remaining sections accordingly:

SECTION _____. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.007 to read as follows:

Sec. 31.007. SUSPENSION OF PROVISIONS IMPLEMENTING NATIONAL VOTER REGISTRATION ACT. (a) If under federal law, order, regulation, or other official action the National Voter Registration Act of 1993 is not required to be implemented or enforced in whole or in part, an affected state law or rule is suspended to the extent that the law or rule was enacted or adopted to implement that Act, and it is the intent of the legislature that the applicable law in effect immediately before the enactment or adoption be reinstated and continued in effect pending enactment of corrective state legislation.

(b) On a finding by the secretary of state that a suspension of a law or rule has occurred under Subsection (a), the secretary may modify applicable procedures as necessary to give effect to the suspension and to reinstatement of the procedures of the former law.

(c) The secretary of state may adopt rules to implement this section as necessary.

(Speaker in the chair)

Representative Danburg moved to table Amendment No. 3.

The motion to table prevailed.

Amendment No. 4

Representative Hartnett offered the following amendment to **CSHB 127**:

Amend **CSHB 127** as follows:

On page 28, strike lines 21 through 23.

Representative Madden moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 340): 75 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Alexander; Alonzo; Alvarado; Bailey; Berlanga; Bosse; Combs; Conley; Counts; Cuellar, H.; Cuellar, R.; Danburg; Davis; De La Garza; Denny; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Giddings; Glaze; Gray; Greenberg; Gutierrez; Hernandez; Hirschi; Hochberg; Hudson; Hunter, T.; Jones, J.; King; Kubiak; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McDonald; Mowery; Munoz; Naishtat; Oakley; Oliveira; Pickett; Price; Puente; Ramsay; Rangel; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Siebert; Solis; Telford; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Willis; Wilson; Wohlgemuth; Wolens; Yarbrough; Yost; Zbraneck.

Nays — Allen; Averitt; Black; Brady; Brimer; Carona; Carter; Chisum; Clemons; Corte; Crabb; Craddick; Culberson; Dear; Driver; Duncan; Elkins; Finnell; Goodman; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter, B.; Jackson; Janek; Johnson; Jones, D.; Kamel; Krusee; Kuempel; Marchant; McCall; McCoulskey; Moffat; Nixon; Park; Patterson; Pitts; Rabuck; Raymond; Reyna; Shields; Solomons; Staples; Swinford; Talton; Turner, B.; Walker; West; Williamson; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cook; Davila; Goolsby; Moreno.

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

Absent — Hightower; Place; Smithee; Stiles.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 340. I intended to vote no.

Oakley

I was shown voting yes on Record No. 340. I intended to vote no.

Siebert

CSHB 127, as amended, was passed to engrossment. (Allen, Howard, Kuempel, Rabuck, Shields, and Talton recorded voting no)

SB 1 - REQUEST OF SENATE GRANTED

On motion of Representative Sadler, the house granted the request of the senate for the appointment of a conference committee on **SB 1**.

SB 1 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 1**: Sadler, chair, Hernandez, Williamson, Dear, and Hochberg.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Sadler moved to suspend all necessary rules to allow the conference committee on **SB 1** to meet while the house is in session for the remainder of the session.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Conference committee on SB 1, 8:30 a.m. Tuesday, May 9, senate finance committee room.

HB 2239 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2239**.

CSHB 2239, A bill to be entitled An Act relating to certain early voting processes and procedures; providing criminal penalties.

CSHB 2239 was read second time.

Amendment No. 1

Representative Denny offered the following amendment to **CSHB 2239**:

Amend **CSHB 2239** (Committee Report) as follows:

- (1) On page 2, line 10, between "deliver" and "to" insert "in person".
- (2) On page 2, line 11, between "clerk" and "the" insert "or a designated deputy early voting clerk".
- (3) On page 9, line 25, between "a" and "polling" insert "temporary branch".
- (4) On page 9, line 26, strike "mobile" and substitute "movable".
- (5) On page 9, line 27, strike "mobile" and substitute "movable temporary branch".
- (6) On page 10, line 5, strike "a mobile" and substitute "such a".
- (7) On page 11, line 26, strike the colon.
- (8) On page 11, strike line 27.
- (9) On page 12, strike line 1.
- (10) On page 12, line 2, strike "(2)".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Madden offered the following amendment to **CSHB 2239**:

Amend **CSHB 2239** by adding a new appropriately numbered section to read as follows and renumbering the existing sections as appropriate:

SECTION _____. Section 87.121(f), Election Code, is amended to read as follows:

(f) Information on the roster for a person to whom an early voting mail ballot has been sent is not available for public inspection, except to the voter seeking to verify that the information pertaining to the voter [~~him~~] is accurate, until 72 [~~24~~] hours after the time a ballot was mailed to the voter.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Yarbrough offered the following amendment to **CSHB 2239**:

Amend **CSHB 2239**, by inserting and deleting the following language:
 page 2, line 10, inserting "must be a registered voter and" after the word "person"

page 2, line 12, after last comma "," insert "voter registration number"

page 2, line 24, delete after last comma "if any"

page 3, line 6, delete "on request,"

page 3, line 26, from voters "in person" to the early voting clerk "the" signed carrier envelope.

strike the wording "for delivery by mail"

insert "in person" and insert the word "the"

page 4, line 18, between early voting clerk insert "in person" each completed carrier envelope received by the deputy from a voter.

strike the wording "by mail"

insert the wording "in person"

page 13, line 3, after "relative" insert "within the second degree by affinity or with the third by consanguinity as defined by Chapter 573, Government Code," of the voter.

Amendment No. 3 was adopted.

CSHB 2239, as amended, was passed to engrossment.

HB 2241 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2241**.

CSHB 2241, A bill to be entitled An Act relating to certain election processes and procedures.

CSHB 2241 was read second time.

Amendment No. 1

Representative Staples offered the following amendment to **CSHB 2241**:

Amend **CSHB 2241** by adding two appropriately numbered sections to read as follows and by renumbering the remaining sections as appropriate:

SECTION _____. Subtitle B, Title 2, Local Government Code, is amended by adding Chapter 27 to read as follows:

CHAPTER 27. ALTERNATE FORMS OF ELECTING GOVERNING BODIES OF CERTAIN MUNICIPALITIES

Sec. 27.001. APPLICATION. This chapter applies only to a general-law municipality.

Sec. 27.002. TOWN MEETING. (a) Instead of an election using election precincts and polling places to choose the members of its governing body, a municipality may elect the members of the governing body at a town meeting if a majority of the qualified voters of the municipality are present at the meeting.

(b) The secretary of state shall adopt rules that govern the procedure a municipality must use to elect its governing body under this section.

SECTION _____. Subchapter A, Chapter 23, Education Code, is amended by adding Section 23.026 to read as follows:

Sec. 23.026. ELECTING TRUSTEES BY TOWN MEETING IN CERTAIN INDEPENDENT SCHOOL DISTRICTS. (a) Instead of an election using election precincts and polling places to choose its trustees, an independent school district with 1,600 or fewer students in average daily attendance may elect its trustees at a town meeting if a majority of the qualified voters of the district are present at the meeting.

(b) The secretary of state shall adopt rules that govern the procedure a district must use to elect its governing body under this section.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Hill offered the following amendment to **CSHB 2241**:

Amend **CSHB 2241** by inserting a new appropriately numbered section and renumbering remaining sections accordingly:

SECTION . Subchapter C, Chapter 32, Election Code, is amended by adding Section 32.057 to read as follows:

Sec. 32.057. INELIGIBILITY OF PERSON CONVICTED OF ELECTION OFFENSE. A person is ineligible to serve as an election judge or clerk if the person has been finally convicted of an offense in connection with conduct directly attributable to an election.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Dutton offered the following amendment to **CSHB 2241**:

Amend **CSHB 2241** by adding two appropriately numbered sections to read as follows and by renumbering the remaining sections as appropriate:

SECTION _____. Section 11.002, Election Code, is amended to read as follows:

Sec. 11.002. QUALIFIED VOTER. In this code, "qualified voter" means a person who:

- (1) is 18 years of age or older;
- (2) is a United States citizen;
- (3) has not been determined mentally incompetent by a final judgment of a court;
- (4) has not been finally convicted of a felony or, if so convicted, has:
 - (A) been issued discharge papers by the pardons and paroles division or institutional division of the Texas Department of Criminal Justice, or by a federal or other state correctional institution or parole board, or completed a period of probation ordered by any court [~~and at least two years have elapsed from the date of the issuance or completion~~]; or
 - (B) been pardoned or otherwise released from the resulting disability to vote;
- (5) is a resident of this state; and
- (6) is a registered voter.

SECTION _____. Section 13.001(a), Election Code, is amended to read as follows:

- (a) To be eligible for registration as a voter in this state, a person must:
- (1) be 18 years of age or older;
 - (2) be a United States citizen;
 - (3) not have been determined mentally incompetent by a final judgment of a court;
 - (4) not have been finally convicted of a felony or, if so convicted, must have:
 - (A) been issued discharge papers by the pardons and paroles division or institutional division of the Texas Department of Criminal Justice, or by a federal or other state correctional institution or parole board, or completed a period of probation ordered by any court [~~and at least two years have elapsed from the date of the issuance or completion~~]; or
 - (B) been pardoned or otherwise released from the resulting disability to vote; and
 - (5) be a resident of the county in which application for registration is made.

(Black in the chair)

Representative Staples moved to table Amendment No. 3.

The motion to table was withdrawn.

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Counts offered the following amendment to **CSHB 2241**:

Amend **CSHB 2241** as follows:

1) On page 3, amend Line 23 to begin as follows:

C) In counties where two or more political parties held a primary election in more than 30% of the number of county designated polling places,

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Puente offered the following amendment to **CSHB 2241**:

Amend **CSHB 2241** as follows:

(1) On page 13, line 6, between "APPLICATION." and "A" insert "(a)".

(2) On page 14, between lines 18 and 19, insert the following:

(b) The residence indicated on the application must correspond to any residence homestead that the candidate has for purposes of Section 11.13, Tax Code, unless the candidate has conveyed the property since qualifying for the exemption for that property and has not qualified for the exemption for a new residence.

Representative Danburg moved to table Amendment No. 5.

The motion to table was lost.

Amendment No. 5 was adopted without objection.

MESSAGE FROM THE SENATE

Austin, Texas, May 8, 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 70 by Brown, granting CIT Construction Incorporated of Texas permission to sue the State of Texas and The University of Texas System.

SB 511 by Henderson, relating to covenants not to compete.

SB 1207 by Ellis, relating to deposit of public funds in banks or savings associations.

SB 1212 by Ellis, relating to venue, notice, and attorney general participation in proceedings involving charitable trusts.

SB 1217 by Ellis, relating to notification of certain interest holders and owners of seized contraband in forfeiture proceedings; providing that asset forfeiture is remedial in nature rather than punitive.

SB 1376 by Wentworth, relating to the annexation of certain areas located in certain municipal utility districts.

SB 1462 by Armbrister, relating to the authority of a county to operate a water or sewer utility in unincorporated areas of a county, including the authority to acquire property through eminent domain.

SB 1676 by Truan, relating to the responsibility of certain governmental entities or corporations created by governmental entities under the Solid Waste Disposal Act.

Respectfully,
Betty King
Secretary of the Senate

CSHB 2241 - (consideration continued)

Amendment No. 6

Representative Finnell offered the following amendment to **CSHB 2241**:

Amend **CSHB 2241** by inserting the following appropriately numbered section to read as follows and by renumbering the remaining sections accordingly:

SECTION _____. Subchapter B, Chapter 52, Election Code, is amended by adding Section 52.0311 to read as follows:

Sec. 52.0311. COUNTY OF RESIDENCE ON BALLOT. The county of residence must be printed next to the name of a candidate in an election for a statewide office.

Representative Staples moved to table Amendment No. 6.

The motion to table prevailed.

CSHB 2241, as amended, was passed to engrossment. (Finnell and Heflin recorded voting no)

HB 2243 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2243**.

CSHB 2243, A bill to be entitled An Act relating to election precincts and polling places; providing a criminal penalty.

CSHB 2243 was read second time.

Amendment No. 1

Representatives Hirschi and H. Cuellar offered the following amendment to **CSHB 2243**:

Amend **CSHB 2243** as follows:

- (1) On page 3, line 18, strike "150,000" and replace with "\$120,000".
- (2) On page 3, line 23, strike "150,000" and replace with "\$120,000".

Amendment No. 1 was adopted without objection.

CSHB 2243, as amended, was passed to engrossment. (Heflin recorded voting no)

HB 1859 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1859**.

CSHB 1859, A bill to be entitled An Act relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.

CSHB 1859 was read second time and was passed to engrossment. (Heflin recorded voting no)

HB 2588 ON SECOND READING

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

HB 2588, A bill to be entitled An Act relating to the establishment of rural and urban transit districts; re-establishing the public transportation fund.

The bill was read second time.

Amendment No. 1

Representative Alexander offered the following amendment to the bill:

Amend **HB 2588** as follows:

- (1) On page 1, line 14, between "on" and "provides" strike "September 1, 1994", and substitute "August 31, 1995";
- (2) On page 2, line 14, between "means" and "transportation", insert "mass";
- (3) On page 2, line 15, between "baggage" and "by", insert "on a regular and continuing basis";
- (4) On page 2, line 15, delete "an" and substitute in its place "any";
- (5) On page 2, line 21-22, between "on" and "are", strike "September 1, 1994" and substitute "August 31, 1995";

(6) On page 4, line 8, between "areas" and "where", insert "unserved by any rural transit district and";

(7) On page 7, line 26, between "taxis," and "buses", insert "intercity passenger rail services, intercity bus carriers,";

(8) On page 8, strike Section 5 and Section 6 of the bill and renumber the subsequent sections accordingly.

Amendment No. 1 was adopted without objection.

HB 2588, as amended, was passed to engrossment.

HB 1359 ON SECOND READING

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

HB 1359, A bill to be entitled An Act relating to road construction, repair, and maintenance in certain areas controlled by the Parks and Wildlife Department.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Bosse, Representative Alexander offered the following committee amendment to the bill:

Amend **HB 1359** on page 1, line 12 after "management areas." by adding the following:

Where the Parks and Wildlife Department has no easement, right-of-way or similar access to or in a state park, state fish hatchery, state wildlife management area or support facility, none may be obtained hereunder without the express written consent of all affected private landowners.

Amendment No. 1 was adopted without objection.

HB 1359, as amended, was passed to engrossment.

HB 1384 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1384**.

CSHB 1384, A bill to be entitled An Act relating to the purchase and sale of certain fish taken from fresh water in certain counties.

CSHB 1384 was read second time and was passed to engrossment.

HB 1823 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1823**.

CSHB 1823, A bill to be entitled An Act relating to regulation by the Parks and Wildlife Department of the taking of marl, sand, gravel, shell, or mudshell; providing penalties.

CSHB 1823 was read second time and was passed to engrossment.

HB 1964 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1964**.

CSHB 1964, A bill to be entitled An Act relating to the issuance of permits by the Parks and Wildlife Department for the conservation, protection, and management of certain wildlife resources; providing penalties.

CSHB 1964 was read second time.

Amendment No. 1

Representative Shields offered the following amendment to **CSHB 1964**:

Amend **CSHB 1964** by adding a new section to the bill, appropriately numbered, to read as follows:

SECTION . Chapter 68, Parks and Wildlife Code, is amended by adding Section 68.019 to read as follows:

Sec. 68.019. PROPAGATION BY DEPARTMENT. The department shall work cooperatively with state and federal agencies to develop a program for the captive propagation of aquatic endangered species by the department.

Amendment No. 1 was adopted without objection.

CSHB 1964, as amended, was passed to engrossment.

HB 24 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 24**.

CSHB 24, A bill to be entitled An Act relating to the inspection of certain vehicles.

CSHB 24 was read second time.

Representative Kubiak moved to postpone consideration of **CSHB 24** until 10 a.m. Tuesday, May 9.

The motion prevailed without objection.

HB 359 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 359**.

CSHB 359, A bill to be entitled An Act relating to breast-feeding in public or private places, including worksites, and to a sales tax exemption for breast pumps.

CSHB 359 was read second time.

Amendment No. 1

Representatives Danburg and Chisum offered the following amendment to **CSHB 359**:

Amend **CSHB 359** (House Committee Report) as follows:

(1) In SECTION 1 of the bill, delete Section 165.003, Health and Safety Code (page 1, lines 19-24 and page 2, lines 1-6).

- (2) On page 2, line 7, strike "Sec. 165.004" and substitute "Sec. 165.003".
- (3) On page 2, line 12, strike "165.005" and substitute "165.004".
- (4) On page 2, line 27, strike "policies" and substitute "recommendations".
- (5) On page 3, line 12, between "department" and "shall", insert ", if requested by the governor or any member of the legislature,".
- (6) On page 3, line 13, strike "and the legislature" and substitute "or that member of the legislature".

Amendment No. 1 was adopted without objection.

CSHB 359, as amended, was passed to engrossment. (Chisum, Corte, Heflin, and Talton recorded voting no)

HB 505 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 505**.

CSHB 505, A bill to be entitled An Act relating to certain acts of public accountants.

CSHB 505 was read second time.

Amendment No. 1

Representative Brimer offered the following amendment to **CSHB 505**:

Amend **CSHB 505** (House Committee Report) on page 2, by striking lines 4-16 and substituting the following:

(2) where the accountant was aware at the time the services of the accountant were engaged, or agreed with the client after the time of the engagement, that the claimant intended to rely on a specific financial statement or other information in connection with a specified transaction and communicated that awareness or agreement by words or conduct; or

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Place offered the following amendment to **CSHB 505**:

Amend **CSHB 505**, Sec. 91.002 by deleting the period after the word "information" and by adding the following after the word "information":

, if the accountant caused a specific notice to be included on each financial statement or document containing financial information as follows: "The information contained herein was specifically prepared for (CLIENT) and should not be used or relied upon by any other person or for any purpose not expressly approved by (ACCOUNTANT)."

Amend Sec. 91.003 (2)(A) by inserting "or" after the word "accountant;".

Amend Sec. 91.003 (2)(B) by deleting the word "and" and substituting the word "or".

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Zbranek offered the following amendment to **CSHB 505**:

Amend **CSHB 505** on page 2, between lines 18 and 19, by adding the following:

Sec. 91.004. WAIVER. An accountant may, in writing, waive the provisions of this chapter.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Zbranek offered the following amendment to **CSHB 505**:

Amend **CSHB 505** as follows:

Page 2, Line 17, insert the following and renumber accordingly: "(3) to lender; or".

(Speaker in the chair)

Representative Brimer moved to table Amendment No. 4.

The motion to table prevailed.

Amendment No. 5

Representative Place offered the following amendment to **CSHB 505**:

Amend **CSHB 505**, Sec. 91.002 by deleting the period after the word "information" and by adding the following after the word "information":

, if the accountant caused a specific notice to be included on each financial statement or document containing financial information as follows: "The information contained herein was specifically prepared for (CLIENT) and should not be used or relied upon by any other person or for any purpose not expressly approved by (ACCOUNTANT)."

Amend Sec. 91.003 (2)(A) by inserting "or" after the word "accountant";.

Amend Sec. 91.003 (2)(B) by deleting the word "and" and substituting the word "or".

Representative Averitt moved to table Amendment No. 5.

A record vote was requested.

The motion to table prevailed by (Record 341): 90 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Black; Brimer; Carona; Carter; Chisum; Clemons; Combs; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; De La Garza; Dear; Denny; Driver; Dukes; Duncan; Ehrhardt; Elkins; Finnell; Glaze; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Kamel; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; Marchant; McCall; McCoulskey; Moffat; Mowery; Munoz; Nixon; Park; Patterson; Pickett; Pitts; Rabuck; Ramsay; Raymond; Reyna; Rhodes; Romo; Rusling; Serna; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Thompson; Turner, B.; Uher; Van de Putte; Walker; West; Williamson; Wohlgenuth; Woolley; Yost.

Nays — Alonzo; Bailey; Berlanga; Bosse; Brady; Conley; Culberson; Danburg; Davis; Dutton; Edwards; Eiland; Farrar; Gray; Greenberg; Hernandez;

Hightower; Hochberg; Horn; Hudson; Jones, J.; King; Lewis, G.; Longoria; Luna; Maxey; McDonald; Naishtat; Oakley; Oliveira; Place; Price; Puente; Rangel; Rodriguez; Sadler; Seidlits; Solis; Tillery; Torres; Turner, S.; Willis; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cook; Davila; Goolsby; Moreno.

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

Absent — Giddings; Goodman; Saunders; Telford; Wilson.

STATEMENTS OF VOTE

I was shown voting no on Record No. 341. I intended to vote yes.

Danburg

I was shown voting no on Record No. 341. I intended to vote yes.

Davis

I was shown voting no on Record No. 341. I intended to vote yes.

Luna

CSHB 505, as amended, was passed to engrossment. (Puente recorded voting no; Bosse, Greenberg, Seidlits, and Zbranek, yes)

**SB 870 ON SECOND READING
(Giddings - House Sponsor)**

The speaker laid before the house, in lieu of **HB 1992**, on its second reading and passage to third reading,

SB 870, A bill to be entitled An Act relating to the authority of the consumer credit commissioner and to the regulation of certain consumer credit practices; providing penalties.

The bill was read second time.

Amendment No. 1

Representative Elkins offered the following amendment to the bill:

Amend **SB 870** on page 3, striking lines 2-18, and substituting the following:

(3) A person commits an offense if the person violates Section (2) of this article. An offense under this section is a Class C misdemeanor, except if it is shown on trial of a person that the person has previously been convicted of an offense under this section, the offense is a Class A misdemeanor.

(4) A person who violates Section (2) of this article may be prosecuted under Section (3) of this article or may be subject to the penalties provided under Chapter 8 of this title and any civil penalties that the Consumer Credit Commissioner may assess, but is not subject to both prosecution under Section (3) and the penalties.

(5) In each advertisement that purports to offer credit subject to the statutes listed by Section (1), Article 2.02A, of this title, the advertiser shall disclose the legal or properly registered name of the advertiser and the physical address of the advertiser's place of business unless the advertisement is located on the premises of the advertiser's place of business or the advertisement is broadcast by radio or television. If the advertisement is broadcast by radio or television, the advertiser shall disclose the legal or properly registered name and the telephone number of the advertiser and shall comply with the applicable disclosure requirements of Regulation Z (12 C.F.R. 226.1 et seq.). This section does not apply to a federally insured depository institution or to a person engaged in interstate commerce who advertises under a generally recognized trade name, abbreviated form of a trade name, or logo.

Amendment No. 1 was adopted without objection. (The vote was reconsidered later today and Amendment No. 1 was withdrawn.)

A record vote was requested.

SB 870, as amended, failed to pass to third reading by (Record 342): 51 Yeas, 85 Nays, 1 Present, not voting. (The vote was reconsidered later today and **SB 870**, as amended, was passed.)

Yeas — Alonzo; Alvarado; Bailey; Bosse; Carona; Conley; Cuellar, R.; Danburg; Davis; De La Garza; Dukes; Dutton; Edwards; Ehrhardt; Farrar; Giddings; Gray; Gutierrez; Hernandez; Hirschi; Hochberg; Hudson; Jones, J.; King; Lewis, G.; Longoria; Luna; Marchant; Maxey; McDonald; Naishtat; Oliveira; Patterson; Pickett; Price; Puente; Rhodes; Rodriguez; Romo; Sadler; Serna; Solis; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Willis; Yarbrough; Zbranek.

Nays — Alexander; Allen; Averitt; Berlanga; Black; Brady; Brimer; Carter; Chisum; Clemons; Combs; Corte; Counts; Crabb; Craddick; Cuellar, H.; Culberson; Dear; Denny; Driver; Duncan; Eiland; Elkins; Finnell; Glaze; Goodman; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Kamel; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; McCall; McCoulskey; Moffat; Mowery; Munoz; Nixon; Oakley; Park; Pitts; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rusling; Seidlits; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Uher; Walker; West; Williamson; Wohlgemuth; Wolens; Woolley; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cook; Davila; Goolsby; Moreno.

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

Absent — Greenberg; Place; Saunders; Wilson.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 342. I intended to vote no.

Yarbrough

When Record No. 342 was taken, I was temporarily out of the house chamber. I would have voted yes.

Greenberg

HB 1992 - LAID ON THE TABLE SUBJECT TO CALL

Representative Giddings moved to lay **HB 1992** on the table subject to call.

The motion prevailed without objection.

HB 1023 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1023**.

CSHB 1023, A bill to be entitled An Act relating to regulation of end stage renal disease facilities; providing penalties.

CSHB 1023 was read second time.

Representative Berlanga moved to postpone consideration of **CSHB 1023** until 10 a.m. Tuesday, May 9.

The motion prevailed without objection.

HB 1194 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1194**.

CSHB 1194, A bill to be entitled An Act relating to the establishment, certification, organization, and regulation of dental provider organizations and dental provider plans.

CSHB 1194 was read second time and was passed to engrossment.

HB 11 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 11**.

CSHB 11, A bill to be entitled An Act relating to participation by victims in certain criminal proceedings, restitution for victims, and training for officers who deal with victims; providing a penalty.

CSHB 11 was read second time.

Amendment No. 1

Representatives B. Turner and Cook offered the following amendment to **CSHB 11**:

Amend **CSHB 11** by striking SECTION 2.07 of the bill (house committee report, page 14, lines 5-23), and substituting the following:

SECTION 2.07. Section 415.034, Government Code, is amended by adding Subsection (g) to read as follows:

(g) The commission shall require a state, county, special district, or municipal agency that appoints or employs a peace officer to require each peace officer to complete one inservice training course on crime victims' rights as part

of the continuing education program described by Subsection (b), unless the peace officer received training in crime victims' rights under Section 415.032(b)(1). The agency may require each peace officer to receive additional training in crime victims' rights at regular intervals that the agency determines are of sufficient frequency to maintain the peace officer's familiarity with the subject matter.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Allen offered the following amendment to **CSHB 11**:

Amend **CSHB 11** in ARTICLE 1 as follows:

(1) Strike SECTION 1.06 and insert a new SECTION 1.06 to read as follows:

SECTION 1.06. Section 8(f)(2), Article 42.18, Code of Criminal Procedure, is amended to read as follows:

(2) Before a parole panel considers for parole a prisoner who is serving a sentence for an offense in which a person was a victim, the pardons and paroles division, using the name and address provided on the victim impact statement, shall make a reasonable effort to notify a victim of the prisoner's crime or if the victim has a legal guardian or is deceased, to notify the legal guardian or close relative of the deceased victim. If the notice is sent to a guardian or close relative of a deceased victim, the notice must contain a request by the pardons and paroles division that the guardian or relative inform other persons having an interest in the matter that the prisoner is being considered for parole. The [If a hearing is held, the] parole panel shall allow a victim, guardian of a victim, close relative of a deceased victim, or a representative of a victim or his guardian or close relative to provide a written statement. The parole panel also shall allow one person to appear in person before the board members to present a statement of the person's views about the offense, the defendant, and the effect of the offense on the victim. The person may be the victim of the prisoner's crime, or if the victim has a legal guardian or is deceased, the legal guardian of the victim or close relative of the deceased victim. If more than one person is otherwise entitled under this subdivision to appear in person before the board, only the person chosen by all persons entitled to appear as their sole representative may appear before the board. This subsection may not be construed to limit the number of persons who may provide written statements for or against the release of the prisoner on parole. The parole panel shall consider the statements and the information provided in a victim impact statement in determining whether or not to recommend parole. However, the failure of the pardons and paroles division to comply with notice requirements of this subsection is not a ground for revocation of parole.

(2) Add an appropriately numbered SECTION to read as follows and renumber existing SECTIONS accordingly:

SECTION 1.____. Article 56.08(a), Code of Criminal Procedure, is amended to read as follows:

(a) Not later than the 10th day after the date that an indictment or information is returned against a defendant for an offense, the attorney

representing the state shall give to each victim of the offense a written notice containing:

(1) a brief general statement of each procedural stage in the processing of a criminal case, including bail, plea bargaining, parole restitution, and appeal;

(2) notification of the rights and procedures under this chapter;

(3) suggested steps the victim may take if the victim is subjected to threats or intimidation;

(4) notification of the right to receive information regarding compensation to victims of crime as provided by Subchapter B of this chapter [~~the Crime Victims Compensation Act (Article 8309-1, Vernon's Texas Civil Statutes)~~], including information about:

(A) the costs that may be compensated under Subchapter B of this chapter [~~that Act~~], eligibility for compensation, and procedures for application for compensation under Subchapter B [~~that Act~~];

(B) the payment for a medical examination for a victim of a sexual assault under Article 56.06 of this code; and

(C) referral to available social service agencies that may offer additional assistance;

(5) the name, address, and phone number of the local victim assistance coordinator;

(6) the case number and assigned court for the case; ~~and~~

(7) the right to file a victim impact statement with the office of the attorney representing the state and the pardons and paroles division of the Texas Department of Criminal Justice; and

(8) notification of the right of a victim, guardian of a victim, or close relative of a deceased victim, as defined by Section 8(f), Article 42.18 of this code, to appear in person before a member of the Board of Pardons and Paroles as provided by Section 8(f)(2), Article 42.18.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Talton offered the following amendment to **CSHB 11**:

Amend **CSHB 11**, in ARTICLE 1 of the bill, by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION 1.____. Chapter 36, Code of Criminal Procedure, is amended by adding Article 36.03 to read as follows:

Art. 36.03. INVOCATION OF RULE. (a) Notwithstanding Rule 613, Texas Rules of Criminal Evidence, a court at the request of a party may order the exclusion of a witness who for the purposes of the prosecution is a victim, close relative of a deceased victim, or guardian of a victim only if:

(1) not later than the 10th day before the trial commences the requesting party provides the opposing party with notice of intention to request exclusion of the witness; and

(2) the court allows the opposing party to contest the exclusion in open court.

(b) The provisions of Subsection (a) do not limit the authority of the court

on its own motion to exclude a witness, regardless of whether notice was provided to parties or parties were provided with an opportunity to contest the exclusion.

(c) In this article, "close relative of a deceased victim," "guardian of a victim," and "victim" have the meanings assigned by Article 56.01.

Amendment No. 3 was withdrawn.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Stiles 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, 7:15 p.m. today, speakers committee room.

CSHB 11 - (consideration continued)

Amendment No. 4

Representative Driver offered the following amendment to **CSHB 11**:

Amend **CSHB 11** in ARTICLE 1 of the bill by adding appropriately numbered SECTIONS to read as follows and by renumbering existing SECTIONS of ARTICLE 1 accordingly:

SECTION _____. Subsection (o), Section 8, Article 42.18, Code of Criminal Procedure, as added by Section 5, Chapter 10, Acts of the 73rd Legislature, 1993, is amended to read as follows:

(o)(1) In addition to other conditions imposed by a parole panel under this article, the parole panel shall [~~may~~] require as a condition of parole or release to mandatory supervision that an inmate serving a sentence for an offense under Section 42.07(a)(7), Penal Code, [~~may~~] not:

(A) communicate directly or indirectly with the victim; or

(B) go to or near the residence, place of employment, or business or the victim or to or near a school, day-care facility, or similar facility where a dependent child of the victim is in attendance.

(2) In establishing the conditions of parole or mandatory supervision for an inmate serving a term of imprisonment for conviction of an offense under Section 42.07(a)(7), Penal Code [~~If a parole panel requires that prohibition contained in Subdivision (1)(B) of this subsection as a condition of parole or release to mandatory supervision~~], the parole panel shall specifically describe the prohibited locations and the minimum distances, if any, that the inmate must maintain from the locations.

SECTION _____. Article 42.18, Code of Criminal Procedure, is amended by adding Section 8B to read as follows:

Sec. 8B. NO CONTACT WITH VICTIM. (a) If a parole panel releases a defendant on parole or to mandatory supervision, the panel shall require as a condition of parole or mandatory supervision that the defendant not communicate directly or indirectly with a victim of the offense or go near a

residence, school, place of employment, business, or other location, as specifically described in the copy of conditions, frequented by a victim. At any time after the defendant is released on parole or to mandatory supervision, a victim of the offense may petition the panel for a modification of the conditions of the defendant's parole or mandatory supervision allowing the defendant contact with the victim subject to reasonable restrictions.

(b) To the extent that a condition imposed under this section conflicts with an existing court order granting possession of or access to a child, the condition imposed under this section prevails for a period specified by the panel not to exceed 90 days.

(c) In this section, "victim" has the meaning assigned by Article 56.01.

(d) Notwithstanding Subsection (a), a defendant may participate in victim-offender mediation authorized by Section 29 on the request of the victim or a guardian of the victim or a close relative of a deceased victim.

Amendment No. 4 was adopted without objection.

CSHB 11, as amended, was passed to engrossment.

HB 1289 ON SECOND READING

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

HB 1289, A bill to be entitled An Act relating to a reporting requirement applicable to certain financial institutions.

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

HB 561 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 561**.

CSHB 561, A bill to be entitled An Act relating to the disclosure of ownership and management of certain rental property.

CSHB 561 was read second time and was passed to engrossment. (Howard recorded voting no)

HB 1425 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1425**.

CSHB 1425, A bill to be entitled An Act relating to business organizations.

CSHB 1425 was read second time and was passed to engrossment. (Wilson recorded voting no)

HB 1487 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1487**.

CSHB 1487, A bill to be entitled An Act relating to the investigation, prosecution, and punishment of the offense of insurance fraud.

CSHB 1487 was read second time and was passed to engrossment. (Howard and Swinford recorded voting no)

HB 1728 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1728**.

CSHB 1728, A bill to be entitled An Act relating to negotiable instruments and bank deposits and collections, including a revision of Chapter 3 of the Uniform Commercial Code.

CSHB 1728 was read second time and was passed to engrossment.

SB 1617 ON SECOND READING

(Brady - House Sponsor)

The speaker laid before the house, in lieu of **HB 2396**, on its second reading and passage to third reading,

SB 1617, A bill to be entitled An Act relating to the Texas Real Estate Investment Trust Act.

The bill was read second time.

Amendment No. 1

Representative Pitts offered the following amendment to the bill:

Amend **SB 1617** on page 1, between lines 22 and 23, by inserting the following section and renumbering the subsequent sections accordingly:

SECTION 3. Subchapter A, Chapter 5, Property Code, is amended by adding Section 5.010 to read as follows:

Sec. 5.010. OWNER'S DISCLOSURE OF PROPERTY TAX INFORMATION. (a) A person who is the owner of a fee simple interest in real property that, for the current tax year or any of the preceding five tax years, was appraised as agricultural or open-space land, timberland, recreational, park, or scenic-use land, or public access airport property and who contracts for the sale of that interest shall give to each party who is a purchaser a written notice that is signed by the owner and that is substantially in the following form:

OWNER'S DISCLOSURE OF TAX INFORMATION

1. Property description: _____

2. Did the property, for the current tax year or any of the preceding five tax years, receive a total or partial exemption from ad valorem taxation? Yes No . If yes, explain. (Attach additional sheets if necessary.) _____

3. Was the property, for the current tax year or any of the preceding five tax years, appraised as agricultural or open-space land, timberland, recreational,

park, or scenic-use land, or public access airport property so that an additional tax may be imposed as a penalty if the property no longer qualifies to be appraised in that manner? Yes No . If yes, explain. (Attach additional sheets if necessary.)

Date Signature of Owner
The undersigned purchaser acknowledges receipt of this notice.

Date Signature of Purchaser

- (b) This section does not apply to a contract for a transfer:
(1) under a court order or foreclosure sale;
(2) by a trustee in bankruptcy;
(3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
(4) by a mortgagee or a beneficiary under a deed of trust who has acquired the property at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the property by a deed in lieu of foreclosure;
(5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust; or
(6) to or from a governmental entity.
(c) The notice described by Subsection (a) is not required to be given to:
(1) a person who is a co-owner with an owner described by Subsection (a) of an undivided interest in the property; or
(2) the spouse or a person in the lineal line of consanguinity of an owner described by Subsection (a).
(d) The owner shall deliver the notice to the purchaser on or before the effective date of the contract binding the purchaser to purchase the property.
(e) An owner who enters into a contract to sell a fee simple interest in real property without disclosing as required by this section that the property, for the current tax year or any of the preceding five tax years, was appraised as agricultural or open-space land, timberland, recreational, park, or scenic-use land, or public access airport property is liable to the purchaser for any additional taxes, penalties, and interest imposed under Chapter 23, Tax Code, and paid by the purchaser.

Amendment No. 1 was adopted without objection.

SB 1617, as amended, was passed to third reading.

HB 2396 - LAID ON THE TABLE SUBJECT TO CALL

Representative Brady moved to lay HB 2396 on the table subject to call.

The motion prevailed without objection.

HB 1510 ON SECOND READING

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

HB 1510, A bill to be entitled An Act relating to the fee for the university center at Texas Tech University.

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

HB 1547 ON SECOND READING

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

HB 1547, A bill to be entitled An Act relating to the vehicle weight tolerance allowance under a vehicle weight permit.

The bill was read second time.

Amendment No. 1

Representative Swinford offered the following amendment to the bill:

Amend **HB 1547** as follows:

(1) Add appropriately numbered sections to read as follows:

SECTION____. Section 5, Chapter 293, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6701d-12, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5. In this Act, "vehicles used exclusively to transport ready-mixed concrete" includes:

(1) a vehicle designed exclusively to transport, manufacture, or transport and manufacture the product; or

(2) a concrete pump truck.

SECTION____. Subsection (a), Section 106, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

2. The combination of vehicles must be operated only during daytime [~~the period from sunrise to sunset~~], and at a rate of speed not to exceed twenty-five (25) miles per hour.

SECTION____. Section 2, Chapter 73, Acts of the 54th Legislature, Regular Session, 1955 (Article 6701d-13, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. Such vehicles may be operated only during daytime, as defined by Section 20A, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes) [~~between the hours of sunrise and sunset as defined by law~~].

SECTION____. Section 2, Chapter 8, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6701d-17, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. Such vehicles may be operated only during daytime, as defined by Section 20A, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), [~~between the hours of sunrise and sunset as defined by law~~] and there shall at all times be displayed at the extreme rear end of the load carried on such vehicles a red flag or cloth not less than twelve (12) inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

SECTION _____. (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 _____. This Act takes effect September 1, 1995.

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 1)

On behalf of Representative Siebert, Representative Swinford offered the following committee amendment to the bill:

Amend **HB 1547** lines 17-21 by adding the following:

A vehicle operating under the permit is authorized to exceed the allowable gross weight by the entire five percent tolerance allowance regardless of the weight of any one axle or tandem axle or distance between axles, if no axle or tandem axle exceeds the tolerance permitted by this subsection.

Amendment No. 2 was adopted without objection.

HB 1547, as amended, was passed to engrossment.

HB 1604 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1604**.

CSHB 1604, A bill to be entitled An Act relating to the regulation of emergency medical services providers and of training programs for those providers.

CSHB 1604 was read second time.

Amendment No. 1

Representative Saunders offered the following amendment to **CSHB 1604**:

Amend **CSHB 1604** as follows:

On page 13, between lines 17 and 18, add new Section 20 as follows and renumber accordingly:

SECTION 20. Section 774.003(b), Health and Safety Code, is amended to read as follows:

Sec. 774.003(b). In providing for the services authorized by Subsection (a), a commissioners court may enter into exclusive agreements with any municipality, hospital district, sheriff's office, fire department, private ambulance service, or other agency or entity that the commissioner's court finds to be suitably organized to provide efficient emergency ambulance service to the county. The governing body of a municipality or hospital district in which emergency ambulance service is to be rendered must approve an agreement made with the commissioner court to provide that service in the municipality or hospital district.

Amendment No. 1 was adopted without objection.

CSHB 1604, as amended, was passed to engrossment. (Chisum and Swinford recorded voting no)

HB 2496 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2496**.

CSHB 2496, A bill to be entitled An Act relating to funding of mass transportation projects.

CSHB 2496 was read second time.

Amendment No. 1

Representative Kubiak offered the following amendment to **CSHB 2496**:

Amend **CSHB 2496** as follows:

(1) On page 3, line 18, between after "program" and before the end of the sentence, insert the phrase "with the option to provide a local share".

Amendment No. 1 was adopted without objection.

CSHB 2496, as amended, was passed to engrossment.

HB 2658 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2658**.

CSHB 2658, A bill to be entitled An Act relating to the name, function, and duties of the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons.

CSHB 2658 was read second time and was passed to engrossment.

HB 2660 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2660**.

CSHB 2660, A bill to be entitled An Act relating to area agencies on aging and the coordination of their planning and services within their health and human services regions.

CSHB 2660 was read second time and was passed to engrossment.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hilderbran moved to suspend all necessary rules to allow the conference committee on HB 1863 to meet while the house is in session for the remainder of the session.

The motion prevailed without objection.

HB 3111 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 3111**.

CSHB 3111, A bill to be entitled An Act relating to the delivery of health care by certain nonprofit health corporations.

CSHB 3111 was read second time and was passed to engrossment.

HB 1798 ON SECOND READING

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

HB 1798, A bill to be entitled An Act relating to the creation of a panel with authority to approve the release of the state's interest in land in certain circumstances.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Combs, Representative McCoulskey offered the following committee amendment to the bill:

Amend **HB 1798** as follows:

On page 1, line 9, strike "shall" and substitute "may".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Shields offered the following amendment to the bill:

Amend **HB 1798** as follows:

On page 1, line 8, of the bill, after (a) delete the following language: ~~A three member panel consisting of the attorney general, comptroller, and commissioner shall~~ and insert the following language in its place: The legislature, by a two-thirds vote, may

Representative McCoulskey moved to table Amendment No. 2.

The motion to table prevailed.

HB 1798, as amended, was passed to engrossment.

(Ogden now present)

HB 2812 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2812**.

CSHB 2812, A bill to be entitled An Act relating to student fees to support intercollegiate athletics at a public institution of higher education.

CSHB 2812 was read second time.

Amendment No. 1

Representative Ogden offered the following amendment to **CSHB 2812**:

Amend **CSHB 2812** as follows:

In SECTION 1, page 1, line 18, strike "\$25" and substitute "\$50".

Amendment No. 1 was adopted without objection.

CSHB 2812, as amended, was passed to engrossment.

HB 2944 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2944**.

CSHB 2944, A bill to be entitled An Act relating to municipal solid waste disposal fees.

CSHB 2944 was read second time.

Amendment No. 1

Representative Saunders offered the following amendment to **CSHB 2944**:

Amend **CSHB 2944** by deleting Section 1 and adding new Section 1 to read as follows:

SECTION 1. Section 361.013, Health and Safety Code, is amended by amending Subsection (a) and adding new Subsections (h) and (i) to read as follows:

Section 361.013. SOLID WASTE DISPOSAL AND TRANSPORTATION FEES. (a) Except as provided by Subsections [~~Subsection~~] (e) through (i), the commission [~~department~~] shall charge a fee on all solid waste that is disposed of within this state. The fee is \$1.25 per ton received for disposal at a landfill if the solid waste is measured by weight. If the solid waste is measured by volume, the fee for compacted solid waste is 40 cents per cubic yard or for uncompacted solid waste, 25 cents per cubic yard received for disposal at a landfill. The commission [~~department~~] shall set the fee for sludge or similar waste applied to the land for beneficial use on a dry weight basis and for solid waste received at an incinerator or a shredding and composting facility at half the fee set for solid waste received for disposal at a landfill. The commission [~~department~~] may charge comparable fees for other means of solid waste disposal that are used.

(h) The commission may not charge a fee under Subsection (a) on solid waste resulting from a public entity's effort to protect the public health and safety of the community from the effects of a natural or man-made disaster or from structures that have been contributing to drug trafficking or other crimes if the disposal facility at which that solid waste is offered for disposal has donated to a municipality, county, or other political subdivision the cost of disposing of that waste.

(i) The commission may not charge a fee under Subsection (a) for:

(1) the disposal of Class I industrial solid waste or hazardous waste subject to the assessment of fees under Section 361.136, or

(2) the disposal of an industrial solid waste for which no permit may be required under Section 361.090.

Amendment No. 1 was adopted without objection.

CSHB 2944, as amended, was passed to engrossment.

HB 2945 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2945**.

CSHB 2945, A bill to be entitled An Act relating to the state's source reduction and recycling goal.

CSHB 2945 was read second time.

Amendment No. 1

Representative Romo offered the following amendment to **CSHB 2945**:

Amend **CSHB 2945** by inserting the following appropriately numbered SECTIONS and renumbering the remaining SECTIONS of the bill appropriately:

SECTION _____. Section 361.421(1), Health and Safety Code, is amended to read as follows:

(1) "Compost" is the disinfected and stabilized product of the decomposition process that may be [is] used or sold for use as a soil amendment, artificial top soil, growing medium amendment, fertilizer, or other similar uses, including application to land as organic fertilizer.

SECTION _____. Section 63.001(8), Agriculture Code, is amended to read as follows:

(8) "Fertilizer material" means a solid or nonsolid substance or compound that contains an essential plant nutrient element in a form available to plants and is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop or for compounding a mixed fertilizer. The term may [~~does not~~] include the excreta of an animal, plant remains, or a mixture of those substances[~~, for which no claim of essential plant nutrients is made~~].

SECTION _____. Section 63.051(a), Agriculture Code, is amended to read as follows:

(a) Except as provided by Subsections [~~Subsection~~] (d) and (e) of this section, each container of commercial fertilizer distributed in this state, other than customer-formula fertilizer, must have a label with the following information:

(1) the name and principal address of the person responsible for manufacture and distribution;

(2) the brand, grade, and name under which the fertilizer is to be distributed;

(3) the net weight of the fertilizer in the container;

(4) the guaranteed analysis of the plant nutrients in the fertilizer, listing the minimum percentages of primary, secondary, and micro plant nutrients, and other additives, in accordance with rules of the service; and

(5) other information that the service may by rule prescribe.

SECTION _____. Section 63.051, Agriculture Code, is amended by adding Subsection (e) to read as follows:

(e) Compost, as defined by Section 361.421(1), Health and Safety Code, that is labeled, advertised, or otherwise identified or sold as fertilizer without a claim of specific grade content is exempt from the labeling and inspection requirements of Subsections (a), (b), and (c). The service shall adopt rules for labeling of compost that is exempt under this subsection.

SECTION _____. Section 63.071(h), Agriculture Code, is amended to read as follows:

(h) A person is not required to pay an inspection fee on compost as defined by Section 361.421, Health and Safety Code, if the compost is exempt from inspection under Section 63.051(e) of this code.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Hirschi offered the following amendment to **CSHB 2945**:

Amend **CSHB 2945** as follows:

On page 2, line 3, after "commission," insert "the recycling industry."

Amendment No. 1 was adopted without objection.

CSHB 2945, as amended, was passed to engrossment.

HB 170 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 170**.

CSHB 170, A bill to be entitled An Act relating to the requirement that certain child support payments be forwarded by electronic funds transfer.

CSHB 170 was read second time and was passed to engrossment.

HB 158 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 158**.

CSHB 158, A bill to be entitled An Act relating to authorizing the provision of state financial assistance to the Civil Air Patrol, Texas Wing, to support the wing's disaster-related activities.

CSHB 158 was read second time and was passed to engrossment.

HB 391 ON SECOND READING

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

HB 391, A bill to be entitled An Act relating to the availability of motor vehicle accident reports.

The bill was read second time.

Amendment No. 1

Representative Goodman offered the following amendment to the bill:

Amend **HB 391** on page 1, line 5, between "is" and "amended", by inserting "reenacted and".

Amendment No. 1 was adopted without objection.

HB 391, as amended, was passed to engrossment.

HB 1074 ON SECOND READING

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

HB 1074, A bill to be entitled An Act relating to the presumption for theft by check after the issuance of a stop payment order.

The bill was read second time.

Amendment No. 1

Representative Chisum offered the following amendment to the bill:

Amend **HB 1074** as follows:

On page 2, line 8, after the word: "property," add the following new subsection:

(g) Intent to deprive the owner of the property is not presumed if the actor has determined that the property is defective and has notified the owner of the defect and the owner has refused to:

(1) accept the return of the property in exchange for the check; or

(2) exchange the defective property for nondefective property of equal value.

Amendment No. 1 was adopted without objection.

HB 1074, as amended, was passed to engrossment.

SB 870 - VOTE RECONSIDERED

Representative Chisum moved to reconsider the vote by which **SB 870** failed to pass to third reading.

The motion to reconsider prevailed.

SB 870 ON SECOND READING (Giddings - House Sponsor)

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

SB 870, A bill to be entitled An Act relating to the authority of the consumer credit commissioner and to the regulation of certain consumer credit practices; providing penalties.

Representative Elkins moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

Amendment No. 2

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

Amend **SB 870** as follows:

(1) On page 3, strike lines 2-18, and substitute the following:

(3) A person commits an offense if the person violates Section (2) of this article. An offense under this section is a Class C misdemeanor.

(4) A person who violates Section (2) of this article may be prosecuted under Section (3) of this article or may be subject to the penalties provided

under Chapter 8 of this title and any civil penalties that the Consumer Credit Commissioner may assess, but is not subject to both prosecution under Section (3) and the penalties.

(5) In each advertisement that purports to offer credit subject to the statutes listed by Section (1), Article 2.02A, of this title, the advertiser shall disclose the legal or properly registered name of the advertiser and the physical address of the advertiser's place of business unless the advertisement is located on the premises of the advertiser's place of business or the advertisement is broadcast by radio or television. If the advertisement is broadcast by radio or television, the advertiser shall disclose the legal or properly registered name and the telephone number of the advertiser and shall comply with the applicable disclosure requirements of Regulation Z (12 C.F.R. 226.1 et seq.). This section does not apply to a federally insured depository institution or to a person engaged in interstate commerce who advertises under a generally recognized trade name, abbreviated form of a trade name, or logo.

(2) Strike Sections 3 and 4 of the bill.

(3) Renumber the remaining sections accordingly.

Amendment No. 2 was adopted without objection.

SB 870, as amended, was passed to third reading. (Horn and Rabuck recorded voting no)

HR 830 - ADOPTED

Representative R. Cuellar moved to suspend all necessary rules to take up and consider at this time **HR 830**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By R. Cuellar,

HR 830, Commending Roberto Perez II.

The resolution was adopted without objection.

On motion of Representative Gutierrez, the names of all the members of the house were added to **HR 830** as signers thereof.

HR 831 - ADOPTED

Representative R. Cuellar moved to suspend all necessary rules to take up and consider at this time **HR 831**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By R. Cuellar,

HR 831, In memory of Gloria Champion Cabaza.

The resolution was unanimously adopted by a rising vote.

HR 854 - ADOPTED

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HR 854**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Thompson,

HR 854, Congratulating Brian Jackson on his 25th birthday and on his graduation from Texas Southern University.

The resolution was adopted without objection.

On motion of Representative Uher, the names of all the members of the house were added to **HR 854** as signers thereof.

HR 844 - ADOPTED

Representative G. Lewis moved to suspend all necessary rules to take up and consider at this time **HR 844**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By G. Lewis,

HR 844, Honoring Marguerite J. Johnson.

The resolution was adopted without objection.

HR 841 - ADOPTED

Representative Williamson moved to suspend all necessary rules to take up and consider at this time **HR 841**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Williamson,

HR 841, In memory of Mark Woods.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Uher, the names of all the members of the house were added to **HR 841** as signers thereof.

HR 852 - ADOPTED

Representative B. Hunter moved to suspend all necessary rules to take up and consider at this time **HR 852**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By B. Hunter,

HR 852, Honoring Janet Ardoyno for her community service.

The resolution was adopted without objection.

HR 856 - ADOPTED

Representative Elkins moved to suspend all necessary rules to take up and consider at this time **HR 856**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Elkins,

HR 856, In memory of Tom Smith.

The resolution was unanimously adopted by a rising vote.

HR 853 - ADOPTED

Representative Serna moved to suspend all necessary rules to take up and consider at this time **HR 853**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Serna,

HR 853, Paying tribute to the life and service of the Honorable Tony Parra.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Uher, the names of all the members of the house were added to **HR 853** as signers thereof.

(Cook now present)

HCR 188 - ADOPTED

Representative Jackson moved to suspend all necessary rules to take up and consider at this time **HCR 188**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Jackson,

HCR 188, Rejecting NASA contentions regarding the Johnson Space Center and memorializing congress to countermand the NASA proposal to consolidate and downsize the operations of the center.

Amendment No. 1

Representative Jackson offered the following amendment to the resolution:

Amend **HCR 188** by striking all of the text below the heading and substituting the following:

WHEREAS, Texas is proud to be home to the National Aeronautics and Space Administration's (NASA) Johnson Space Center and is a state where thousands of Texans have taken part in NASA's goals, vision, missions, and accomplishments in furthering space exploration; and

WHEREAS, The approach of an integrated design and development team concept implemented at Johnson Space Center has a proven record of

accomplishment in the Mercury, Gemini, Apollo, and Shuttle programs, and the International Space Station program was purposely located at Johnson Space Center to take advantage of the integrated product team concept that has been so successful in previous NASA programs; and

WHEREAS, The human space integration missions at Johnson Space Center, including spacecraft engineering, space shuttle operations program management, the shuttle orbiter project, and science programs, are vital to NASA's human space program; and

WHEREAS, A proposed plan developed by NASA to consolidate operations portends an action that would severely impact Johnson Space Center and the Texas economy; and

WHEREAS, If the proposal is implemented, Texas stands to lose thousands of primary and secondary jobs associated with the aerospace industry and Johnson Space Center, thousands of secondary, retail, and support jobs, and a significant share of investment opportunities and associated investment benefits; and

WHEREAS, Texas was affected negatively as a consequence of NASA's 1994 restructuring, downsizing, and space station redesign at Johnson Space Center; and

WHEREAS, Texans support the general goal of reducing government waste and jobs; how the goal is achieved in the case of NASA's proposed reorganization is a key point that needs clarification; now, therefore, be it

RESOLVED, That the 74th Legislature of the State of Texas respectfully urge the Congress of the United States to review fully NASA's proposed reorganization plan and to analyze the cost/benefit of the plan, including proposed mission transfers and relocations, with the purpose of preserving and protecting the United States' leadership in space technology and exploration; and, be it further

RESOLVED, That the Texas secretary of state forward official copies of this resolution to the administrator of the National Aeronautics and Space Administration, to the president of the United States, to the speaker of the house of representatives and president of the senate of the United States Congress, and to all members of the Texas congressional delegation with the request that it be officially entered in the Congressional Record of the United States of America.

Amendment No. 1 was adopted without objection.

The resolution, as amended, was adopted without objection.

On motion of Representative Stiles, the names of all the members of the house were added to **HCR 188** as signers thereof.

RULES SUSPENDED

Representative Seidlits moved to suspend the 5-day posting rule to allow the Committee on State Affairs to consider **HB 1764**, **HB 2820**, and **SB 988**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Criminal Jurisprudence, on recess today, Desk 5.

Civil Practices, on recess today, Desk 32.

State Affairs, on recess today, E2.014, Capitol Extension.

Appropriations, on recess today, Appropriations Committee Room, to consider **HB 982**.

Urban Affairs, on recess today.

Land and Resource Management, on recess today, Desk 1.

Pensions and Investments, on recess today, Desk 54, to consider **HB 3125**.

Human Services, on recess today, Desk 41, to consider committee business.

Higher Education, on recess today, Desk 118, to consider **HB 2438** and **SB 1491**.

Public Safety, on recess today, Desk 43, to consider pending business.

Insurance, on recess today, Desk 24, to consider pending bills.

HR 857 - ADOPTED

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 857**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Farrar,

HR 857, Honoring Sister Nancy Koke on the occasion of her retirement and declaring May 10, 1995, to be Sister Nancy Day.

The resolution was adopted without objection.

RECESS

Representatives McDonald and Serna moved that the house recess until 9 a.m. tomorrow in memory of the Honorable Tony Parra, former house member from El Paso.

The motion prevailed without objection.

The house accordingly, at 8:26 p.m., recessed until 9 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

Appropriations - **HB 3050**

Business and Industry - **HB 593, HB 1125, HB 1474**

Civil Practices - **HB 1195, HB 1391, HB 3181**

Corrections - **SB 44**

County Affairs - **HB 446, HB 1650, HB 1783, HB 2143, HB 2789, HB 2979, SB 432, SB 1168, HJR 80**

Criminal Jurisprudence - **HB 1440**

Economic Development - **HB 584**

Environmental Regulation - **HB 2846**

Higher Education - **HB 31, HB 3119, SB 727**

Human Services - **HB 648, HB 2334, HB 2391, HB 3118**

Judicial Affairs - **SB 313**

Juvenile Justice and Family Issues - **HB 1306, SB 512**

Land and Resource Management - **HB 1357, SB 226**

Licensing and Administrative Procedures - **HB 1711**

Natural Resources - **HB 753**

Pensions and Investments - **HB 1270**

Public Health - **HB 264, HB 883, HB 1520, HB 2113, HB 2810, HB 2850, HB 3059, SB 96, SB 269, SB 519, SB 570, SB 659, SB 929, SB 955, SB 1161, SB 1291, SB 1431, SB 1454, SB 1485, SB 1486, HCR 102**

State Affairs - **HB 175, HB 499, HB 723, HB 1012, HB 1249, HB 1777, HB 1955, HB 2508, HB 2709, HB 2773, HB 2856, HB 2967, HB 3124, HB 3164, HB 3223, HB 3233, HJR 1**

Transportation - **HB 1954**

ENGROSSED

May 7 - **HB 244, HB 340, HB 483, HB 742, HB 768, HB 774, HB 817, HB 828, HB 841, HB 895, HB 1205, HB 1225, HB 1293, HB 1375, HB 1417, HB 1481, HB 1714, HB 1717, HB 1763, HB 1774, HB 1810, HB 1819, HB 1844, HB 1885, HB 1943, HB 2289, HB 2314, HB 2315, HB 2352, HB 2398, HB 2463, HB 2487, HB 2501, HB 2507, HB 2540, HB 2553, HB 2580, HB 2613, HB 2640, HB 2661, HB 2684, HB 2686, HB 2698, HB 2754, HB 2781, HB 2860, HB 2873, HB 2898, HB 2940, HB 2969, HB 2980, HB 2989, HB 3053, HB 3079, HB 3120, HB 3165, HB 3188, HB 3195, HB 3196, HB 3199, HB 3207, HCR 128**

SENT TO THE GOVERNOR

May 8 - **HB 85, HB 971, HB 1465, HB 2355, HCR 115, HCR 116, HCR 131**

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

May 5 - **HB 3193**

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