

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-SIXTH DAY (CONTINUED) — FRIDAY, MAY 19, 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 467).

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; Holzhauser; 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; Patterson; Pickett; Pitts; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; 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.

Absent, Excused — Park; Rabuck; Staples.

The invocation was offered by Dr. Bobby Smith, pastor, First Baptist Church, Galveston, as follows:

Oh Lord, you are our God, let us exalt you with all of our heart, mind, and lives. Let us give thanks to your holy name; for you have created and sustained our world with perfect faithfulness. We put our trust in you this morning as we come before your throne of grace asking you to continue to be everything we need for you to be in each of our lives this day.

This morning I lift up George W. Bush, Bob Bullock, and Pete Laney as they provide our state the leadership necessary to lead us into a society marked by tranquility, godliness, and dignity. May they have the wisdom to know what is right and the strength to lead this legislature in its accomplishment.

This morning I lift up the people in this room and ask that you touch their hearts and minds with your love. Bless them that they may be a blessing in the preservation of our liberty and freedom. Give them wisdom, mercy, and discretion as today they carry on the business of our state government. May righteousness and justice be the prevailing motivation behind every decision made as they perform the duties of this Seventy-Fourth Legislature of the great State of Texas.

I pray these things in the name of my Savior and Lord, Jesus Christ. Amen.

LEAVES OF ABSENCE GRANTED

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

Rabuck on motion of Howard.

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

Staples on motion of Hightower.

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

Park on motion of Denny.

(Speaker pro tempore in the chair)

CAPITOL PHYSICIAN

The chair presented Dr. Perry Post of San Antonio as the "Doctor for the Day."

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

SIGNED BY THE SPEAKER

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

HB 321, HB 344, HB 635, HB 865, HB 1320, HB 1381, HB 1422, HB 1559, HB 1564, HB 1567, HB 1696, HB 1745, HB 1824, HB 1899, HB 1914, HB 2021, HB 2094, HB 2159, HB 2176, HB 2387, HB 2495, HB 2687, HB 2842, HB 2987, HB 3061, HB 3075, HB 3171, HJR 73, HCR 212, HCR 214

LEAVE OF ABSENCE GRANTED

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

Price on motion of Coleman.

INTRODUCTION OF GUEST

The chair recognized Representative Wilson, who introduced Bessie O. Swindle

HR 175, commending Bessie O. Swindle for her contributions to her community, having been previously adopted, was read.

HR 896

HR 896, honoring O. R. and Lela Murriel Lawlis on the occasion of their 61st wedding anniversary, 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:

Conley on motion of Giddings.

HR 995 - ADOPTED

Representative B. Turner moved to suspend all necessary rules to take up and consider at this time **HR 995**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By B. Turner,

HR 995, Honoring Janie Baxter, Sarah Johnson, Geeta Seth, and Marlena Whitford for receiving the Girl Scout Gold Award.

The resolution was adopted without objection.

HCR 217 - ADOPTED

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HCR 217**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Craddick and West,

HCR 217, Honoring Darby Basham, Michelle Drago, Jodi Fulfer, Tamarie Hawkins, Courtney Heinemann, Michelle Long, and Laura Vaden for receiving the Girl Scout Gold Award.

The resolution was adopted without objection.

HR 835 - ADOPTED

Representative Junell moved to suspend all necessary rules to take up and consider at this time **HR 835**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Junell,

HR 835, Honoring Harlan Bruha on the occasion of his retirement as director of the Angelo State University Small Business Development Center.

The resolution was read and was adopted without objection.

On motion of Representative Hilderbran, the names of all the members of the house were added to **HR 835** as signers thereof.

HR 953 - ADOPTED

Representatives Tillery and Reyna moved to suspend all necessary rules to take up and consider at this time **HR 953**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Tillery,

HR 953, Honoring Adam Stewart for his efforts to memorialize the victims of the Oklahoma City bombing.

The resolution was read and was adopted without objection.

INTRODUCTION OF GUEST

The chair recognized Representatives Tillery and Reyna, who introduced Adam Stewart.

LEAVE OF ABSENCE GRANTED

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

Brady on motion of Hirschi.

HR 997 - ADOPTED

Representative B. Hunter moved to suspend all necessary rules to take up and consider at this time **HR 997**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By B. Hunter,

HR 997, Honoring the leaders and community of Buffalo Gap, Texas.

The resolution was adopted without objection.

HR 998 - ADOPTED

Representative B. Hunter moved to suspend all necessary rules to take up and consider at this time **HR 998**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By B. Hunter,

HR 998, Honoring the National Auctioneers Foundation.

The resolution was adopted without objection.

LEAVE OF ABSENCE GRANTED

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

S. Turner on motion of Bosse.

HR 999 - ADOPTED

Representative Saunders moved to suspend all necessary rules to take up and consider at this time **HR 999**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Saunders,

HR 999, Honoring the Bastrop High School girls' golf team.

The resolution was adopted without objection.

HR 994 - ADOPTED

Representative Yarbrough moved to suspend all necessary rules to take up and consider at this time **HR 994**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Yarbrough,

HR 994, Honoring Emily Sadegh for her contributions as a legislative intern.

The resolution was read and was adopted without objection.

CONGRATULATORY AND MEMORIAL CALENDAR

The chair laid before the house the following memorial resolutions:

By Conley, et al.,

HCR 200, In memory of the Honorable Lou Nelle Sutton.

By Gallego, et al.,

HCR 202, In memory of Virginia Kelley.

HR 208 was read after the memorial portion of the calendar.

By Counts,

HR 850, In memory of the men from Stamford who lost their lives in World War II.

By Willis,

HR 855, In memory of Hazel Vaughn Leigh.

By Black,

HR 860, In memory of retired Major Mary Margaret Purcell of Killeen.

By Black,

HR 861, In memory of Thelma Lee Flemming.

By Gallego,

HR 865, In memory of Juana Chavez Jiner.

By Gallego,

HR 875, In memory of Eduardo Hartnett.

By Gallego,

HR 878, In memory of Vicente G. Molinar.

By Gallego,

HR 879, In memory of Carlos Cortes, Sr.

By Gallego,
HR 880, In memory of Perry E. Brown.

By Gallego,
HR 881, In memory of Michelle Kay Timmons and her son, Hunter Trey Timmons.

By Gallego,
HR 883, In memory of Henry DeLaO.

By T. Hunter,
HR 889, In memory of Derek Harrison of Corpus Christi.

By T. Hunter,
HR 891, In memory of Patty J. "Wendy" Gilmore.

By Gallego,
HR 899, In memory of Armando G. Figueroa.

By Gallego,
HR 900, In memory of William Autry "Bill" Sprinkle, Sr.

By Gallego,
HR 901, In memory of Tom G. Cross.

By Gallego,
HR 902, In memory of Daniel Ray Stacy.

By Gallego,
HR 904, In memory of Ruth Golder.

By Gallego,
HR 905, In memory of Pat Godbold.

By Gallego,
HR 907, In memory of Richard E. Morrow.

By Gallego,
HR 909, In memory of Jose Alberto Ramon.

By Gallego,
HR 910, In memory of Elvira Cobos.

By Oakley and Willis,
HR 914, In memory of Dr. William deVlaming.

By West,
HR 915, In memory of Lucille Evelyn Wolz.

The resolutions were unanimously adopted by a rising vote.

The chair laid before the house the following resolution:

By R. Lewis,
HR 208, In memory of Anna Jean Caffey.

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

INTRODUCTION OF GUESTS

The chair recognized Representative R. Lewis, who introduced the family of Anna Jean Caffey.

(Speaker in the chair)

CEREMONY FOR PRESENTATION OF CITATION TO REPRESENTATIVE HIGHTOWER

The speaker recognized Representatives McCall and Stiles, who introduced Representative Hightower and Herbert H. Reynolds, president of Baylor University.

President Reynolds presented Representative Hightower with a Citation of Alumnus Honoris Causa from Baylor University, speaking as follows:

I ask Representative Hightower to please stand so you can see him quite easily.

Representative McCall, thank you. Representative Stiles, we appreciate so much your introduction. Governor Bush, we are delighted to be in your presence. Mr. Speaker, thank you for the opportunity to be here. Mr. Justice Hightower. We are pleased to be with all of you today on this occasion.

Members of the house, the Hightower family is well known to Baylor University. They have been a part of our institution for many decades. We were chartered in 1845 and it seems that their name almost goes back to the very beginning when we were down at Independence, at Washington-on-the-Brazos.

Representative Hightower's father was an All-Southwest Conference baseball player, a fine attorney, and I know that you miss him. He passed away quite recently. I saw your mother on Tuesday night—we were over at Livingston—and I told her that we were going to be on the floor of the house today and that we would be honoring you and, to say the least, she was very moved and pleased. We appreciate you and your family. We are so glad that your wife and daughter can be here today as well.

I would like to read this citation, please:

"Allen Ross Hightower, Jr.,
Alumnus Honoris Causa.

"Allen Ross Hightower, Jr., has clearly distinguished himself by his many significant contributions to his profession, his community, his district, and the State of Texas.

"Born in Enterprise, Alabama, Mr. Hightower's family moved to Livingston, Texas, ten months after his birth. He graduated in 1964 from Livingston High School, where his athletic abilities enabled him to attend Baylor University on a baseball scholarship from 1964 to 1967. After graduating in 1968 from the Texas Game Warden Academy, Texas A&M University, he later obtained a degree in criminal justice from Sam Houston State University, with major studies in political science and corrections.

"Following his academic studies, Mr. Hightower began an eleven-year career as a state game warden for the Texas Parks and Wildlife Department from 1968 to 1979 in San Jacinto, Walker, and Houston Counties. In 1970, the Texas Parks and Wildlife Department honored him for bravery in saving a human life on Caddo Lake. In 1973, the Houston Police Academy named him its "Outstanding Officer of the Year" for arresting an armed bank robber. Later, in 1979, he began a career as an officer for the Twelfth Judicial Probation Department in Huntsville.

"First elected to the Texas House of Representatives in 1983, Mr. Hightower represents District 18, which encompasses all of Tyler, San Jacinto, Polk, and Walker Counties. He completed a successful first session by passing fifteen bills, a number virtually unheard of at that time for a freshman legislator. He currently serves as Chairman of the House Corrections Committee, from which he has direct oversight of what is believed to be one of the largest public works projects in the history of the nation. Under his leadership, Texas is now building more prisons than are found in thirty-eight other states. Representative Hightower also serves as a member of the House Agriculture and Livestock Committee as well the House General Investigating Committee. He has been appointed as a member of the House Legislative Council and the Legislative Criminal Justice Board. He serves as vice-chair of the Texas Commission on Children and Youth.

"Representative Hightower's committee and council service includes co-chair of the Texas Punishment Standards Commission and membership on the Criminal Justice Policy Council. He is the recipient of numerous awards and special recognitions including: Legislative Crime Fighter Award by the Dallas Crime Commission, Recipient of the Black Caucus Award in the 1989 Texas Legislature, Outstanding Legislator Award by the Texas Chamber of Commerce, President's Award by the Texas Correction Association, and the John Traeger House Member "Legislator of the Year" Award by the Texas Public Employees Association.

"He was also presented the "Mr. East Texas" Award in 1992 and the following year was named one of Texas Monthly magazine's "Top Ten Legislators of the Year." Sam Houston State University has named Mr. Hightower as a Distinguished Alumnus and in 1994 he received the Defensor Pacem Medal by the Sam Houston State University Criminal Justice Center. That same year he was also named to the Dr. George J. Beto Hall of Honor by the Texas Correction Association.

"Baylor University honors Representative Allen Ross Hightower, Jr., not only for his great accomplishments and long-standing support of Baylor University and many other worthy organizations and causes, but also for his outstanding leadership as he has supervised the reshaping of the state's massive penal system. His example of able leadership and service to our state will stand as a model for future generations of legislators. It is, therefore, with great pleasure, that we, as Chairman of the Board and President of Baylor University, designate Allen Ross Hightower, Jr., as an Alumnus Honoris Causa of Baylor University with all of the privileges and emoluments thereunto pertaining."

President Reynolds introduced Governor George W. Bush and named him an Honorary Regent of Baylor University.

Governor Bush then presented Representative Hightower with a commemorative medal of his citation as Baylor Alumnus Honoris Causa.

REMARKS ORDERED PRINTED

Representative Chisum moved to print remarks by Herbert H. Reynolds, president of Baylor University.

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 in the district:

Sadler on motion of Gallego.

(Speaker pro tempore in the chair)

**CONGRATULATORY AND MEMORIAL CALENDAR -
(consideration continued)**

The chair laid before the house the following congratulatory resolutions:

SCR 142 (Naishtat - House Sponsor), Congratulating the winners and participants of the Texas Association of Homes and Services for the Aging's Fifth Annual Art Exhibition.

SCR 143 (Naishtat - House Sponsor), Commending the Austin Division of the Casey Family Program.

SCR 144, (Crabb - House Sponsor) Congratulating Clear Lake High School basketball coach Bill Krueger for winning the most basketball games of any high school coach in the country.

SCR 145, Designating May 9, 1995, as Texas Clinical Nutrition Day.

SCR 151, (Ramsay - House Sponsor) Declaring May 11, 1995, as Wood County Day at the State Capitol.

By Solomons,

HCR 203, Designating August 7-13, 1995, as Municipal Courts Week in Texas.

HCR 204 was previously adopted.

By Serna, et al.,

HR 411, Designating the first week of November as Voter Appreciation Week.

HR 835 was previously adopted.

By Ogden,

HR 836, Commending Texas MATHCOUNTS.

By Krusee,

HR 839, Honoring William Gooch.

By Zbranek,

HR 840, Recognizing May 22-28, 1995, as National Park Week.

By Carter, et al.,

HR 843, Commending the 1995 Chisholm Trail Round-Up.

By Howard,

HR 847, Congratulating Richard Chad Bruns on his achievement in being named the Texas Junior Chess Champion for 1995.

By McCoulskey,

HR 848, Honoring Russell Sage Brumbelow.

HR 849 was withdrawn.

By Black,

HR 859, Honoring Larry Salisbury.

By Jackson,

HR 863, Honoring William E. Crowder for his contributions as a dedicated civic leader of La Porte.

By Johnson,

HR 872, Recognizing May 22, 1995, as Jasper Day at the Capitol.

By Gallego,

HR 873, Honoring Samuel Eugene Davis on the occasion of his retirement from Sul Ross State University.

By Gallego,

HR 876, Honoring Dr. Earl H. Elam.

By Gallego,

HR 877, Honoring Mr. and Mrs. Rafael Mendez on their 50th wedding anniversary.

By Gallego,

HR 882, Honoring Alpine Lodge No. 766 AF & AM.

By Willis,

HR 885, Honoring the Lost Battalion Association.

By Stiles,

HR 898, Honoring Charles D. Stutzenbaker.

By Gallego,

HR 903, Honoring Dr. James Franklin Scudday.

By Gallego,

HR 906, Honoring E. F. "Trip" Triplett on the occasion of his retirement.

By Gallego,

HR 908, Honoring Judge Louise Christian on her retirement.

By Jackson,

HR 912, Honoring Earl Tischofer, executive director of the North NASA Area Association of Realtors.

By West,

HR 916, Honoring Crockett Junior High School on its nomination for consideration in the U.S. Department of Education's Drug-Free Schools Recognition Program.

By Johnson,

HR 917, Commemorating the dedication of the Kirbyville Veterans' Memorial.

By Oakley,

HR 918, Naming Danielle Star Willis an official junior mascot of Texas Independence Day, 1996.

By Kubiak,

HR 919, Honoring Father Victor Mathias for his religious and community service.

HR 920 was previously adopted.

By Pitts,

HR 922, Honoring Dr. Charles E. Boston, pastor of Little Zion Missionary Baptist Church of Hillsboro.

HR 923 was previously adopted.

The resolutions were adopted without objection.

LOCAL BILLS CALENDAR ON SECOND READING

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

HB 3237, A bill to be entitled An Act relating to the creation of municipal courts of record in Lake Worth.

SB 1693 (Rhodes - House Sponsor), A bill to be entitled An Act relating to authorizing the division of the Gonzales County Underground Water Conservation District into precincts, authorizing the board to make expenditures, and validating certain actions.

CONSENT BILLS CALENDAR ON SECOND READING

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

SB 96 (Berlanga - House Sponsor), A bill to be entitled An Act relating to mental health proceedings and the administration of psychoactive medications.

LEAVE OF ABSENCE GRANTED

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

Carona on motion of Ehrhardt.

CONSENT BILLS CALENDAR - (consideration continued)

SB 118 (Brimer - House Sponsor), A bill to be entitled An Act relating to a municipality's access to criminal history record information about applicants for employment.

CSSB 133 (McDonald - House Sponsor), A bill to be entitled An Act relating to distribution of and fees charged by health care providers or health care facilities for certain medical or mental health records.

SB 149 (Greenberg and Kamel - House Sponsors), A bill to be entitled An Act relating to the release of information concerning the treatment of a sex offender by a treatment provider, a criminal justice agency, or a local law enforcement authority.

SB 182 (Gray - House Sponsor), A bill to be entitled An Act relating to prohibiting discrimination by certain insurers in issuing health insurance policies to women with fibrocystic breast conditions; imposing penalties.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Counts, Representative Gray offered the following committee amendment to the bill:

Amend **SB 182** as follows:

In SECTION 1, line 9, add the word "health" after the word "any" and before the word "insurance", then added the words "policy or contract" after the words "insurance" and before the words "in this state,".

Amendment No. 1 was adopted without objection.

SB 209 (Hill - House Sponsor), A bill to be entitled An Act relating to special license plates for peace officers wounded or killed in the line of duty.

SB 212 (Marchant - House Sponsor), A bill to be entitled An Act relating to exempting certain youth programs from child-care licensing requirements.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Park, Representative Marchant offered the following committee amendment to the bill:

Amend **SB 212** as follows:

On page 3, lines 7-10, strike subsection (14) and substitute the following:

(14) elementary age (ages 5-13) recreation programs operated by a municipality provided the governing body of the municipality annually adopts standards of care by ordinance after a public hearing for such programs and that such standards are provided to the parents of each program participant. Such ordinances shall include, at a minimum, staffing ratios, minimum staff qualifications, minimum facility, health and safety standards, and mechanisms for monitoring and enforcing the adopted local standards; and further provided that parents be informed that the program is not licensed by the state and the program may not be advertised as a child-care facility.

Amendment No. 1 was adopted without objection.

Amendment No. 2

On behalf of Representative Farrar, Representative Marchant offered the following amendment to the bill:

Amend **SB 212** as follows:

(1) In SECTION 1, Sec. 42.041 (b)(13), delete the word "or".

(2) In SECTION 1, Sec. 42.041 (b)(14), delete the period after the word "facility" and substitute "; or".

(3) In SECTION 1, add a new Sec. 42.041 (b)(15) to read as follows:

"(15) an annual youth camp held in a municipality with a population of more than 1.5 million that operates for not more than three months and that has been operated for at least 10 years by a nonprofit organization that provides care for the homeless."

Amendment No. 2 was adopted without objection.

SB 255 (Van de Putte - House Sponsor), A bill to be entitled An Act relating to the distribution of earned income tax credits information by the comptroller of public accounts and other state agencies.

CSSB 291 (Naishtat - House Sponsor), A bill to be entitled An Act relating to voluntary adoption registries.

SB 378 (Harris - House Sponsor), A bill to be entitled An Act relating to the licensing of graduates of foreign or nonaccredited dental schools to practice dentistry.

SB 397 (Craddick - House Sponsor), A bill to be entitled An Act relating to service areas of junior college districts and campuses.

SB 406 (Maxey - House Sponsor), A bill to be entitled An Act relating to health care purchasing by state agencies.

SB 413 (Harris - House Sponsor), A bill to be entitled An Act relating to workers' compensation insurance coverage for volunteer emergency service members and personnel.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Brady, Representative Harris offered the following committee amendment to the bill:

Amend **SB 413** by adding a new subsection (c) to read as follows:

(c) the Texas Department of Insurance shall adopt rules governing the method of calculating premium for worker' compensation insurance coverage for volunteer members who are covered pursuant to this section.

Amendment No. 1 was adopted without objection.

SB 428 (Brady - House Sponsor), A bill to be entitled An Act relating to the exemption from ad valorem taxation of property owned by certain charitable organizations.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Marchant, Representative Yarbrough offered the following committee amendment to the bill:

Amend **SB 428** as follows:

(1) Insert a new Section 2 to read as follows:

SECTION 2. Section 23.55, Tax Code, is amended by adding Subsection (j) to read as follows:

(j) The sanctions provided by Subsection (a) do not apply to land owned by an organization that qualifies as a religious organization under Section 11.20(c) if the organization converts the land to a use for which the land is eligible for an exemption under Section 11.20 within five years.

(2) Strike existing Sections 2 and 3 and substitute the following:

SECTION 3. (a) Except as provided by Subsection (b) of this section, this Act takes effect immediately.

(b) Section 1 of this Act takes effect January 1, 1996.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public

necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

Amendment No. 1 was adopted without objection.

SB 443 (B. Turner - House Sponsor), A bill to be entitled An Act relating to designation of portions of Farm-to-Market Roads 503 and 1929 as the Ray C. Stoker, Jr., Highway.

SB 478 (Saunders - House Sponsor), A bill to be entitled An Act relating to an exemption of certain fire alarm devices from certain license requirements.

SB 513 (Berlanga - House Sponsor), A bill to be entitled An Act relating to the requirement that a facility accepting a prospective voluntary inpatient mental health consumer for treatment have a physician's signed order.

CSSB 533 (Goolsby - House Sponsor), A bill to be entitled An Act relating to a principal who uses a sales representative.

Amendment No. 1

Representative Goolsby offered the following amendment to **CSSB 533**:

Amend **CSSB 533** by striking SECTIONS 1 and 2 in their entirety and inserting in lieu thereof the following:

SECTION 1. Subdivisions (2) and (3), Section 35.81, Business & Commerce Code, are amended to read as follows:

(2) "Principal means a person who:

(A) ~~[does not have a permanent or fixed place of business in this state];~~

~~[(B)] manufactures, produces, imports, or distributes a product for sale [to customers who purchase the product for resale];~~

(B) ~~[(C)]~~ uses a sales representative to solicit orders for the product; and

(C) ~~[(D)]~~ compensates the sales representative in whole or in part by commission.

(3) "Sales representative" means an independent contractor ~~[a person]~~ who solicits on behalf of a principal orders for the purchase at wholesale of the principal's product.

SECTION 2. Sections 35.82, 35.83, and 35.84, Business and Commerce Code, are amended to read as follows:

Sec. 35.82. CONTRACT. A contract between a principal and a sales representative under which the sales representative is to solicit wholesale orders within this state must be in writing or in a computer-based medium and set forth the method by which the sales representative's commission is to be computed and paid. The principal shall provide the sale representative with a copy of the contract. A provision in the contract establishing venue for an action arising under the contract establishing venue for an action arising under the contract in a state other than this state is void.

Sec. 35.83. PAYMENT IN ABSENCE OF CONTRACT. If a compensation agreement between a sales representative and a principal that does not comply with Section 35.82 [is not in writing] is terminated, the principal

shall pay all commissions due the sales representative within thirty working days after the date of the termination.

Sec. 35.84. DAMAGES. A principal who fails to comply with a provision of a contract under Section 35.82 relating to payment of a commission or fails to pay a commission as required by Section 35.83 is liable to the sales representative in a civil action for three times the unpaid commission [~~damages~~] sustained by the sales representative plus reasonable attorney's fees and costs.

Amendment No. 1 was adopted without objection.

SB 544 (Coleman and Van de Putte - House Sponsors), A bill to be entitled An Act relating to lead-based paint activities in target housing; providing civil, administrative, and criminal penalties. (Chisum, Corte, Heflin, Kubiak, Patterson, and Talton recorded voting no)

SB 545 was withdrawn.

SB 570 (McDonald and Berlanga - House Sponsors), A bill to be entitled An Act relating to the confidentiality of complaint information in the possession of the Health Professions Council.

SB 597 (Driver - House Sponsor), A bill to be entitled An Act relating to mandatory reinstatement of certain life insurance policies in case of mental incapacity of an insured.

Amendment No. 1 (Committee Amendment No. 1)

Representative Driver offered the following committee amendment to the bill:

Amend **SB 597** as follows:

On page 3, strike Section 8 and substitute the following:

Sec. 8. REQUIRED DISCLOSURE; ADOPTION OF RULES. (a) Each licensed entity shall disclose fully to each of its policyholders, contract holders or covered persons the requirements of this article.

(b) The disclosure shall be forwarded to applicable policyholders, contract holders or covered persons either:

(i) within 90 days following lapse of a policy regulated by this Article 3.44d, or

(ii) within 90 days after the effective date of this Act to each existing policyholder whose policy is regulated by this Article 3.44d. Disclosure thereafter on policies issued after the effective date of this Act may be made by including the disclosure information in the policy or in an endorsement attached to the policy.

(c) Notice will be deemed to be in compliance with this article if mailed by first class mail to the last known address of the policyholder or if contained in the policy form or as an endorsement thereto.

(d) The commissioner of insurance shall adopt reasonable rules to implement this article. Such disclosure must be made in the form and manner prescribed by the commissioner after notice and hearing.

Amendment No. 1 was adopted without objection.

SB 598 (Driver - House Sponsor), A bill to be entitled An Act relating to the payment of claims on certain insurance policies or annuity contracts and to payment of attorney fees under those claims.

SB 645 (Oakley - House Sponsor), A bill to be entitled An Act relating to dismissal of certain traffic offenses on completion of a motorcycle operator training course.

CSSB 646 (R. Cuellar, Naishtat, and Willis - House Sponsors), A bill to be entitled An Act relating to the appointment or employment of veterans and certain relatives of veterans by public entities.

SB 702 (Smithee - House Sponsor), A bill to be entitled An Act relating to residential fire protection sprinkler systems and to an insurance premium discount for the use of such a system.

SB 714 (Pitts - House Sponsor), A bill to be entitled An Act relating to national fraternal organizations exempt from certain requirements of the Alcoholic Beverage Code. (Heflin recorded voting no)

SB 737 (Wolens - House Sponsor), A bill to be entitled An Act relating to exempting court reporting services from the sales and use tax. (Finnell recorded voting no)

SB 741 (Counts - House Sponsor), A bill to be entitled An Act relating to the authority of the Texas Natural Resource Conservation Commission to delegate certain uncontested matters for decision to the executive director of the commission.

SB 775 (Hamric - House Sponsor), A bill to be entitled An Act relating to the fees a county treasurer may charge for returned and stopped checks.

SB 794 (Park - House Sponsor), A bill to be entitled An Act relating to the effective date of a county sales and use tax for the purpose of financing the operation of a crime control and prevention district.

SB 888 (Munoz - House Sponsor), A bill to be entitled An Act relating to the amount of time certain signs may be erected near a rural road before an election. (Finnell recorded voting no)

SB 892 (Gray - House Sponsor), A bill to be entitled An Act relating to the sale of certain park land by certain municipalities.

CSSB 914 (Yarbrough - House Sponsor), A bill to be entitled An Act relating to disciplinary procedures for commissioned peace officers and other employees of the Texas Alcoholic Beverage Commission.

SB 935 (King - House Sponsor), A bill to be entitled An Act relating to the rate of interest on and collection fees for unpaid assessments by water control and improvement districts.

SB 942 (Patterson - House Sponsor), A bill to be entitled An Act relating to the On-site Wastewater Treatment Research Council.

SB 955 (Giddings - House Sponsor), A bill to be entitled An Act relating to exemptions from regulation as a food manufacturer or wholesaler.

SB 982 (Holzhauser - House Sponsor), A bill to be entitled An Act relating to the relationship of governmental entities outside this state, particularly the United Mexican States, to state tax provisions.

SB 983 (Berlanga - House Sponsor), A bill to be entitled An Act relating to meetings of the mayors of municipalities for the purpose of making appointments to certain metropolitan rapid transit authorities.

SB 992 (Dukes - House Sponsor), A bill to be entitled An Act relating to the disapproval of a subdivision by a municipality.

Amendment No. 1 (Committee Amendment No. 1)

Representative Combs offered the following committee amendment to the bill:

Amend **SB 992** as follows:

On line 10, page 1, after the word "practicable", insert the following words between "practicable" and the ".":

"but in no event later than 60 days after the date the plat is filed, unless the proposed plat covers an area greater than 540 acres"

Amendment No. 1 was adopted without objection.

SB 1015 (Torres - House Sponsor), A bill to be entitled An Act relating to fire and police grievance procedures in certain municipalities.

SB 1038 (Mowery - House Sponsor), A bill to be entitled An Act relating to public school lands and other lands in the public domain, including their sale and patenting. (Johnson and Shields recorded voting no)

SB 1059 (Goodman - House Sponsor), A bill to be entitled An Act relating to the training of licensed or certified individuals providing services to geriatric residents as employees or volunteers of certain facilities.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative McDonald, Representative Goodman offered the following committee amendment to the bill:

Amend **SB 1059** as follows:

On page 1, lines 2 and 3, delete the words "or volunteers".

On page 2, line 10 replace the word "medicine" with the word "care".

On page 2, line 12, delete the words "or volunteer".

On page 2, line 16, following the words "continuing education" add the words "or in-service training".

On page 2, line 21 replace the word "medicine" with the word "care".

On page 2, line 23, delete the words "or volunteer".

On page 3, line 2 following the words "continuing education" add the words "or in-service training".

Amendment No. 1 was adopted without objection.

SB 1061 (Goodman - House Sponsor), A bill to be entitled An Act relating to the authority of the supreme court to issue certain writs.

SB 1062 (Goodman - House Sponsor), A bill to be entitled An Act relating to the senior justice of the supreme court signing court documents for the chief justice.

SB 1084 (Cook - House Sponsor), A bill to be entitled An Act relating to the regulation of dental laboratories.

SB 1129 (Davis, Giddings, Hudson, and J. Jones - House Sponsors), A bill to be entitled An Act relating to the designation of a portion of certain highways in Dallas County as the S. M. Wright Freeway.

SB 1136 (Chisum - House Sponsor), A bill to be entitled An Act relating to the calculation of the tax rate of a taxing unit imposing an additional sales and use tax and to taxpayer information on the effect of the additional sales and use tax.

SB 1162 (McDonald and Naishtat - House Sponsors), A bill to be entitled An Act relating to unannounced inspections made by certain health and human services agencies.

SB 1173 (R. Cuellar - House Sponsor), A bill to be entitled An Act relating to establishing a citrus budwood certification program for the designation of foundation groves containing citrus trees from which citrus budwood is certified as free of certain pathogens and as to type of citrus variety; providing penalties.

SB 1261 (Combs and Greenberg - House Sponsors), A bill to be entitled An Act 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.

Amendment No. 1

Representative Combs offered the following amendment to the bill:

Amend **SB 1261** as follows:

- (1) On page 2, line 21, delete "is".
- (2) On page 2, line 21, before the word "retired" insert "or bonds refunding the district's bonded indebtedness are".
- (3) On page 3, line 7, strike "shall have" and substitute "has".

Amendment No. 1 was adopted without objection.

SB 1278 (Maxey - House Sponsor), A bill to be entitled An Act relating to the rights of an owner or operator of a towed vehicle.

SB 1296 (Uher - House Sponsor), A bill to be entitled An Act relating to the notice of a proposed rule requirement in the Administrative Procedure Act.

SB 1347 (Dutton - House Sponsor), A bill to be entitled An Act relating to securing or guaranteeing payment on in-kind sales through insurance contracts or other agreements.

SB 1356 (Holzhauser - House Sponsor), A bill to be entitled An Act relating to the commingling of oil and gas production. (Finnell recorded present, not voting)

SB 1357, (Holzheuser - House Sponsor), A bill to be entitled An Act relating to surface commingling of production of oil or gas or oil and gas. (Finnell recorded present, not voting)

Amendment No. 1 (Committee Amendment No. 1)

Representative Holzheuser offered the following committee amendment to the bill:

Amend **SB 1357** on page 1, lines 13 and 15 by striking the word "horizons" and "horizon" and substituting "commission designated reservoirs" and "commission designated reservoir", respectively.

Amendment No. 1 was adopted without objection.

SB 1365 (Dear - House Sponsor), A bill to be entitled An Act relating to prepaid legal services contracts.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Averitt, Representative Dear offered the following committee amendment to the bill:

This would be amendment 1 for Prepaid legal bill.

Section 2. Insert Section 23.6 before 23.10.

New 23.6 (f)

All legal service contracts and related promotional material issued pursuant to Chapter 23, and the issuance of legal service contracts, pursuant to the Insurance Code, Article 5.13-1, shall be truthful and accurate and shall properly describe the coverage offered. Such description should include, but not be limited to, a description of coverage offered as either an indemnity coverage or a contract that provides only consultation and advice on simple legal matters, either alone or in combination with a referral service, and that provides fee discounts for other matters.

Amendment No. 1 was adopted without objection.

SB 1379 (Gallego - House Sponsor), A bill to be entitled An Act relating to prosecutor assistance by the Office of the Attorney General of Texas; making an appropriation.

SB 1386 was withdrawn.

SB 1410 (Danburg - House Sponsor), A bill to be entitled An Act relating to the inclusion of the services of licensed chemical dependency counselors in certain health insurance coverage. (Heflin recorded voting no)

SB 1414 (Yarbrough - House Sponsor), A bill to be entitled An Act relating to administrative hearings under the Alcoholic Beverage Code.

SB 1431 (Berlanga - House Sponsor), A bill to be entitled An Act relating to the provision of emergency medical services.

SB 1438 (Hirschi - House Sponsor), A bill to be entitled An Act relating to the definition of a marginal gas well. (Finnell recorded present, not voting)

SB 1470 (Alexander - House Sponsor), A bill to be entitled An Act relating to intellectual property rights and publications of the Texas Department of Transportation.

SB 1477 (Van de Putte - House Sponsor), A bill to be entitled An Act relating to the operation of Class C pharmacies within hospice in-patient facilities.

SB 1479 (Gallego - House Sponsor), A bill to be entitled An Act relating to deductions from the compensation of county employees for payment to a credit union.

SB 1489 was withdrawn.

SB 1491 (Reyna - House Sponsor), A bill to be entitled An Act relating to testing and remedial education of students 55 years of age or older and to tuition and fees charged to those students at public institutions of higher education.

SB 1515 (Krusee - House Sponsor), A bill to be entitled An Act relating to terms of courts and grand juries in Williamson County.

CSSB 1542 (Allen - House Sponsor), A bill to be entitled An Act relating to the regulation of private investigators and private security agencies; creating a criminal penalty.

Amendment No. 1

Representative Allen offered the following amendment to **CSSB 1542**:

Amend **CSSB 1542** as follows:

In Section 7, insert the following at the end:

(d) A person performing a service or function relating to an animal cruelty investigation is not required to hold a certificate under this section. A person who holds a certificate issued under this section is not entitled to perform any function or service relating to an animal cruelty investigation that may not be performed by a person who does not hold a certificate under this section.

(e) Sections 44(c) and (f) of this Act do not apply to a person's failure to hold a certificate under this section.

Amendment No. 1 was adopted without objection.

SB 1551 (Williamson - House Sponsor), A bill to be entitled An Act relating to the repeal of certain limitations on the authority of the Railroad Commission of Texas to regulate production from multiple stratigraphic oil and gas reservoirs. (Finnell recorded present, not voting)

SB 1585 (Thompson - House Sponsor), A bill to be entitled An Act relating to the Harris County Child Support Department.

SB 1604 (Berlanga - House Sponsor), A bill to be entitled An Act relating to the rural physician assistant loan reimbursement program.

SB 1620 (Coleman - House Sponsor), A bill to be entitled An Act relating to the creation, administration, powers, and duties of the Houston Downtown Management District; granting the authority to issue bonds; authorizing a tax.

SB 1628 (D. Jones - House Sponsor), A bill to be entitled An Act relating to service and rates of a gas utility.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Holzheuser, Representative D. Jones offered the following committee amendment to the bill:

Amend **SB 1628** on page 1, line 7, by inserting the following after "entity" and before the period:
nor shall any regulatory authority find that the cost of service of such an entity includes any element not caused by the utility service of such an entity

Representative D. Jones moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Holzheuser, Representative D. Jones offered the following committee amendment to the bill:

Amend **SB 1628** on by inserting the following new SECTION 3:
SECTION 3. Article 6053, Revised Statutes, is amended to add Sec. 3, as follows:

Sec. 3. CONSTRUCTION. Any rate which complies with Section 5.02(b) of Article 1446(e), Revised Statutes, shall be deemed just and reasonable and to otherwise comply with all rate provisions of this Act and Article 1446(e), Revised Statutes.

Renumber existing SECTION 3 as SECTION 4.

Representative D. Jones moved to table Amendment No. 2.

The motion to table prevailed.

SB 1629 (Heflin and Coleman - House Sponsors), A bill to be entitled An Act relating to tax rebates for qualified hotel projects.

SB 1645 (Combs and Krusee - House Sponsors), A bill to be entitled An Act relating to the division of an original water control and improvement district with no outstanding indebtedness.

SB 1679 was withdrawn.

SB 1688 (Berlenga and T. Hunter - House Sponsors), A bill to be entitled An Act relating to the establishment of the line of vegetation along the Gulf of Mexico where a natural vegetation line does not exist.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

By Rodriguez,

CSHCR 129, Directing the Texas Department of Mental Health and Mental Retardation to conduct a feasibility study to ascertain the costs for constructing and/or renovating buildings on the campus of the San Antonio State Chest Hospital and San Antonio State School.

CSHCR 129 was adopted without objection.

By Oakley,

HCR 168, Renaming the Terrell State Hospital Family Center the Martha Allen Family Center.

The resolution was adopted without objection.

SCR 27 (Carter - House Sponsor), Directing that the State Treasury Building at 200 East 10th Street be named the Thomas Jefferson Rusk State Office Building.

The resolution was adopted without objection.

SCR 87 (Hilbert and Harris - House Sponsors), Memorializing the Congress of the United States to increase federal funding for research relating to chronic fatigue syndrome.

The resolution was adopted without objection.

SCR 88 (Glaze - House Sponsor), Expressing support for the study and evaluation of an integrated treatment approach for persons with a co-occurring substance addiction and mental illness.

The resolution was adopted without objection.

SCR 101 (Talton - House Sponsor), Designating the battleship Texas as the official State Ship of Texas.

The resolution was withdrawn.

SCR 136 (Stiles - House Sponsor), Designating the week of each year that begins with Father's Day as Texas Prostate Cancer Awareness Week.

The resolution was withdrawn.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Appropriations, on recess today, back hall, to consider **SB 867**, **SB 1019**, and **SB 1508**.

ADJOURNMENT

Representative Holzhauser moved that the house adjourn until 12:05 p.m.

The motion prevailed without objection.

The house accordingly, at 11:59 a.m., adjourned until 12:05 p.m.