

HOUSE JOURNAL

SEVENTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTY-THIRD DAY (CONTINUED) — THURSDAY, MARCH 7, 1991

The house met at 9 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 62).

Present — Mr. Speaker; Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blackwood; Blair; Bomer; Bosse; Brady; Brimer; Cain; Campbell; Carona; Carter; Cate; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley; Cook; Counts; Craddick; Crawford; Cuellar, H.; Cuellar, R.; Culberson; De La Garza; Delco; Delisi; Denton; Dutton; Earley; Edwards; Evans; Finnell; Fleuriet; Fraser; Gallego; Gallegos; Gibson; Glaze; Glossbrenner; Goodman; Goolsby; Granoff; Greenberg; Grusendorf; Gutierrez; Haggerty; Harris; Hartnett; Hernandez; Hightower; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hirschi; Holzheuser; Horn; Hudson; Hunter, B.; Hunter, T.; Hury; Jackson; Johnson, J.; Jones; Junell; Kamel; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Marchant; Martin; Martinez; Maxey; McCollough; McDonald; Mowery; Naishtat; Oakley; Ogden; Oliveira; Ovard; Park; Patterson; Pennington; Perez; Pierce; Place; Price; Puente; Rabuck; Rangel; Repp; Robnett; Rodriguez; Rudd; Russell; Sadler; Saunders; Schechter; Schoolcraft; Seidlits; Shea; Shelley; Smith, A.; Smith, D.; Soileau; Stiles; Swinford; Tallas; Taylor; Telford; Thomas; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Uher; Van de Putte; Von Dohlen; Vowell; Watkins; Wentworth; Williamson; Willis; Willy; Wilson; Wolens; Yarbrough; Yost.

Absent, Excused — Danburg; Heflin; Johnson, S.; Moreno; Smithee; Wallace.

Absent — Eckels.

The invocation was offered by the Reverend Steve Sheely, associate pastor, Riverbend Baptist Church, Austin, Texas, as follows:

Father in Heaven, this morning we would pray for two things. First, we pray for those who suffer in the Middle East. Console them with your presence.

We also pray for the citizens of this state, people you love very much. We pray that every decision made in this room will serve their best interests. Amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business:

Moreno on motion of Rangel.

Danburg on motion of Bomer.

Heflin on motion of Chisum.

Smithee on motion of Repp.

S. Johnson on motion of Craddick.

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

Wallace on motion of Cate.

REGULAR ORDER OF BUSINESS SUSPENDED

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

MESSAGE FROM THE SENATE

Austin, Texas, March 7, 1991

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 136 by Green, relating to the authority of a court to order the turnover of wages for personal services.

SB 264 by Zaffirini, relating to the 49th Judicial District.

SB 398 by Tejada, relating to the statute of limitations for purposes of prosecutions of certain sexual offenses committed against children.

SCR 58 by Whitmire, congratulating Mr. and Mrs. Harold Dutton, Sr., on their 50th wedding anniversary.

SCR 59 by Leedom, congratulating Susan and Johnny Horton on the adoption of their daughter, Rebecca Margaret Horton.

Respectfully,
Betty King
Secretary of the Senate

RESOLUTIONS SIGNED BY THE SPEAKER

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

HCR 81, HCR 97, HCR 105, SCR 19, SCR 54

(Eckels now present)

CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR

The speaker laid before the house the following congratulatory and memorial resolutions:

SCR 24 (Rangel and Willis - House Sponsors), In memory of the Honorable William M. "Bill" Rapp.

By Gallego:

HR 211, In memory of Dunn Jacobi "Jake" Sibley III.

HR 236 was read after the memorial resolutions portion of the calendar.

HR 255 was read after the memorial resolutions portion of the calendar.

By Collazo:

HR 257, In memory of Geneva Ramirez.

By Collazo:

HR 259, In memory of Stewart R. Taylor.

By Collazo:

HR 260, In memory of Wilson Phillips.

HR 276 was withdrawn.

By Haggerty:

HR 279, In memory of James R. Thompson.

The resolutions were unanimously adopted by a rising vote.

On motion of Representative Delco, the names of all the members of the house were added to **HR 211** as signers thereof.

By Berlanga:

HR 236, In memory of Jane Berlanga-Castillo.

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

By Kubiak:

HR 255, In memory of Joseph J. Skrivanek.

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

On motion of Representative Rodriguez, the names of all the members of the house were added to **HR 255** as signers thereof.

By Blair:

HCR 90, Commending Comer Cottrell for his investment in the future of higher education.

By Grusendorf:

HCR 98, Congratulating the Railroad Commission of Texas on the occasion of its centennial.

HR 190 was read after the congratulatory resolutions portion of the calendar.

By Greenberg:

HR 214, Congratulating Coach Ron Schroeder and the Westlake High School Chaparrals football team.

By Tallas:

HR 248, Honoring the Fort Bend Independent School District volunteer program.

By B. Hunter:

HR 249, Honoring Amy Ho.

By Brady:

HR 250, Congratulating William Brent Steward on his accomplishment in earning the Eagle Scout's silver badge.

By Kubiak:

HR 254, Commending Diana Wenzel on her work with the Blinn College-Brenham Independent School District Community Education program.

By Collazo:

HR 258, Honoring Dr. Joe DeLeon for his outstanding recovery.

By Bomer:

HR 267, Recognizing the 1991 Texas Dogwood Trails festival and extending gratitude to those who have contributed their time and talents.

By Goolsby:

HR 268, Recognizing the Girl's 15th Metro All Star Classic as an outstanding event for young basketball players.

By Junell:

HR 269, Commending Clinton Hodges on being chosen to receive the second annual Fort Worth Star-Telegram Farm and Ranch Award.

By Kamel:

HR 273, Commending B. J. Pryor for his many accomplishments in the teaching and practice of agriculture.

By Speaker Lewis:

HR 280, Honoring W. E. Boswell High School on the occasion of its 30th anniversary.

By Kamel:

HR 283, Honoring the Troup Municipal Library.

The resolutions were adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HCR 90** as signers thereof.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 236** as signers thereof.

By Greenberg:

HR 190, Honoring Charles Moore, FAIA, for his contributions as an architect and educator.

The resolution was read and was adopted without objection.

INTRODUCTION OF GUEST

The speaker introduced Charles Moore.

HR 310 - ADOPTED

Representative Gutierrez moved that all necessary rules be suspended to take up and consider at this time, **HR 310**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Gutierrez:

HR 310, Saluting the VITA participants for their very important work and designating March 1991 as Volunteer Income Tax Assistance Month.

The resolution was read and was adopted without objection.

On motion of Representative Naishtat, the names of all the members of the house were added to **HR 310** as signers thereof.

INTRODUCTION OF GUESTS

The speaker introduced Hans Venebele, Michelle Smith, Susan Buckner, and Louis Redden of the VITA program.

HR 287 - ADOPTED

Representative Glaze moved that all necessary rules be suspended to take up and consider at this time, **HR 287**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Glaze:

HR 287, Honoring Wills Point Masonic Lodge #422 for its outstanding accomplishments and exemplary contributions to the citizens of Wills Point.

The resolution was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 287** as signers thereof.

SCR 43 - ADOPTED

(JUNELL - HOUSE SPONSOR)

Representative Junell moved that all necessary rules be suspended to take up and consider at this time, **SCR 43**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 43, Directing the State Preservation Board to declare as surplus property the gazebo currently located on the southeast grounds of the Capitol and transfer that property to the city of Bronte.

The resolution was adopted.

CONSENT BILLS CALENDAR ON SECOND READING

The following bill was laid before the house, read second time, and passed to third reading: (Members registering votes are shown following the caption)

SB 262 (Black - House Sponsor), A bill to be entitled An Act relating to the distribution of certain motor vehicle insurance premiums to members of the United States Armed Forces on active duty in a combat theater of operations.

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)

CSHB 281, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the South Plains Underground Water Conservation District.

HB 320, A bill to be entitled An Act relating to the creation of the County Court at Law No. 2 of Webb County.

Representative H. Cuellar moved that consideration of **HB 320** be postponed until Thursday, March 14, at 9 a.m.

The motion prevailed without objection.

HB 393, A bill to be entitled An Act relating to the terms of directors of the Coke County Underground Water Conservation District.

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)

HB 155, A bill to be entitled An Act relating to validation of acts of the board of directors of the Terry Memorial Hospital District.

HB 156, A bill to be entitled An Act relating to the powers and administration of the Terry Memorial Hospital District; granting the authority to create public debt.

Representative Campbell offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 156**, page 3, line 23, by striking the following words: as an employee of and replace with the following: in.

Committee Amendment No. 1 was adopted without objection.

HB 175, A bill to be entitled An Act relating to reductions in insurance premium rates for certain vehicles protected by antitheft security devices.

HB 176, A bill to be entitled An Act relating to the boundaries of the DeLeon Hospital District; authorizing the levy of a property tax.

HB 180, A bill to be entitled An Act relating to a seal for justice courts and for small claims courts.

Representative Culberson offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 180** as follows:

- (1) On page 1, lines 8 and 10, strike "engraved".
- (2) On page 1, line 11, strike "impress of the".
- (3) On page 1, between lines 14 and 15, insert:

(c) The seal may be affixed by a seal press or stamp that embosses or prints the seal.

(4) On page 1, lines 19 and 21, strike "engraved".

(5) On page 1, line 22, strike "impress of the".

(6) On page 2, between lines 1 and 2, insert:

(c) The seal may be affixed by a seal press or stamp that embosses or prints the seal.

Committee Amendment No. 1 was adopted without objection.

HB 398, A bill to be entitled An Act relating to the purchase of a retired firearm from the Department of Public Safety by an officer of the Department of Public Safety.

Representative Kuempel offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 398** by adding a new Section 2 to read as follows and by renumbering the current Section 2 as Section 3:

SECTION 2. Subchapter A, Chapter 5, Alcoholic Beverage Code, is amended by adding Section 5.141 to read as follows:

Sec. 5.141. PURCHASE OF FIREARM FROM COMMISSION BY INSPECTOR OR REPRESENTATIVE. (a) A commissioned inspector or representative of the commission may purchase for an amount set by the commission, not to exceed fair market value, a firearm issued to the inspector or representative by the commission if the firearm is not listed as a prohibited weapon under Section 46.06, Penal Code, and if the firearm is retired by the commission for replacement purposes.

(b) The commission may adopt rules for the sale of a retired firearm to an inspector or representative of the commission.

Committee Amendment No. 1 was adopted without objection.

HB 484, A bill to be entitled An Act relating to the terms of the members of the board of directors of the Law Enforcement Management Institute.

HB 496, A bill to be entitled An Act relating to houses designated as temporary havens in emergencies or threatening situations for school-age children.

(Speaker pro tempore in the chair)

HB 552, A bill to be entitled An Act relating to advertising and promoting the growth and development of counties. (Watkins - no)

HB 693, A bill to be entitled An Act relating to arson investigators as peace officers.

Representative Conley offered the following amendment to the bill:

Amend **HB 693** as follows:

(1) On page 3, line 16, between semicolon and [-], strike and.

(2) On page 3, line 18, strike the period and add ; and.

(3) On page 3, add a new Section (25) to read as follows:

(25) investigators, medical examiners, and filed agents commissioned by a medical examiner and employed by a county or by a medical examiner's district under Article 49.25 of this code.

The amendment was adopted without objection.

HB 722, A bill to be entitled An Act relating to the annual meeting of directors of a soil and water conservation district and the authority of the State Soil and Water Conservation Board to accept donations and contributions.

HB 723, A bill to be entitled An Act relating to audits of soil and water conservation districts.

HB 724, A bill to be entitled An Act relating to a vacancy or removal from office of a director of a soil and water conservation district.

RESOLUTIONS CALENDAR

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

By Yost:

HCR 36, Designating April 20, 1991, as Because I Care—Bone Marrow Donor Awareness Week in Texas.

Representative Yost moved that consideration of **HCR 36** be postponed until Monday, April 8, at 2 p.m.

The motion prevailed without objection.

By McDonald:

HR 90, Requesting that all health and human services education programs include studies in gerontology.

The resolution was adopted without objection.

On motion of Representative Rodriguez, the names of all the members of the house were added to **HR 90** as signers thereof.

ADJOURNMENT

Representative Stiles moved that the house adjourn until 10:15 a.m. today.

The motion prevailed without objection.

The house accordingly, at 10:05 a.m., adjourned until 10:15 a.m. today.

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PROCEEDINGS

THIRTY-FOURTH DAY — THURSDAY, MARCH 7, 1991

The house met at 10:15 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 63).

Present — Mr. Speaker; Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blackwood; Blair; Bomer; Bosse; Brady; Brimer; Cain; Campbell; Carona; Carter; Cate; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley; Cook; Counts; Craddick; Crawford; Cuellar, H.; Cuellar, R.; Culberson; De La Garza; Delco; Delisi; Denton; Dutton; Earley; Eckels; Edwards; Evans; Finnell; Fleuriet; Fraser; Gallego; Gallegos; Gibson; Glaze; Glossbrenner; Goodman; Goolsby; Granoff; Greenberg; Grusendorf; Gutierrez; Haggerty; Harris; Hartnett; Hernandez; Hightower; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hirschi; Holzheuser; Horn; Hudson; Hunter, B.; Hunter, T.; Hury; Jackson; Johnson, J.; Jones; Junell; Kamel; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Marchant; Martin; Martinez; Maxey; McCollough; McDonald; Mowery; Naishtat; Oakley; Ogden; Oliveira; Ovard; Park; Patterson; Pennington; Perez; Pierce; Place; Price; Puente; Rabuck; Rangel; Repp; Robnett; Rodriguez; Rudd; Russell; Sadler; Saunders; Schechter; Schoolcraft; Seidlits; Shea; Shelley; Smith, A.; Smith, D.; Soileau; Stiles; Swinford; Tallas; Taylor; Telford; Thomas; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Uher; Van de Putte; Von Dohlen; Vowell; Watkins; Wentworth; Williamson; Willis; Willy; Wilson; Wolens; Yarbrough; Yost.

Absent, Excused — Danburg; Heflin; Johnson, S.; Moreno; Smithee; Wallace.

LEAVES OF ABSENCE GRANTED

On motion of Representative Stiles and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative Stiles moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local and consent calendars which were considered on the previous legislative day.

The motion prevailed without objection.

LOCAL AND CONSENT BILLS CALENDARS ON THIRD READING

The following bills which were considered on second reading on the previous legislative day on the local and consent bills calendars were laid before the house, read third time, and passed by a voice vote: (Members registering votes are shown following bill number)

HB 393

HB 175

HB 180

HB 693 was withdrawn by objection.

HB 722**HB 723****HB 724**

The following bills which were considered on second reading on the previous legislative day on the local and consent bills calendars were laid before the house, read third time, and passed by (Record Vote 64): (Members registering votes and the results of the vote are shown following bill number) 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blackwood; Blair; Bomer; Bosse; Brady; Brimer; Cain; Campbell; Carona; Carter; Cate; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley; Cook; Counts; Craddick; Crawford; Cuellar, H.; Cuellar, R.; Culberson; De La Garza; Delisi; Denton; Dutton; Earley; Eckels; Edwards; Evans; Finnell; Fleuriet; Fraser; Gallego; Gallegos; Gibson; Glaze; Glossbrenner; Goodman; Goolsby; Greenberg; Grusendorf; Gutierrez; Haggerty; Harris; Hartnett; Hernandez; Hightower; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hirschi; Holzheuser; Horn; Hudson; Hunter, B.; Hunter, T.; Hury; Jackson; Johnson, J.; Jones; Junell; Kamel; Kubiak; Kuempel; Laney; Lewis, R.; Linebarger; Luna; Madla; Marchant; Martin; Martinez; Maxey; McCollough; McDonald; Mowery; Naishtat; Oakley; Ogden; Oliveira; Ovard; Park; Patterson; Pennington; Perez; Pierce; Place; Price; Puente; Rabuck; Rangel; Repp; Robnett; Rodriguez; Rudd; Russell; Sadler; Saunders; Schechter; Schoolcraft; Seidlits; Shea; Shelley; Smith, A.; Smith, D.; Soileau; Stiles; Swinford; Tallas; Taylor; Telford; Thomas; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Uher; Van de Putte; Von Dohlen; Vowell; Watkins; Wentworth; Williamson; Willis; Willy; Wilson; Wolens; Yarbrough; Yost.

Present, not voting — Mr. Speaker, Delco(C).

Absent, Excused — Danburg; Heflin; Johnson, S.; Moreno; Smithee; Wallace.

Absent — Granoff; Larry.

SB 262 (139-0-2)

HB 281 (139-0-2)

HB 155 (139-0-2)

HB 156 (139-0-2)

HB 176 (139-0-2)

HB 398 (139-0-2)

HB 484 (139-0-2)

HB 496 (139-0-2)

HB 552 (Watkins - no) (138-1-2)

HB 524 ON THIRD READING

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

HB 524, A bill to be entitled An Act relating to the continuation and operation of the Texas Motor Vehicle Commission.

The bill was read third time.

Representative Cain offered the following amendment to the bill:

Amend **HB 524**, 2nd Reading Engrossment, as follows:

(1) Strike Sections 16 and 17 of the bill, and substitute the following:

SECTION 16. Section 5.02, Texas Motor Vehicle Commission Code (Article 4413(36), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.02. MANUFACTURERS; DISTRIBUTORS; REPRESENTATIVES.

It shall be unlawful for any manufacturer, distributor, or representative to:

(1) Require or attempt to require any dealer to order, accept delivery of or pay anything of value, directly or indirectly, for any motor vehicle, appliance, part, accessory or any other commodity unless voluntarily ordered or contracted for by such dealer.

(2) Refuse or fail to deliver in reasonable quantities and within a reasonable time after receipt of an order from a dealer having a franchise agreement for the retail sale of any motor vehicles sold or distributed by such manufacturer, distributor, or representative, any new motor vehicle or parts or accessories to new motor vehicles as are covered by such franchise if such vehicle, parts or accessories are publicly advertised as being available for delivery or are actually being delivered; provided, however, this provision is not violated if such failure is caused by acts of God, work stoppage or delays due to strikes or labor disputes, freight embargoes or other causes beyond the control of the manufacturer, distributor, or representative.

(3) Notwithstanding the terms of any franchise agreement:

(A) Terminate or refuse to continue any franchise with a dealer unless all of the following conditions are met:

(i) the dealer and the Commission have received written notice by registered or certified mail from the manufacturer, distributor, or representative not less than 60 days before the effective date of termination or noncontinuance setting forth the specific grounds for termination or noncontinuance; and

(ii) the written notice contains on the first page thereof a conspicuous statement which reads as follows: "NOTICE TO DEALER: YOU MAY BE ENTITLED TO FILE A PROTEST WITH THE TEXAS MOTOR VEHICLE COMMISSION IN AUSTIN, TEXAS, AND HAVE A HEARING IN WHICH YOU MAY PROTEST THE PROPOSED TERMINATION OR NONCONTINUANCE OF YOUR FRANCHISE UNDER THE TERMS OF THE TEXAS MOTOR VEHICLE COMMISSION CODE IF YOU OPPOSE THIS ACTION."; and

(iii) the manufacturer, distributor, or representative has received the informed, written consent of the affected dealer or the appropriate period for the affected dealer to protest the proposed franchise termination or noncontinuance has lapsed; or

(iv) if the affected dealer files a protest with the Commission within the greater of (1) 60 days after receiving its 60-day notice of proposed termination or noncontinuance or (2) the time specified in such notice, the Commission determines that the party seeking to terminate or not continue a dealer's franchise has established by a preponderance of the evidence, at a hearing called by the Commission, that there is good cause for the proposed termination or noncontinuance.

(v) Notwithstanding Subdivisions (3)(A)(i) and (3)(A)(iv) of this section, notice may be made not less than 15 days prior to the effective date of termination or noncontinuance if a licensed dealer fails to conduct its customary sales and service operations during its customary business hours for seven consecutive business days unless such failure is caused by an act of God, work stoppage or delays due to strikes or labor disputes, an order of the Commission, or other causes beyond the control of the dealer.

(B) Whenever a dealer files a timely protest to a proposed franchise termination or noncontinuance, the Commission shall notify the party seeking to terminate or to not continue the protesting dealer's franchise that a timely protest has been filed, that a hearing is required in accordance with this Act, and that the party who gave the dealer notice of termination or noncontinuation of the franchise may not terminate or refuse to continue the franchise until the Commission issues its final decision or order.

(C) If a franchise is terminated or not continued, another franchise in the same line-make will be established within a reasonable time unless it is shown to the Commission by a preponderance of the evidence that the community or trade area cannot reasonably support such a dealership. If this showing is made, no dealer license shall be thereafter issued in the same area unless a change in circumstances is established.

(4) Notwithstanding the terms of any franchise agreement, modify or replace a franchise with a succeeding franchise if the modification or replacement would adversely affect, to a substantial degree, the dealer's sales, investment, or obligations to provide service to the public, unless the manufacturer, distributor, or representative has first given the Commission and each affected dealer written notice by registered or certified mail of any such action 60 days in advance of the modification or replacement. The written notice shall contain on the first page thereof a conspicuous statement which reads as follows: "NOTICE TO DEALER: YOU MAY BE ENTITLED TO FILE A PROTEST WITH THE TEXAS MOTOR VEHICLE COMMISSION IN AUSTIN, TEXAS, AND HAVE A HEARING IN WHICH YOU MAY PROTEST THE PROPOSED MODIFICATION OR REPLACEMENT OF YOUR FRANCHISE WITH A SUCCEEDING FRANCHISE UNDER THE TERMS OF THE TEXAS MOTOR VEHICLE COMMISSION CODE IF YOU OPPOSE THIS ACTION." Within the greater of (1) 60 days after receipt of such notice or (2) the time specified in such notice, a dealer may file a protest with the Commission and the modification or replacement shall not become effective unless and until the Commission determines that the party seeking to modify or replace a franchise with a succeeding franchise has demonstrated by a preponderance of the evidence that there is good cause for the modification or replacement. The prior franchise shall continue in effect until the protest is resolved by the Commission.

(5) Notwithstanding the terms of any franchise agreement, in determining whether good cause has been established for modifying, replacing, terminating, or refusing to continue a franchise, the Commission shall consider all the existing circumstances including, without limitation by the enumeration herein, all the following:

- (A) the dealer's sales in relation to the sales in the market;
- (B) the dealer's investment and obligations;
- (C) injury to the public welfare;
- (D) the adequacy of the dealer's service facilities, equipment, parts, and personnel in relation to those of other dealers of new motor vehicles of the same line-make;
- (E) whether warranties are being honored by the dealer;
- (F) the parties' compliance with their franchise agreement; and
- (G) the enforceability of the franchise agreement from a public policy standpoint, including, without limitation, issues of the reasonableness of the franchise agreement's terms, oppression, adhesion, and the relative bargaining power of the parties.

Good cause shall not be shown solely by the desire of a manufacturer, distributor, or representative for market penetration.

(6) Use any false, deceptive or misleading advertising.

(7) Notwithstanding the terms of any franchise agreement, prevent any dealer from reasonably changing the capital structure of his dealership or the means by or through which he finances the operation thereof, provided that the dealer meets reasonable capital requirements.

(8) Notwithstanding the terms of any franchise agreement, fail to give effect to or attempt to prevent any sale or transfer of a dealer, dealership or franchise or interest therein or management thereof unless, after complaint or protest, it is demonstrated to the Commission after hearing that the result of any such sale or transfer will be detrimental to the public or the representation of the manufacturer or distributor.

(9) Notwithstanding the terms of any franchise agreement, require or attempt to require that a dealer assign to or act as an agent for any manufacturer, distributor or representative in the securing of promissory notes and security agreements given in connection with the sale or purchase of new motor vehicles or the securing of policies of insurance on or having to do with the operation of vehicles sold.

(10) Notwithstanding the terms of any franchise agreement, fail or refuse, after complaint and hearing, to perform the obligations placed on the manufacturer in connection with the delivery, preparation and warranty of a new motor vehicle as provided in the manufacturer's warranty, preparation, and delivery agreements on file with the Commission.

(11) Notwithstanding the terms of any franchise agreement, fail to compensate its dealers for the work and services they are required to perform in connection with the dealer's delivery and preparation obligations according to the agreements on file with the Commission which must be found by the Commission to be reasonable, or fail to adequately and fairly compensate its dealers for labor, parts and other expenses incurred by such dealer to perform under and comply with a manufacturer's or a distributor's warranty agreement. In no event shall any

manufacturer or distributor pay its dealers an amount of money for warranty work that is less than that charged by the dealer to the retail customers of the dealer for nonwarranty work of like kind. All claims made by dealers for compensation for delivery, preparation, and warranty work shall be paid within 30 days after approval and shall be approved or disapproved within 30 days after receipt. When any claim is disapproved, the dealer shall be notified in writing of the grounds for disapproval. No claim which has been approved and paid may be charged back to the dealer unless it can be shown that the claim was false or fraudulent, that the repairs were not properly made or were unnecessary to correct the defective condition, or that the dealer failed to reasonably substantiate the claim in accordance with the written requirements of the manufacturer or distributor in effect at the time the claim arose. Notwithstanding the terms of a franchise agreement or provision of law in conflict with this section, the dealer's delivery, preparation, and warranty obligations as filed with the Commission shall constitute the dealer's sole responsibility for product liability as between the dealer and manufacturer or distributor, and, except for a loss caused by the dealer's failure to adhere to these obligations, a loss caused by the dealer's negligence or intentional misconduct, or a loss caused by the dealer's modification of a product without manufacturer or distributor authorization, the manufacturer or distributor shall reimburse the dealer for all loss incurred by the dealer, including legal fees, court costs, and damages, as a result of the dealer having been named a party in a product liability action.

(12) Operate as a manufacturer, distributor, or representative without a currently valid license from the Commission or otherwise violate this Act or rules promulgated by the Commission hereunder.

(13) Notwithstanding the terms of any franchise agreement, to prevent or refuse to honor the succession to a dealership by any legal heir or devisee under the will of a dealer or under the laws of descent and distribution of this State unless it is shown to the Commission, after notice and hearing, that the result of such succession will be detrimental to the public interest and to the representation of the manufacturer or distributor; provided, however, nothing herein shall prevent a dealer, during his lifetime, from designating any person as his successor dealer, by written instrument filed with the manufacturer or distributor.

(14) Notwithstanding the terms of any franchise agreement, require that a dealer pay or assume, directly or indirectly, any part of any refund, rebate, discount, or other financial adjustment made by the manufacturer, distributor, or representative to, or in favor of, any customer of a dealer, unless voluntarily agreed to by such dealer.

(15) Notwithstanding the terms of any franchise agreement, deny or withhold approval of a written application to relocate a franchise unless (A) the applicant has received written notice of the denial or withholding of approval within 90 days after receipt of the application containing information reasonably necessary to enable the manufacturer or distributor to adequately evaluate the application, and if (B) the applicant files a protest with the Commission and establishes by a preponderance of the evidence at a hearing called by the Commission that the grounds for, and distance of, the relocation are reasonable.

(16) Notwithstanding the terms of any franchise agreement, fail to pay to a dealer or any lienholder in accordance with their respective interest after the termination of a franchise:

(A) the dealer cost plus any charges by the manufacturer, distributor, or representative for distribution, delivery, and taxes, less all allowances paid to the dealer by the manufacturer, distributor, or representative for new[; ~~unsold, undamaged, and complete~~] motor vehicles [~~of current model year or one year prior model year~~] in the dealer's inventory;

(B) the dealer cost of each new, unused, undamaged, and unsold part or accessory if the part or accessory is in the current parts catalogue and is still in the original, resalable merchandising package and in unbroken lots, except that in the case of sheet metal, a comparable substitute for the original package may be used, and if the part or accessory was purchased by the dealer either directly from the manufacturer or distributor or from an outgoing authorized dealer as a part of the dealer's initial inventory;

(C) the fair market value of each undamaged sign owned by the dealer which bears a trademark or tradename used or claimed by the manufacturer, distributor, or representative if the sign was purchased from or purchased at the request of the manufacturer, distributor, or representative;

(D) the fair market value of all special tools, data processing equipment, and automotive service equipment owned by the dealer which were recommended in writing and designated as special tools and equipment and purchased from or purchased at the request of the manufacturer, distributor, or representative, if the tools and equipment are in usable and good condition except for reasonable wear and tear;

(E) the cost of transporting, handling, packing, storing, and loading of any property [~~motor vehicles, parts, signs, tools, and equipment~~] subject to repurchase under this section;

(F) any sums due as provided by Paragraph (A) of this subdivision within 60 days after termination of a franchise and any sums due as provided by Paragraphs (B) through (E) of this subdivision within 90 days after termination of a franchise. As a condition of payment, the dealer is to comply with reasonable requirements with respect to the return of inventory as are set out in the terms of the franchise agreement. A manufacturer, distributor, or representative who fails to pay those sums within the prescribed time or at such time as the dealer and lienholder, if any, proffer good title prior to the prescribed time for payment, is liable to the dealer for:

(1) the greatest of dealer cost, fair market value, or current price of the inventory;

(2) interest on the amount due calculated at the rate applicable to a judgment of a court; and

(3) reasonable attorney's fees and costs.

(17) Notwithstanding the terms of any franchise agreement, change its distributor, its method of distribution of its products in this state, or its business structure or ownership in a manner that results in the termination or noncontinuance of a franchise without good cause. The manufacturer, distributor, or representative shall issue the same notice to the dealer and to the Commission as is provided in Subdivisions (3)(A) and (B) of this section and said same procedures shall apply to the parties.

(18) Notwithstanding the terms of any franchise agreement, require a dealer to submit to arbitration on any issue unless the dealer and the manufacturer,

distributor, or representative and their respective counsel agree to arbitrate after a controversy arises. The arbitrator shall apply the provisions of this Act in resolving the pertinent controversy. Either party may appeal to the Commission a decision of an arbitrator on the ground that the arbitrator failed to apply this Act.

(19) Notwithstanding the terms of any franchise agreement, require that a dealer join, contribute to, or affiliate with, directly or indirectly, any advertising association.

(20) Notwithstanding the terms of a franchise agreement, require adherence to unreasonable sales or service standards.

(21) Discriminate between or among franchisees in the sale of a motor vehicle owned by the manufacturer or distributor.

(22) Directly or indirectly, or through a subsidiary or agent, condition an agreement to finance a motor vehicle on a factor other than the creditworthiness of the purchaser, or require that the purchaser purchase any other product from the manufacturer as a condition of its agreement to finance a motor vehicle.

(2) Renumber the subsequent sections appropriately.

The amendment was adopted without objection.

HB 524, as amended, was passed. (Hartnett, Horn, and Swinford recorded voting no.)

HB 820 ON THIRD READING

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

HB 820, A bill to be entitled An Act relating to the conveyance of certain state-owned real property in Travis County by the State Purchasing and General Services Commission.

A record vote was requested.

The bill was read third time and was passed by (Record 65): 138 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blackwood; Blair; Bomer; Bosse; Brady; Brimer; Cain; Campbell; Carona; Carter; Cate; Cavazos; Chisum; Colbert; Collazo; Conley; Cook; Counts; Craddick; Crawford; Cuellar, H.; Cuellar, R.; Culberson; De La Garza; Delco(C); Delisi; Denton; Dutton; Earley; Eckels; Edwards; Evans; Finnell; Fleuriet; Fraser; Gallego; Gallegos; Gibson; Glaze; Glossbrenner; Goodman; Goolsby; Greenberg; Grusendorf; Gutierrez; Haggerty; Harris; Hartnett; Hernandez; Hightower; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hirschi; Holzhauser; Horn; Hudson; Hunter, B.; Hunter, T.; Hury; Jackson; Johnson, J.; Jones; Junell; Kamel; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Marchant; Martin; Martinez; Maxey; McCollough; McDonald; Mowery; Naishtat; Oakley; Ogden; Oliveira; Ovard; Park; Patterson; Pennington; Perez; Pierce; Place; Puente; Rabuck; Rangel; Repp; Robnett; Rodriguez; Rudd; Russell; Sadler; Saunders; Schechter; Schoolcraft; Seidlits; Shea; Shelley; Smith, A.; Smith, D.; Soileau; Stiles; Swinford; Tallas; Taylor; Telford; Thomas; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Van de Putte; Von Dohlen; Vowell; Watkins; Wentworth; Williamson; Willis; Willy; Wilson; Wolens; Yarbrough; Yost.

Present, not voting — Mr. Speaker.

Nay — Uher.

Absent, Excused — Danburg; Heflin; Johnson, S.; Moreno; Smithee; Wallace.

Absent — Clemons; Granoff; Price.

HB 154 ON THIRD READING

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

HB 154, A bill to be entitled An Act relating to immunity from civil liability for certain persons responsible for or acting in furtherance of programs in which county inmates are required to perform manual labor or in which probationers are required to perform community service.

A record vote was requested.

The bill was read third time and was passed by (Record 66): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blackwood; Bomer; Bosse; Brady; Brimer; Cain; Campbell; Carona; Carter; Cate; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley; Cook; Craddick; Crawford; Cuellar, H.; Cuellar, R.; Culberson; De La Garza; Delco(C); Delisi; Dutton; Earley; Eckels; Edwards; Evans; Finnell; Fleuriet; Fraser; Gallego; Gallegos; Gibson; Glaze; Glossbrenner; Goodman; Goolsby; Greenberg; Grusendorf; Gutierrez; Haggerty; Harris; Hartnett; Hernandez; Hightower; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hirschi; Holzheuser; Horn; Hudson; Hunter, B.; Hunter, T.; Hury; Jackson; Johnson, J.; Jones; Junell; Kamel; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Marchant; Martin; Martinez; Maxey; McCollough; McDonald; Mowery; Naishtat; Oakley; Ogden; Oliveira; Ovard; Park; Patterson; Pennington; Perez; Pierce; Place; Puente; Rabuck; Rangel; Repp; Robnett; Rodriguez; Rudd; Russell; Sadler; Saunders; Schechter; Schoolcraft; Seidlits; Shea; Shelley; Smith, A.; Smith, D.; Soileau; Stiles; Swinford; Tallas; Taylor; Telford; Thomas; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Uher; Van de Putte; Von Dohlen; Vowell; Watkins; Wentworth; Williamson; Willis; Willy; Wilson; Wolens; Yarbrough; Yost.

Present, not voting — Mr. Speaker.

Absent, Excused — Danburg; Heflin; Johnson, S.; Moreno; Smithee; Wallace.

Absent — Blair; Counts; Denton; Granoff; Price.

HB 475 ON THIRD READING

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

HB 475, A bill to be entitled An Act relating to witness fees in civil cases.

The bill was read third time.

Representative Yost offered the following amendment to the bill:

Amend **HB 475** on third reading as follows:

(1) On page 1, strike lines 4-6 and substitute:

SECTION 1. Section 22.001, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

- (a) Except as provided by Subsection (e), a [A] witness is entitled to:
(2) On page 1, between lines 10 and 11, insert:
(e) If, because of the indigency of a party or otherwise, a court is liable for the payment of witness fees, a witness is entitled to:
(1) one dollar for each day the witness attends court; and
(2) six cents for each mile the witness travels in going to and returning from court.

The amendment was adopted without objection.

HB 475, as amended, was passed.

HB 541 ON THIRD READING

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

HB 541, A bill to be entitled An Act relating to the certification and regulation of respiratory care practitioners.

The bill was read third time and was passed.

HB 571 ON THIRD READING

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

HB 571, A bill to be entitled An Act relating to the notice requirement for competitive bids or proposals for municipal contracts.

The bill was read third time and was passed.

HB 409 ON THIRD READING

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

HB 409, A bill to be entitled An Act relating to certain family court masters.

The bill was read third time and was passed.

(Speaker in the chair)

HB 37 ON THIRD READING

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

HB 37, A bill to be entitled An Act relating to prohibited practices concerning taxicab fares; providing a penalty.

The bill was read third time and was passed.

STANDING COMMITTEE APPOINTMENTS

Representatives B. Turner and Maxey were appointed to standing committees as follows:

Representative B. Turner - Committee on Cultural and Historical Resources; Committee on Science and Technology.

Representative Maxey - Committee on Cultural and Historical Resources; Committee on Retirement and Aging.

HB 857 AND HB 855 - RULE SUSPENDED

Representative Black moved to suspend the 5-day posting rule to allow the Committee on Government Organization to consider **HB 857** and **HB 855**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Government Organization, 9 a.m., March 11, Room 246, Reagan Building, to consider **HB 857** and **HB 855**.

Financial Institutions, Subcommittee on **CSHB 46**, on adjournment today, Desk 136.

PROVIDING FOR ADJOURNMENT

Representative Carona moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 2 p.m. Monday, March 11.

The motion prevailed without objection.

HOUSE BILLS ON FIRST READING

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

By Oliveira:

HB 1351, A bill to be entitled An Act relating to the disposition of exhibits in a criminal case.

To Committee on Criminal Jurisprudence.

By Gallegos:

HB 1352, A bill to be entitled An Act relating to hearing examiner's fees under the municipal civil service act in certain cities; and declaring an emergency.

To Committee on Urban Affairs.

By Shelley:

HB 1353, A bill to be entitled An Act relating to the municipal annexation of certain subdivisions.

To Committee on Urban Affairs.

By Oliveira, et al.:

HB 1354, A bill to be entitled An Act relating to the jurisdiction of the county courts at law in Cameron County.

To Committee on Judiciary.

By Oliveira:

HB 1355, A bill to be entitled An Act relating to the payment of tuition by foreign students enrolled in certain institutions of higher education.

To Committee on Higher Education.

By Earley:

HB 1356, A bill to be entitled An Act relating to the regulation of pipelines for the transportation of hydrogen.

To Committee on Energy.

By Earley:

HB 1357, A bill to be entitled An Act relating to changing the name of the confederate pension fund.

To Committee on Appropriations.

By McCollough:

HB 1358, A bill to be entitled An Act relating to the notice required for meetings of certain state boards, commissions, and other agencies.

To Committee on State Affairs.

By Hernandez, A. Smith, et al.:

HB 1359, A bill to be entitled An Act relating to a center for the support of a comprehensive database network to further the state's goal of economic diversification; authorizing appropriations.

To Committee on Science and Technology.

By McCollough:

HB 1360, A bill to be entitled An Act relating to rulemaking procedures for state agencies.

To Committee on State Affairs.

By Goodman:

HB 1361, A bill to be entitled An Act relating to temporary orders in a habeas corpus proceeding concerning the possession of a child.

To Committee on Judicial Affairs.

By Carona:

HB 1362, A bill to be entitled An Act relating to annual testing of health care providers for AIDS and HIV infection and to the availability of those test results; providing a criminal penalty.

To Committee on Public Health.

By Laney:

HB 1363, A bill to be entitled An Act relating to the authority of certain local telephone exchange companies to use certain property presumed to be abandoned to fund college scholarships for rural students.

To Committee on State Affairs.

By Laney:

HB 1364, A bill to be entitled An Act relating to certain changes in the services and rates of certain local exchange telephone companies.

To Committee on State Affairs.

By Laney:

HB 1365, A bill to be entitled An Act relating to the duty of the Public Utility Commission to audit certain public utilities.

To Committee on State Affairs.

By Madla:

HB 1366, A bill to be entitled An Act relating to offenses committed by a proprietary school with regard to the misapplication of a guaranteed student loan and to operating without a certificate; providing penalties.

To Committee on Higher Education.

By Madla:

HB 1367, A bill to be entitled An Act relating to requiring the Texas Department of Human Services to provide permanent molar sealants to certain children receiving Medicaid assistance.

To Committee on Human Services.

By Madla:

HB 1368, A bill to be entitled An Act relating to a commercial lessor's license under the Bingo Enabling Act.

To Committee on Liquor Regulation.

By Madla:

HB 1369, A bill to be entitled An Act relating to the 72-hour waiting period following issuance of a marriage license.

To Committee on Judicial Affairs.

By Madla:

HB 1370, A bill to be entitled An Act relating to local government approval of the location of municipal solid waste facilities.

To Committee on Environmental Affairs.

By Holzheuser:

HB 1371, A bill to be entitled An Act relating to the supplemental compensation paid district judges in Victoria County.

To Committee on Judicial Affairs.

By Holzheuser:

HB 1372, A bill to be entitled An Act relating to persons eligible to conduct a game of bingo.

To Committee on Liquor Regulation.

By Yost:

HB 1373, A bill to be entitled An Act relating to the authority of a water supply or sewer service corporation.

To Committee on Natural Resources.

By Yost:

HB 1374, A bill to be entitled An Act relating to the exclusion of certain urban property located within a water district.

To Committee on Natural Resources.

By Oakley:

HB 1375, A bill to be entitled An Act relating to the continuing education requirements for a real estate broker and real estate salesman.

To Committee on Government Organization.

By Hightower:

HB 1376, A bill to be entitled An Act relating to exemptions from regular registration fees and from inspection for vehicles used to transport log loaders.

To Committee on Transportation.

By Ovard:

HB 1377, A bill to be entitled An Act relating to the responsibility of a child with a mental disease or defect for delinquent conduct or conduct indicating a need

for supervision.

To Committee on Judicial Affairs.

By Ovard:

HB 1378, A bill to be entitled An Act relating to the adjudication and disposition of children for delinquent conduct that violates a penal law of this state of the grade of felony.

To Committee on Judicial Affairs.

By Ovard:

HB 1379, A bill to be entitled An Act relating to the eligibility for probation, parole, or mandatory supervision of defendants convicted of aggravated offenses under the Texas Controlled Substances Act.

To Committee on Criminal Jurisprudence.

By Ovard:

HB 1380, A bill to be entitled An Act relating to the eligibility for probation or parole of defendants convicted of murder.

To Committee on Criminal Jurisprudence.

By Ovard:

HB 1381, A bill to be entitled An Act relating to the jurisdiction of a juvenile court over certain persons older than 18 years of age.

To Committee on Judicial Affairs.

By Ovard:

HB 1382, A bill to be entitled An Act relating to the admissibility of evidence in criminal cases.

To Committee on Criminal Jurisprudence.

By Ovard:

HB 1383, A bill to be entitled An Act relating to the eligibility for parole of persons convicted of certain aggravated offenses or offenses in which a deadly weapon was used or exhibited.

To Committee on Criminal Jurisprudence.

By Ovard:

HB 1384, A bill to be entitled An Act relating to the requirement that the thumbprint of certain juveniles be placed on an adjudication order.

To Committee on Judicial Affairs.

By Ovard:

HB 1385, A bill to be entitled An Act relating to the notification of certain statewide and national criminal information systems when a warrant is issued for a juvenile.

To Committee on Judicial Affairs.

By Ovard:

HB 1386, A bill to be entitled An Act relating to the punishment for the offense of attempted murder.

To Committee on Criminal Jurisprudence.

By R. Cuellar:

HB 1387, A bill to be entitled An Act relating to projects undertaken by certain

industrial development corporations.

To Committee on Business and Commerce.

By R. Cuellar:

HB 1388, A bill to be entitled An Act relating to the duty of a grandparent to support a grandchild and to the application of health insurance protection for certain grandchildren.

To Committee on Judicial Affairs.

By Seidlits:

HB 1389, A bill to be entitled An Act relating to the collection of certain fees arising from the dishonor of a check.

To Committee on Business and Commerce.

By Seidlits:

HB 1390, A bill to be entitled An Act relating to regulation of motor carriers.

To Committee on Transportation.

By McDonald:

HB 1391, A bill to be entitled An Act relating to the compensation of certain resident physicians.

To Committee on Higher Education.

By Yarbrough:

HB 1392, A bill to be entitled An Act relating to the definition of "base period" under the Texas Unemployment Compensation Act.

To Committee on Labor and Employment Relations.

By Yarbrough:

HB 1393, A bill to be entitled An Act relating to the renewal of a license held by an individual serving on active military duty.

To Committee on State Affairs.

By Haggerty:

HB 1394, A bill to be entitled An Act relating to allocation of money appropriated for construction or maintenance of roads in the state highway system.

To Committee on Transportation.

By Uher:

HB 1395, A bill to be entitled An Act relating to the exemption from property taxation of boats and other property used in the commercial taking of fish and other marine animals.

To Committee on Ways and Means.

By Uher:

HB 1396, A bill to be entitled An Act relating to amending the definition of "Employee" for purposes of college and university employee insurance benefits.

To Committee on Retirement and Aging.

By Kuempel:

HB 1397, A bill to be entitled An Act relating to the authority of the commissioners court of a county to assess a fee for a sheriff's response to a false security alarm.

To Committee on County Affairs.

By Denton:

HB 1398, A bill to be entitled An Act relating to the temporary conservatorship of a child.

To Committee on Judicial Affairs.

By Denton:

HB 1399, A bill to be entitled An Act relating to joint managing conservatorship.

To Committee on Judicial Affairs.

By R. Lewis:

HB 1400, A bill to be entitled An Act relating to off-duty employment activities of officers of the Department of Public Safety.

To Committee on Public Safety.

By Puente:

HB 1401, A bill to be entitled An Act relating to the powers and responsibilities with respect to certain plumbing fixtures, and creating administrative, civil and criminal penalties.

To Committee on State Affairs.

By Brimer:

HB 1402, A bill to be entitled An Act relating to the regulation of attorneys.

To Committee on Government Organization.

By Brimer:

HB 1403, A bill to be entitled An Act relating to persons convicted of certain offenses under the Texas Motor Vehicle Safety-Responsibility Act.

To Committee on Insurance.

By Brimer:

HB 1404, A bill to be entitled An Act relating to the impoundment of a motor vehicle on failure of the owner or operator to furnish evidence of financial responsibility after an accident.

To Committee on Insurance.

By B. Hunter:

HB 1405, A bill to be entitled An Act relating to the seizure of property believed to be stolen.

To Committee on Criminal Jurisprudence.

By Tallas:

HB 1406, A bill to be entitled An Act relating to the regulation of certain persons in the business of cashing checks; providing penalties.

To Committee on Financial Institutions.

By Edwards:

HB 1407, A bill to be entitled An Act relating to prohibiting employment discrimination against a person based on the person's criminal history record.

To Committee on Business and Commerce.

By Hernandez:

HB 1408, A bill to be entitled An Act relating to the reporting of absentee votes by election precinct.

To Committee on Elections.

By Perez:

HB 1409, A bill to be entitled An Act relating to spousal maintenance after the dissolution of certain marriages or putative marriages.

To Committee on Judicial Affairs.

By Perez:

HB 1410, A bill to be entitled An Act relating to the regulation of the practice of chiropractic.

To Committee on Public Health.

By Clemons:

HB 1411, A bill to be entitled An Act relating to regulation of persons transporting newspapers, newspaper supplements, or magazines for recycling.

To Committee on Transportation.

By Fraser:

HB 1412, A bill to be entitled An Act relating to the temporary licensing of certain physicians employed by the Texas Department of Mental Health and Mental Retardation.

To Committee on Public Health.

By Fraser:

HB 1413, A bill to be entitled An Act relating to competitive bidding requirements for personal property in certain school districts.

To Committee on Public Education.

By Fraser:

HB 1414, A bill to be entitled An Act relating to the authority of certain counties to impose a county hotel occupancy tax.

To Committee on Ways and Means.

By Gibson:

HB 1415, A bill to be entitled An Act relating to an exemption from the sales and use tax for aircraft used exclusively for the purpose of training or instructing pilots.

To Committee on Ways and Means.

By Gibson:

HB 1416, A bill to be entitled An Act relating to the regulation of taxidermists; providing a penalty.

To Committee on Public Health.

By Gibson:

HB 1417, A bill to be entitled An Act relating to the certification of certain court reporters.

To Committee on Judicial Affairs.

By Saunders:

HB 1418, A bill to be entitled An Act relating to a bond fee for the services of peace officers.

To Committee on Criminal Jurisprudence.

By Saunders:

HB 1419, A bill to be entitled An Act relating to water quality and the establishment of water quality standards and the assessment and management of water quality.

To Committee on Natural Resources.

By Saunders, et al.:

HB 1420, A bill to be entitled An Act relating to the ability of the Texas Low-Level Radioactive Waste Disposal Authority to accept waste from sources other than Texas.

To Committee on Environmental Affairs.

By Saunders:

HB 1421, A bill to be entitled An Act relating to the definition of hazardous waste for the purpose of fees imposed under the Solid Waste Disposal Act.

To Committee on Environmental Affairs.

By Saunders:

HB 1422, A bill to be entitled An Act relating to the regulation of by-product materials and naturally occurring radioactive materials.

To Committee on Environmental Affairs.

By Jackson:

HB 1423, A bill to be entitled An Act relating to noise regulation of sport shooting ranges.

To Committee on State Affairs.

By Jackson:

HB 1424, A bill to be entitled An Act relating to an exemption from fishing license fees for handicapped persons.

To Committee on Environmental Affairs.

By Jackson:

HB 1425, A bill to be entitled An Act relating to the identification of crab traps in public water.

To Committee on Environmental Affairs.

The speaker returned **HB 1937** to the chief clerk because it contains an incorrect enacting clause. Because it contains an incorrect enacting clause it does not comply with the Rules of the House or the Texas Constitution and therefore cannot be referred to a committee.

The speaker authorized the chief clerk to reassign the next bill as **HB 1937**.

ADJOURNMENT

In accordance with a previous motion, the house, at 11:04 a.m., adjourned until 2 p.m. Monday, March 11.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees on bills, as follows:

Criminal Jurisprudence - **HB 432**

Financial Institutions - **HB 139**

Judicial Affairs - **SB 170**

ENROLLED

March 5 - **HCR 81, HCR 97, HCR 105**

**BILLS TRANSMITTED TO GOVERNOR
UNDER ARTICLE XVI, SECTION 59**

The following house bills were transmitted by the chief clerk to the governor:

March 5 - **HB 1617**

March 6 - **HB 1753**

