

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 79th Legislature, Regular Session, 2005, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 1690 (common nuisance) to
6 consider and take action on the following matters:

7 (1) House Rule 13, Sections 9(a)(3) and (4), are suspended
8 to permit the committee to add the following language to Section
9 125.004(d), Civil Practice and Remedies Code, as added by the bill:

10 The posting of a sign prohibiting the activity alleged is not
11 conclusive evidence that the owner did not tolerate the activity.

12 Explanation: The added language is necessary to ensure that
13 posting of a sign by a real property owner prohibiting the activity
14 constituting a common nuisance alleged to have occurred does not
15 conclusively establish that the owner did not tolerate the alleged
16 activity.

17 (2) House Rule 13, Sections 9(a)(3) and (4), are suspended
18 to permit the committee to add the following language to Section
19 125.044, Civil Practice and Remedies Code, as amended by the bill:

20 **(b-1)** The posting of a sign prohibiting the activity alleged
21 is not conclusive evidence that the owner did not tolerate the
22 activity.

23 Explanation: The added language is necessary to ensure that
24 posting of a sign by a real property owner prohibiting the activity

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1 constituting a common nuisance alleged to have occurred does not
2 conclusively establish that the owner did not tolerate the alleged
3 activity.

Keel

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Speaker of the House

I certify that H.R. No. 2258 was adopted by the House on May 29, 2005, by a non-record vote.

Chief Clerk of the House