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 131).

Present: — Mr. Speaker; Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Cary; Cavazos; Ceverha; Clark; Clemons; Colbert; Collazo; Connelly; Coody; Craddock; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin, Geistweidt; Gibson, B.; Gibson, J.; Gilley, Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiat; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Turner; Uher; Valles; Vowell; Waldrop; Watson; Whaley; Wieting; Willis; Wolens; Word; Wright.

Absent, Excused — Carriker; Horn; Wallace.

Absent — Criss; Patrick; Tow; Wilson.

The invocation was offered by Reverend David A. Womack, pastor, The First Assembly of God Church, Euless, Texas, as follows:

Blessed Father, we come to you today in the name of Jesus Christ our Lord to praise you and to thank you for all your blessings to us and to all your people in this great State of Texas.

We bow our heads before you, admitting our limitations and recognizing your unfailing mercy and power. We truly pray, "Thy kingdom come. Thy will be done on earth, as it is in heaven."

Lord, you have gathered here in this house of representatives many of the most qualified people in Texas. Now we pray that you will grant them your gift of wisdom that they might lead this state in righteousness and justice.

We ask you to guide them in their deliberations of today's session for your glory and honor. In Jesus' name we pray. Amen.

LEAVES OF ABSENCE GRANTED

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

Horn, temporarily, on motion of Agnich.

Carriker on motion of Gandy.
The following member was granted leave of absence for today because of state business:

Wallace on motion of Colbert.

MESSAGE FROM THE SENATE
Austin, Texas, April 12, 1983

The Honorable Speaker of the House of Representatives
House Chamber
The Honorable
Mr. Speaker:

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

SCR 60 by McFarland, congratulating the Kroger Company on its 100th anniversary.

SB 112 by Sarpalius, relating to technical-vocational education and to the continuation of the Advisory Council for Technical-Vocational Education.

SB 358 by Sarpalius, relating to the issuance of certificates of indebtedness by general-law cities and towns to fund certain court judgments, decrees or settlements.

SB 448 by Caperton, amending the Texas Unemployment Compensation Act, providing for protection of rights and benefits and relating to child support obligations; and declaring an emergency.

SB 655 by Traeger, relating to administration of, contributions to, and service and benefits under, the fire fighters' relief and retirement fund.

SB 741 by Harris, relating to the regulation of bingo.

SB 815 by Brooks, relating to a bond or pledge of other securities or both for securing school district funds deposited in a bank.

SB 928 by Jones, relating to continuation of the State Board of Insurance and to the regulation of the business of insurance.

Respectfully,
Betty King
Secretary of the Senate

(Criss and Patrick now present)

HB 2352 - PERMISSION TO INTRODUCE

Representative Peveto moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2352.

The motion prevailed by (Record 132): 130 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Cary; Cavazos; Ceverha; Clark; Colbert; Collazo; Connelly; Coody; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett, English; Evans, C.; Evans, L.; Finnell; Fox; Garmer; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Granoff; Green; Grisham; Hackney; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hellin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kuempel; Kuik; Lancy, Lee, D.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Messer; Millsap; Moreno, A.; Parker; Patronella; Patterson;
Present, not voting — Mr. Speaker(C).

Absent, Excused — Carriker; Horn; Wallace.

Absent — Agnich; Armbrister; Clemens; Craddick; Glossbrenner; Haley; Lee, E. F.; Martinez, W.; Moreno, P.; Oliveira; Oliver; Patrick; Schlueter; Thompson, G.; Tow; Wilson.

(Wilson now present)

**HB 2353 - PERMISSION TO INTRODUCE**

Representative Berlanga moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2353.

The motion prevailed by (Record 133): 124 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Cary; Cavazos; Clark; Colbert; Collazo; Connelly; Coody; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Gibson, B.; Gibson, J.; Gilley; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hanna; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hury; Jackson; Keller; Kemp; Kubiak; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Price; Ragsdale; Rangel; Robnett; Rudd; Russell; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, S.; Toomey; Turner; Uber; Valles; Vowell; Waldrop; Watson; Whaley; Wieting; Willis; Wolens; Word; Wright.

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

Absent, Excused — Carriker; Horn; Wallace.

Absent — Agnich; Ceverha; Clemens; Craddick; Geistweidt; Glossbrenner; Hammond; Harrison, D.; Jones; Khoury; Kuempel; Martinez, W.; Oliveira; Robinson; Salinas; Saunders; Schlueter; Thompson, G.; Thompson, S.; Tow.

**RESOLUTIONS REFERRED TO COMMITTEE**

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

By B. Barton:

**HR 235**, Congratulating the Llano High School Yellowjacket Band.

To Committee on Rules and Resolutions.

By Patronella:

**HR 236**, Honoring E. A. "Squatty" Lyons.

To Committee on Rules and Resolutions.
By Kubiak:
HR 237, Congratulating the Snook High School basketball team.
To Committee on Rules and Resolutions.

By Stiles:
HR 238, Congratulating J. C. Burnham.
To Committee on Rules and Resolutions.

By Stiles:
HR 239, Congratulating Glenn Prater.
To Committee on Rules and Resolutions.

By Robinson:
HR 240, Commending Shannon Petru.
To Committee on Rules and Resolutions.

By T. Hall:
HR 241, Commending the Honorable Francis W. (Pin) Fowler.
To Committee on Rules and Resolutions.

By Bush:
HR 242, Commending Gene Day.
To Committee on Rules and Resolutions.

By T. Smith:
HR 243, Congratulating the Westlake Hyline Drill Team.
To Committee on Rules and Resolutions.

By Bush:
HR 244, Honoring Dr. Edward Hake Phillips.
To Committee on Rules and Resolutions.

By Pennington:
HR 245, Honoring the employees of the Johnson Space Center and NASA contractors.
To Committee on Rules and Resolutions.

By Green:
HR 248, Commending the Aldine High School Symphonic and Stage Bands.
To Committee on Rules and Resolutions.

By Wilson:
HCR 158, Commending Elspeth Davies Rostow.
To Committee on Rules and Resolutions.

By D. Hudson:
HCR 164, Commending Irving Louis Friedman.
To Committee on Rules and Resolutions.

SENATE BILLS ON FIRST READING

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

SB 642 to Committee on Business and Commerce.
SB 636 to Committee on Business and Commerce.

HR 229 - ADOPTED

Representative Granoff moved that all necessary rules be suspended to take up and consider at this time, HR 229.
The motion prevailed without objection.
The speaker laid before the house the following resolution:

By Granoff:

HR 229, Welcoming students and teachers from the Dallas County Community Colleges to the State Capitol.
The resolution was adopted.

HR 250 - ADOPTED

Representative Emmett moved that all necessary rules be suspended to take up and consider at this time, HR 250.
The motion prevailed without objection.
The speaker laid before the house the following resolution:
By Emmett:

HR 250, Commending the Humble Area Chamber of Commerce.
The resolution was adopted without objection.

(Tow now present)

HB 155 ON THIRD READING
The speaker laid before the house on its third reading and final passage,

HB 155, A bill to be entitled An Act relating to fees for conducting marriage ceremonies.
The bill was read third time and was passed. (A. Garcia, Saunders, and Hernandez recorded voting no)

HB 877 ON THIRD READING
The speaker laid before the house on its third reading and final passage,

HB 877, A bill to be entitled An Act relating to the requirements for holding a wine and beer retailer's permit and a retail dealer's on-premise license and to consumption of liquor or beer on the premises of a holder of a wine and beer retailer's off-premise permit or a retail dealer's off-premise license; providing penalties.
The bill was read third time and was passed. (Geistweidt recorded voting no)

HB 1389 ON THIRD READING
The speaker laid before the house on its third reading and final passage,

HB 1389, A bill to be entitled An Act relating to apportionment of the state into representative districts.
The bill was read third time and was passed. (Shea, P. Hill, and Jackson recorded voting no)

HB 1345 ON THIRD READING
The speaker laid before the house on its third reading and final passage,

HB 1345, A bill to be entitled An Act relating to the regulation of pipeline transportation of hazardous liquids and the regulation of hazardous liquid pipeline facilities; providing penalties.
The bill was read third time and was passed.

**HB 599 ON THIRD READING**

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

**HB 599**, A bill to be entitled An Act relating to validation of certain municipal annexations and other governmental acts and proceedings.

The bill was read third time and was passed. (Rudd recorded voting no)

**HJR 30 ON SECOND READING**

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

**HJR 30**, A joint resolution proposing a constitutional amendment authorizing statutory provisions for succession of public office during disasters caused by enemy attack, and authorizing the suspension of certain constitutional rules relating to legislative procedure during those disasters or during immediate threat of enemy attack.

(Jackson in the chair)

A record vote was requested.

The resolution was read second time and was adopted by (Record 134):

120 Yeas, 18 Nays, 3 Present, not voting.

Yeas — Armbrister; Arnold; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cary; Ceverha; Clark; Clemons; Colbert; Collazo; Connelly; Coody; Criss; Crockett; Davis; DeLay; Delco; Denton; Eckels; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hollowell; Hudson, D.; Hudson, S.; Hury; Keller; Khoury; Kubik; Kuepfer; Laney; Lee, D.; Lee, E. F.; Leonard; McKenna; McWilliams; Madia; Mankins; Messer; Millsap; Oliveira; Parker; Patrick; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uhler; Valles; Vowell; Waldrop; Watson; Whaley; Wieting; Willis; Wilson; Word; Wright.

Nays — Barrientos; Barton, B.; Cain; Cavazos; Danburg; Hackney; Hernandez; Hinojosa; Jones; Kemp; Luna; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliver; Ragsdale; Smith, T.

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

Absent, Excused — Carriker; Horn; Wallace.

Absent — Agnich; Craddick; Edwards; Garcia, M.; Schlueter; Wolens.

**HB 541 - POSTPONED**

Representative Emmett moved that consideration of **HB 541** be postponed until 10 a.m. tomorrow.

The motion prevailed without objection. (Geistweidt recorded voting no)
HB 872 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 872.

CSHB 872

A BILL TO BE ENTITLED
AN ACT
relating to the requirements for obtaining a certificate of title to a vehicle that has not been previously registered or titled in any state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 30(a), Certificate of Title Act (Article 6687-1, Vernon’s Texas Civil Statutes), is amended to read as follows:

(a) Before any motor vehicle that [which] was last registered and titled, or registered in some other state or country may be registered and titled in Texas, the applicant shall furnish to the designated agent a certificate as required under Section 142A, Uniform Act Regulating Traffic on Highways[, as added] (Article 6701d, Vernon’s Texas Civil Statutes). Before a motor vehicle that has not been registered and titled, or registered, in any other state may be registered and titled in Texas, the applicant shall furnish to the designated agent: (1) a form issued by the United States Customs Service stating that when the vehicle was first brought into the United States, the vehicle was declared to a customs officer in accordance with the Tariff Act of 1930, 19 U.S.C. Sec. 1485; or (2) proof satisfactory to the agent that the vehicle was not brought into the United States from outside the country. This subsection does not apply to a motor vehicle lawfully imported into the United States by a distributor or dealer from the manufacturer of the motor vehicle. No designated agent shall accept any application for registration and a certificate of title until the applicant has complied with the provisions of this Section [have been complied with].

SECTION 2. This Act takes effect September 1, 1983. A vehicle that entered the United States before the effective date of this Act is subject to the requirements for a certificate of title in Section 30, Certificate of Title Act (Article 6687-1, Vernon’s Texas Civil Statutes), as it existed on the date the vehicle entered the United States, and the former law is continued in effect for that purpose.

CSHB 872 was read second time and was passed to engrossment.

HB 1229 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1229.

CSHB 1229

A BILL TO BE ENTITLED
AN ACT
relating to the service plan and fare and service changes of a regional transportation authority in a metropolitan area; amending Chapter 683, Acts of the 66th Legislature, Regular Session, 1979, as amended (Article 1118y, Vernon’s Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Chapter 683, Acts of the 66th Legislature, Regular Session, 1979, as amended (Article 1118y, Vernon’s Texas Civil Statutes) is amended by adding new Sections 10A and 10B to read as follows:
"Section 10A. (a) After the confirmation election in an authority consisting of one subregion governed by an executive committee comprised of the subregional board created in Section 6, the executive committee shall implement the service plan as finally approved by the interim executive committee. No change may be made in the service plan unless the executive committee follows the procedures provided in this section.

(b) For the purposes of this section “major change in the service plan” means:

1. One or more of the following changes in the provisions of the service plan for a fixed guideway system:
   - A change in the location of the right-of-way;
   - A change in the width of the right-of-way if a width is stated in the service plan or the establishment of a width if no width is stated;
   - A change in grade separation if a grade separation is stated in the service plan or the establishment of a grade separation if no grade separation is stated;
   - A change that moves the location of a station; or
   - A change causing the vertical alignment of a guideway to be redefined between the classification of aerial, at-grade, or subgrade if a vertical alignment is stated in the service plan or the establishment of a vertical alignment if no vertical alignment is stated; or
   - A change that moves the location, as specified in the service plan, of one of the following facilities:
     - A parking lot;
     - A maintenance facility; or
     - An off-street transfer center; or
   - The addition of a facility listed in Subsections (b)(1) or (2) or the addition of a route for a fixed guideway system.

(c) Before approving a major change in the service plan, the executive committee shall cause written notice of a public hearing on the proposed change to be sent to:

1. All owners of real property lying within 400 feet of the proposed boundary of the right-of-way or the proposed boundary of property on which the facility is to be located; and
2. The governing body of each city and county in which the changed or additional right-of-way or facility is to be located.

(d) The measurement of the 400 feet includes streets and alleys.

(e) The notice must be given not less than 20 days before the date of the hearing by depositing the notice properly addressed and postage paid in the United States mail to each governing body and to the property owners as indicated on the last approved city or county tax roll.

(f) After a public hearing, the executive committee may approve a major change in the service plan by a favorable vote of two-thirds of the members present. Other changes in the service plan may be approved by a majority vote of the members present at a meeting without the notice described in Subsection (c) and without a public hearing.

(g) After approval of a major change in the service plan, the executive committee shall give notice that the change has been approved to:

1. The governing body of each county in which the changed or additional right-of-way or facility is to be located; and
2. The governing body of each city in which the changed or additional right-of-way or facility is to be located.

(h) If a major change in the service plan includes the addition of a fixed guideway route, including a route to be added pursuant to an agreement provided
for in Section 10(i) of this Article, the governing bodies of each city through which the route would pass, must approve the route before the executive committee may add the route to the service plan.

(i) If there is a conflict between this section and Section 10(n), this section shall control.

"Section 10B. (a) For the purposes of this section:

(1) "Transit route" means a route over which a transit vehicle travels which is specifically labelled or numbered for the purpose of picking up or discharging passengers at regularly scheduled stops and intervals.

(2) "Transit route mile" means a distance of one statute mile along a transit route regularly travelled by transit vehicles while available for the general public to carry passengers. The length of a route is the round trip distance traversed in traveling completely over the route and returning to the starting point to begin another circuit of the route. If a route is only defined in one direction, then this one-directional distance is the route length.

(3) "Transit revenue vehicle mile" means a distance of one statute mile travelled while a transit vehicle is available to the general public to carry passengers.

(4) "Service change" means any addition or deletion resulting in the physical realignment of a transit route, or a change in the type of frequency of service provided in a specific, regularly scheduled transit route.

(5) "Experimental service change" means an addition of service to an existing transit route or the establishment of a new transit route.

(b) An authority consisting of one subregion governed by an executive committee comprised of the subregional board created in Section 6 must hold a public hearing when:

(1) There is a change in any fare;

(2) There is any change of service of:

(A) 25 percent or more of the number of transit route miles of a transit route; or

(B) 25 percent or more of the number of transit revenue vehicle miles of a transit route computed on a daily basis for the day of the week for which the change is made; or

(3) A new transit route is established.

(c) A public hearing is not required for:

(1) Reduced or free promotional fares which are instituted on a daily basis or periodically within a period of 180 days.

(2) Headway adjustments of up to 5 minutes during peak hour service, and up to 15 minutes during non-peak hour service.

(3) Standard seasonal variations unless the number, timing or type of standard seasonal variations change.

(4) An emergency service change in effect for 180 days or less. A public hearing on the emergency change must be held if the emergency change is to be in effect for more than 180 days and if the change meets the test of Subsection (b)(2) or (3). Examples of emergency service changes include but are not limited to those made because of a power failure for a rail or fixed guideway system, the collapse of a bridge over which bus routes pass, major road or rail construction, inadequate supplies of fuel, or a labor stoppage.

(5) Experimental service changes in effect for 180 days or less. The public hearing on an experimental service change is required if the experimental service change remains in effect for more than 180 days and if the change meets the test of Subsection (b)(2) or (3). The hearing may be held prior to the institution of, or during the period of the experimental service change and will satisfy the requirement for a final public hearing if the hearing notice required by Subsection
(e) states that the experiment may become permanent at the end of the experimental period. If a hearing is not held prior to or during the period of the experimental service change, the service that existed prior to the change must be reinstated at the end of 180 days and a public hearing held in accordance with Subsection (e) before the experimental service may be continued.

(d) If a number of changes on a route in a fiscal year add up to the percentages in Subsection (b), a public hearing must be held before the last change.

(e) When a public hearing is required by this section, the executive committee shall call the public hearing and cause notice of the hearing to be published one time in a newspaper of general circulation within the territory of the authority at least 30 days before the date of the hearing and shall cause notice to be posted in each transit vehicle in service on any transit route affected by the proposed change for a period of at least two weeks within 30 days before the date of the hearing. The notice must contain:

1. A description of the contemplated service changes, or the fare change, as appropriate;
2. The time and place of the hearing; and
3. If a hearing required by Subsection (d) is held, a description of the last change being contemplated and the prior changes that were made.

(f) The public hearing requirement of this section will be satisfied if a fare change or change in service is addressed at a public hearing which is mandated by federal law. The requirements of Subsection (e) must be followed for the hearing.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

CSHB 1229 was read second time and was passed to engrossment.

HB 548 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 548.

CSHB 548

A BILL TO BE ENTITLED
AN ACT
relating to the effect of the value of property or service stolen, damaged, or destroyed on the penalty imposed for theft, theft of service, or criminal mischief.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 28.03(b), Penal Code, is amended to read as follows:

(b) An offense under this section is:

1. a Class C misdemeanor if:
   A. the amount of pecuniary loss is less than $20 [S5];
   or
   B. except as provided in Subdivision (4)(B) of this subsection, it causes substantial inconvenience to others;

2. a Class B misdemeanor if the amount of pecuniary loss is $20 [S5] or more but less than $200 [S20];

3. a Class A misdemeanor if the amount of pecuniary loss is $200 [S20] or more but less than $500 [$S200];

4. a felony of the third degree if:
   A. the amount of pecuniary loss is $500 [$S200] or more but less than $20,000 [$S10,666];

(B) regardless of the amount of pecuniary loss, the actor causes in whole or in part impairment or interruption of public communications, public transportation, public water, gas, or power supply, or other public service, or diverts, or causes to be diverted in whole, in part, or in any manner, including installation or removal of any device for such purpose, any public communications, public water, gas, or power supply;

(C) regardless of the amount of pecuniary loss, the property is one or more head of cattle, horses, sheep, swine, or goats;

(D) regardless of the amount of pecuniary loss, the property was a fence used for the production of cattle, horses, sheep, swine, or goats; or

(E) regardless of the amount of pecuniary loss, the damage or destruction was inflicted by branding one or more head of cattle, horses, sheep, swine, or goats.

(5) a felony of the second degree if the amount of the pecuniary loss is $20,000 [[$18,888]] or more.

SECTION 2. Section 28.06(d), Penal Code, is amended to read as follows:

(d) If the amount of pecuniary loss cannot be ascertained by the criteria set forth in Subsections (a) through (c) of this section, the amount of loss is deemed to be greater than $200 [[$100]] but less than $500 [[$200]].

SECTION 3. Section 31.03(d), Penal Code, is amended to read as follows:

(d) An offense under this section is:

(1) a Class C misdemeanor if the value of the property stolen is less than $20 [[$5]];

(2) a Class B misdemeanor if:

(A) the value of the property stolen is $20 [[$5]] or more but less than $200 [[$50]]; or

(B) the value of the property stolen is less than $20 [[$5]] and the defendant has previously been convicted of any grade of theft;

(3) a Class A misdemeanor if the value of the property stolen is $200 [[$20]] or more but less than $500 [[$200]];

(4) a felony of the third degree if:

(A) the value of the property stolen is $500 [[$500]] or more but less than $20,000 [[$18,888]], or the property is one or more head of cattle, horses, sheep, swine, or goats or any part thereof under the value of $20,000 [[$18,888]];

(B) regardless of value, the property is stolen from the person of another or from a human corpse or grave; or

(C) the value of the property stolen is less than $500 [[$200]] and the defendant has been previously convicted two or more times of any grade of theft; or

(5) a felony of the second degree if:

(A) regardless of the value, the property is combustible hydrocarbon natural or synthetic natural gas, crude petroleum oil, or equipment designed for use in exploration for or production of natural gas or crude petroleum oil;

(B) the value of the property stolen is $20,000 [[$18,888]] or more; or

(C) regardless of the value, the property was unlawfully appropriated or attempted to be unlawfully appropriated by threat to commit a felony offense against the person or property of the person threatened or another or to withhold information about the location or purported location of a bomb, poison, or other harmful object that threatens to harm the person or property of the person threatened or another person.
SECTION 4. Section 31.04(e), Penal Code, is amended to read as follows:

(e) An offense under this section is:

1. a Class C misdemeanor if the value of the service stolen is less than $20 ($5);
2. a Class B misdemeanor if the value of the service stolen is $20 ($5) or more but less than $200 ($20);
3. a Class A misdemeanor if the value of the service stolen is $200 ($20) or more but less than $500 ($200);
4. a felony of the third degree if the value of the service stolen is $500 ($200) or more but less than $20,000 ($18,888);
5. a felony of the second degree if the value of the service stolen is $20,000 ($18,888) or more.

SECTION 5. Section 31.08(c), Penal Code, is amended to read as follows:

(c) If property or service has value that cannot be reasonably ascertained by the criteria set forth in Subsections (a) and (b) of this section, the property or service is deemed to have a value of more than $200 ($20) but less than $500 ($200).

SECTION 6. (a) The change in law made by this Act applies only to the punishment for an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

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

SECTION 7. This Act takes effect September 1, 1983.

SECTION 8. 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.

CSHB 548 was read second time.

Representative T. Smith moved that consideration of CSHB 548 be postponed until Monday, April 18, at 9:30 a.m.

The motion prevailed without objection.

HB 665 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 665.

CSHB 665

A BILL TO BE ENTITLED
AN ACT
relating to a transcript form and diploma designation for distinguishing the academic achievement of a student who has completed an advanced high school program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter H, Chapter 21, Texas Education Code, is amended by adding Section 21.257 to read as follows:

Sec. 21.257. ACADEMIC ACHIEVEMENT RECORD FOR ADVANCED PROGRAM. (a) Each school district shall report the academic achievement record of a student who has completed an advanced high school program on a transcript form adopted by the State Board of Education. The transcript form adopted by the State Board of Education must be designed to clearly distinguish it from a transcript used for the academic achievement record of a student who has not completed an advanced high school program.
(b) The diploma a school district issues to a student who has completed an advanced high school program must contain a designation of completion of the program. The State Board of Education by rule shall adopt a diploma designation for purposes of this subsection.

(c) The State Board of Education by rule shall prescribe standards for determining what constitutes an advanced high school program under this section.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

CSHB 665 was read second time.

Representative Haley offered the following amendment to CSHB 665:

Amend CSHB 665, on page 1 by striking Subsection (b), Section 21.257 and redesignating Subsection (c) of that section as Subsection (b).

The amendment was adopted without objection.

CSHB 665, as amended, was passed to engrossment. (Delco recorded voting no)

(Speaker in the chair)

HB 432 - POSTPONED

Representative Buchanan moved that consideration of HB 432 be postponed until Thursday, April 21 at 10:30 a.m.

The motion prevailed without objection.

HB 604 ON SECOND READING

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

HB 604, A bill to be entitled An Act relating to conviction of a sexual offense on the testimony of a child or on the uncorroborated testimony of an accomplice if the victim of the sexual offense is a child.

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

HB 148 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 148.

CSHB 148

A BILL TO BE ENTITLED
AN ACT
relating to the funds and governing body of a regional planning commission and to the study of regional planning.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. COMMITTEE. On the day set by law for the convening of the regular session of the legislature in 1985 and in every 10th year after 1985, a Study Committee on Regional Planning is created. Each committee is abolished two years after the day of its creation.

SECTION 2. MEMBERSHIP. The committee is composed of the following 15 members:
(1) two members who are appointed by the governor and who must have served on the governing body of a regional planning commission;
(2) three members who are appointed by the governor and who must be representatives of the general public;
(3) two members who are appointed by the lieutenant governor and who must have served on the governing body of a regional planning commission;
(4) three members who are appointed by the lieutenant governor and who must be members of the state senate;
(5) two members who are appointed by the speaker of the house of representatives and who must have served on the governing body of a regional planning commission; and
(6) three members who are appointed by the speaker and who must be members of the state house of representatives.

SECTION 3. TERMS. A member of the committee is appointed for a term of two years that coincides with the period of the committee's existence.

SECTION 4. ADDITIONAL FUNCTIONS OF PUBLIC OFFICE. The functions performed by each public official member of the committee are additional functions of the public official's office.

SECTION 5. OFFICERS; QUORUM; MEETINGS. (a) The governor, lieutenant governor, and speaker of the house of representatives shall elect a chairman and a vice-chairman for the committee from its members.
(b) Eight members of the committee constitute a quorum.
(c) The committee shall meet at the call of the chairman or as provided by a rule of the committee.

SECTION 6. EXPENSES. A member of the committee is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a member of the committee. A legislative member is entitled to reimbursement from the appropriate fund of the member's house of the legislature. A member other than a legislative member is entitled to reimbursement from funds appropriated to the committee.

SECTION 7. VACANCY. (a) A vacancy on the committee shall be filled for the unexpired part of the term in the same manner in which the original appointment was made.
(b) A legislative member vacates a position on the committee if the member ceases to hold office as a member of the legislature.

SECTION 8. STAFF. (a) The committee may employ an executive director to act as the executive head of the committee.
(b) The Texas Advisory Commission on Intergovernmental Relations, Legislative Budget Board, Texas Legislative Council, and state legislature shall provide staff support for the committee on the request of the committee chairman and to the extent to which the agencies may agree.

SECTION 9. STUDY. The committee shall study regional planning cooperation in this state to determine its effectiveness. The committee shall include in the study a review of Chapter 570, Acts of the 59th Legislature, Regular Session, 1965 (Article 1011m, Vernon's Texas Civil Statutes), and other laws relating to regional planning and cooperation.

SECTION 10. REPORT. (a) After conducting the study, the committee shall prepare a report that includes:
(1) the committee's findings about the effectiveness of regional planning and cooperation in this state;
(2) the committee's recommendations to increase the effectiveness of regional planning and cooperation in this state including a recommendation about whether Chapter 570, Acts of the 59th Legislature, Regular Session, 1965 (Article 1011m, Vernon's Texas Civil Statutes), should be continued; and
(3) drafts of proposed legislation necessary to carry out the committee's recommendations.

(b) Before the date of its abolition, the committee shall file the report with the presiding officer of each house of the legislature.

SECTION 11. SUBPOENA POWER. (a) The committee may issue process to witnesses at any place in the state and compel their attendance and the production of books, records, papers, and other objects that may be necessary or proper for the purposes of the committee proceedings. The chairman of the committee shall issue, in the name of the committee, the process that the committee may direct. If the chairman is absent, the vice-chairman may issue the process in the same manner as the chairman. The process may be addressed to and served by any peace officer in the state.

(b) The committee may issue attachments when necessary to obtain compliance with process. The attachments are issued in the same manner as process.

(c) Witnesses attending proceedings of the committee under process are entitled to the same mileage and per diem that are allowed witnesses before a grand jury in the state. The testimony taken under process must be reduced to writing and must be given under oath.

SECTION 12. ASSISTANCE OF AND ACCESS TO STATE AGENCIES. (a) The committee may request the assistance of state agencies and officers, and they shall assist the committee when requested to do so.

(b) In carrying out its functions, the committee may inspect the documents, files, and other records of a state agency or regional planning commission.

SECTION 13. Section 5, Chapter 570, Acts of the 59th Legislature, Regular Session, 1965 (Article 1011m, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5. OPERATIONS. (a) The cooperating governmental units may through joint agreement determine the number and qualifications of the governing body of the Commission. Appointments to the Regional Planning Commission governing bodies shall be made without regard to the race, creed, sex, religion, or national origin of the appointee. The governing body of the Commission shall consist of:

(1) at least sixty-six and two-thirds percent (66-2/3%) elected officials of general purpose governmental units; and

(2) at least one member who must be a state legislator residing within the region served by the Commission and who is appointed in a manner determined by the other members of the governing body.

(b) The member of the governing body who is a state legislator is appointed for a two-year term expiring on the day set by law for the convening of the regular session of the legislature. A legislative member vacates a position on the governing body if the member ceases to hold office as a member of the legislature. If a vacancy occurs in the legislator's position on the governing body, the vacancy shall be filled for the unexpired part of the term in the same manner in which the original appointment was made. Service on the governing body by a state legislator is an additional duty of the member's legislative office.

The joint agreement may provide for the manner of cooperation and the means and methods of the operation of the Commission. The joint agreement may provide for the employment of the staff and consultants, the apportionment of the cost and expenses, and the purchase of property and materials. The joint agreement may allow for the addition of other governmental units to the cooperative arrangement.

SECTION 14. Section 6(c), Chapter 570, Acts of the 59th Legislature, Regular Session, 1965 (Article 1011m, Vernon's Texas Civil Statutes), is amended to read as follows:
(c) A Commission which meets the conditions set forth below shall be annually eligible for whichever of the following amounts is greater: (1) Sixty-Five Thousand Dollars ($65,000.00), or (2) a maximum amount of State financial assistance based on the formula: Twenty Thousand Dollars ($20,000.00) [Ten Thousand Dollars ($10,000.00)] base grant to each certified organization, plus an additional One Thousand Five Hundred Dollars ($1,500.00) [One Thousand Dollars ($1,000.00)] per dues paying member county, plus an additional fourteen cents ($0.14) [ten cents ($0.10)] per capita for all population served of dues paying member counties and incorporated municipalities. The minimum amount of annual State financial assistance for which a Commission shall apply shall be Fifteen Thousand Dollars ($15,000.00).

SECTION 15. The initial state legislator who is appointed to the governing body of a regional planning commission under Section 5, Chapter 570, Acts of the 59th Legislature, Regular Session, 1965 (Article 1011m, Vernon's Texas Civil Statutes), as amended by this Act, is appointed for a term expiring on the day set by law for the convening of the regular session of the 69th Legislature.

SECTION 16. This Act takes effect September 1, 1983.

SECTION 17. 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.

CSHB 148 was read second time.

(Oliveira in the chair)

Representative Bush moved to table CSHB 148.

A record vote was requested.

The motion to table was lost by (Record 135): 63 Yeas, 78 Nays, 2 Present, not voting.

Yeas — Agnich; Barrientos; Barton, B.; Barton, E.; Berlanga; Bomer; Bush; Cavazos; Clemmons; Colbert; Collazo; Connelly; Coody; Criss; Danburg; Davis; Delco; Denton; Edwards; Evans, L.; Gamez; Gandy; Garcia, A.; Garcia, M.; Gilley; Green; Hackney; Hammond; Hanna; Hill, G.; Hill, P.; Hollowell; Hudson, S.; Hury; Jackson; Keller; Kemp; Lee, D.; Lee, E. F.; Luna; McKenna; Madla; Martinez, R.; Moreno, P.; Oliver; Parker; Patronella; Price; Ragsdale; Rangel; Robinson; Salinas; Schlueter; Smith, A.; Sutton; Tejeda; Thompson, S.; Toomey; Tow; Valles; Watson; Wilson; Wolens.

Nays — Armbrister; Arnold; Blanton; Buchanan; Burnett; Cain; Cary; Ceevera; Clark; Crockett; DeLay; Eckels; Eikenburg; Emmett; Evans, C.; Finnell; Fox; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Glossbrenner; Granoff; Grisham; Haley; Hall, L.; Hall, T.; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hibbert; Hill, A.; Hinojosa; Hudson, D.; Jones; Khoury; Kubik; Kuempel; Laney; Leonard; McWilliams; Mankins; Martinez, W.; Millsap; Moreno, A.; Patrick; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Robnett; Rudd; Russell; Saunders; Schoolcraft; Shaw; Sheu; Short; Simpson; Smith, C.; Smith, T.; Staniswalis; Stiles; Thompson, G.; Turner; Uher; Vowell; Waldrop; Whaley; Wieting; Willis; Word; Wright.

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

Absent, Excused — Carricker; Horn; Wallace.

Absent — Craddick; English; Hall, W.; Messer.
Representative Bush moved that consideration of CSHB 148 be postponed until Monday, May 9, at 10 a.m.

(Horn now present)

A record vote was requested.

The motion to postpone was lost by (Record 136): 72 Yeas, 72 Nays, 2 Present, not voting.

Yeas — Agnich; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bush; Cary; Clemmons; Colbert; Collazo; Coody; Craddick; Criss; Danburg; Davis; DeLay; Delco; Denton; Edwards; Evans, C.; Evans, L.; Gamez; Gandy; Garcia, A.; Garcia, M.; Geistweidt; Gibson, J.; Gilley; Granoff; Green; Hackney; Hammond; Hanna; Hill, P.; Hollowell; Horn; Hudson, S.; Hury; Jackson; Keller; Kemp; Lee, D.; Lee, E. F.; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Moreno; P.; Oliver; Parker; Patronella; Patterson; Peveto; Price; Ragsdale; Rangel; Robinson; Salinas; Schlueter; Smith, A.; Sutton; Tejeda; Toomey; Turner; Valles; Vowell; Watson; Wilson; Wolens.

Nays - Armbrister; Arnold; Bomer; Buchanan; Burnett; Cain; Cavazos; Ceverha; Clark; Connelly; Crockett; Eckels; Eikenburg; Emmett; Finnell; Fox; Gavin; Glossbrenner; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hinojosa; Hudson, D.; Jones; Khoury; Kubiak; Kuempel; Laney; Leonard; Martinez, W.; Messer; Millsap; Moreno, A.; Patrick; Pennington; Pierce; Polk; Polumbo; Presnal; Robnett; Rudd; Russell; Saunders; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, C.; Smith, T.; Staniswalis; Stiles; Thompson, G.; Thompson, S.; Tow; Uher; Waldrop; Whaley; Wieting; Willis; Word; Wright.

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

Absent, Excused — Carriker; Wallace.

Absent — English; Gibson, B.

Representative G. Thompson offered the following amendment to CSHB 148:

Amend CSHB 148 by striking Section 6 and substituting a new Section 6 to read as follows:

"SECTION 6. EXPENSES. A member of the committee is entitled to reimbursement for travel and other necessary expenses incurred in performing official duties, at the same rate provided for state employees in the general appropriations act. A legislative member is entitled to reimbursement from the appropriate fund of the member's house of the legislature. A member other than a legislative member is entitled to reimbursement from funds appropriated to the committee."

The amendment was adopted without objection.

Representative Collazo offered the following amendment to CSHB 148:

Amend CSHB 148 as follows:

(1) On page 6, line 8, strike "Sixty-five Thousand Dollars ($65,000.00)" and insert "Twenty-five Thousand Dollars ($25,000.00)".

(2) On page 6, line 10, strike "Twenty Thousand Dollars ($20,000.00)" and insert "Five Thousand Dollars ($5,000.00)".

(3) On page 6, line 12, strike "One Thousand Five Hundred Dollars ($1,500.00)" and insert "Fifty Dollars ($50.00)".
(4) On page 6, line 14, strike "fourteen cents ($.14)" and insert "five cents ($.05).

Representative G. Thompson moved to table the Collazo amendment.

A record vote was requested.

The motion to table was lost by (Record 137): 62 Yeas, 78 Nays, 2 Present, not voting.

Yea — Armbrister; Arnold; Buchanan; Burnett; Cain; Ceverha; Clark; Connelly; Crockett; Eckels; Eikenburg; Emmett; Finnell; Gavin; Gibson, J.; Glossbrenner; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hellin; Hightower; Hibbert; Hinojosa; Hudson, D.; Jones; Kubiak; Laney; Leonard; McWilliams; Mankins; Martinez, W.; Millsap; Parker; Pierce; Presnal; Robinson; Robnett; Rudd; Russell; Saunders; Schoeller; Shaw; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Thompson, G.; Thompson, S.; Tow; Turner; Waldrop; Wieting; Willis; Word.

Nay — Agnich; Barrientos; Barton, B.; Barton, E.; Blanton; Bomer; Bush; Cary; Cavazos; Clemmons; Colbert; Collazo; Coody; Criss; Danburg; Davis; DeLay; Delco; Denton; Edwards; Evans, C.; Evans, L.; Fox; Gamez; Gandy; Garcia, A.; Geistweidt; Gibson, B.; Gilley; Granoff; Green; Hackney; Hill, A.; Hill, G.; Hill, P.; Hollowell; Horn; Hudson, S.; Hury; Jackson; Keller; Kemp; Houry; Kuepful; Lee, D.; Lee, E. F.; Luna; McKenna; Madla; Martinez, R.; Moreno, A.; Moreno, P.; Oliver; Patrick; Patronella; Patterson; Pennington; Peveto; Polk; Polumbo; Price; Ragsdale; Rangel; Salinas; Schueter; Shea; Smith, C.; Sutton; Tejeda; Toomey; Uher; Valles; Vowell; Watson; Whaley; Wilson; Wolens; Wright.

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

Absent, Excused — Carriker; Wallace.

Absent — Berlanga; Craddick; English; Garcia, M.; Hernandez; Messer.

The vote of the house was taken on the adoption of the Collazo amendment and the vote was announced yeas 70, nays 70.

A verification of the vote was requested and was granted.

The roll of those voting nay was again called and the verified vote resulted as follows (Record 138): 70 Yeas, 70 Nays, 2 Present, not voting.

Yea — Agnich; Barrientos; Barton, B.; Barton, E.; Bomer; Bush; Cavazos; Ceverha; Colbert; Collazo; Coody; Criss; Danburg; Davis; DeLay; Delco; Denton; Edwards; Evans, C.; Evans, L.; Fox; Gamez; Gandy; Garcia, A.; Geistweidt; Gibson, B.; Gilley; Granoff; Green; Hackney; Hill, A.; Hill, G.; Hill, P.; Hollowell; Horn; Hudson, S.; Hury; Jackson; Keller; Kemp; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; Madla; Martinez, R.; Moreno, A.; Moreno, P.; Oliveira(C); Oliver; Patronella; Patterson; Pennington; Polumbo; Price; Ragsdale; Rangel; Salinas; Schueter; Shea; Simpson; Smith, A.; Smith, C.; Tejeda; Toomey; Uher; Valles; Vowell; Watson; Wilson; Wolens; Wright.

Nay — Armbrister; Arnold; Buchanan; Burnett; Cain; Cary; Clark; Clemmons; Connelly; Crockett; Eckels; Eikenburg; Emmett; English; Finnell; Gavin; Gibson, B.; Gibson, J.; Glossbrenner; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Hanna; Harrison, D.; Harrison, W.; Hellin; Hernandez; Hightower; Hibbert; Hill, G.; Hinojosa; Hudson, D.; Jones; Houry; Kubiak; Kuepful; Laney; McWilliams; Mankins; Martinez, W.; Messer; Millsap; Parker; Patrick; Pierce;
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Polk; Presnal; Robinson; Robnett; Rudd; Russell; Saunders; Schoolcraft; Shaw; Short; Smith, T.; Staniswalis; Stiles; Thompson, G.; Thompson, S.; Tow; Turner; Waldrop; Whaley; Wieting; Willis; Word.

Present, not voting — Mr. Speaker; Gandy.

Absent, Excused — Carriker; Wallace.

Absent — Berlanga; Craddick; Garcia, M.; Granoff; Peveto; Sutton.

By unanimous consent, the house dispensed with the verification of those voting yea.

The chair stated that the amendment failed of adoption by the above vote.

MESSAGE FROM THE SENATE

Austin, Texas, April 12, 1983

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 vote by which the Senate concurred in House amendments to SB 98 was reconsidered by 29 yeas and 0 nays. The Senate refused to concur in House amendments and requests the appointment of a Conference Committee to adjust the difference between the two Houses.

Respectfully,
Betty King
Secretary of the Senate

CSHB 148 - (consideration continued)

Representatives Denton and Bush offered the following amendment to CSHB 148:

(1) Add a new Section 16 to read as follows:
This Act expires September 1, 1985 unless continued in effect by the 69th Legislature. If this Act expires, the formulas under Section 6(c), Chapter 570, Acts of 59th Legislature, Regular Session, 1965 (Article 1011m, Vernon's Texas Civil Statutes) shall be the formulas in effect on January 1, 1983, and the composition of the regional commission shall be as provided by law on January 1, 1983.

(2) Renumber Sections 16-17 as Sections 17 and 18.

Representative G. Thompson moved to table the Denton-Bush amendment.

A record vote was requested.

A record vote was requested.

The motion to table was lost by (Record 139): 53 Yeas, 86 Nays, 2 Present, not voting.

Yeas — Arnold; Barton, B.; Bomer; Burnett; Cain; Crockett; Eckels; Eikenburg; Emmett; Finnell; Gavin; Gibson, B.; Glossbrenner; Grisham; Hall, L.; Hall, T.; Hall, W.; Hanna; Harrison, W.; Hightower; Hilbert; Hill, G.; Hinojosa; Hudson, D.; Jackson; Jones; Kubik; Kuempel; Leonard; Martinez, W.; Messer; Peveto; Pierce; Polk; Presnal; Robnett; Russell; Saunders; Schoolcraft; Short; Simpson; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Thompson, G.; Toomey; Tow; Waldrop; Wieting; Willis; Word.
Nays — Agnich; Armbrister; Barrientos; Barton, E.; Blanton; Buchanan; Bush; Cary; Cavazos; Ceverha; Clark; Clemmons; Colbert; Collazo; Connelly; Coody; Criss; Danburg; Davis; DeLay; Delco; Denton; Edwards; English; Evans, L.; Fox; Gamez; Gandy; Garcia, A.; Geistweidt; Gibson, J.; Gilley; Green; Hackney; Haley; Hammond; Harrison, D.; Heflin; Hernandez; Hill, A.; Hill, P.; Hollowell; Horn; Hudson, S.; Hury; Keller; Kemp; Khoury; Lee, D.; Lee, E. F.; Luna; McKenna; McWilliams; Madia; Mankins; Martinez, R.; Moreno, A.; Moreno, P.; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Polumbo; Price; Ragsdale; Range; Robinson; Rudd; Salinas; Schlueter; Shaw; Shea; Smith, A.; Tejeda; Thompson, S.; Turner; Uher; Valles; Vowell; Watson; Whaley; Wilson; Wolens; Wright.

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

Absent, Excused — Carriker; Wallace.

Absent — Berlanga; Craddick; Evans, C.; Garcia, M.; Granoff; Laney; Millspa.

The Denton-Bush amendment was adopted without objection.

Representative Collazo offered the following amendment to CSHB 148:

Amend CSHB 148 as follows:

(1) On page 6, line 10, strike "Twenty Thousand Dollars ($20,000.00)" and insert "Five Thousand Dollars ($5,000.00)."

(2) On page 6, line 12, strike "One Thousand Five Hundred Dollars ($1,500.00)" and insert "Fifty Dollars ($50.00)."

(3) On page 6, line 14, strike "fourteen cents ($0.14)" and insert "five cents ($0.05)."

Representative G. Thompson moved to table the Collazo amendment.

A record vote was requested.

The motion to table was lost by (Record 140): 69 Yeas, 74 Nays, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barton, B.; Bomer; Buchanan; Burnett; Cain; Ceverha; Clark; Clemmons; Connelly; Crockett; Eckels; Eikenburg; Emmett; English; Finnell; Fox; Gavin; Gibson, B.; Glossbrenner; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Harrison, D.; Harrison, W.; Heflin; Hightower; Hilbert; Hudson, D.; Jackson; Jones; Khoury; Kubiak; Kuempel; Laney; McWilliams; Madia; Martinez, W.; Messer; Millspa; Parker; Patterson; Peveto; Pierce; Perial; Robinson; Robnett; Russell; Saunders; Schoolcraft; Shaw; Short; Simpson; Smith, C.; Smith, T.; Stanuswalis; Stiles; Sutton; Thompson, G.; Tow; Turner; Waldrop; Whaley; Wieting; Willis; Word.

Nays — Agnich; Barrientos; Barton, E.; Blanton; Bush; Cary; Cavazos; Colbert; Collazo; Coody; Craddick; Criss; Danburg; Davis; DeLay; Delco; Denton; Edwards; Evans, C.; Evans, L.; Gamez; Gandy; Garcia, A.; Geistweidt; Gibson, J.; Gilley; Granoff; Green; Hackney; Hammond; Hanna; Hernandez; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, S.; Hury; Keller; Kemp; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; Mankins; Martinez, R.; Moreno, A.; Moreno, P.; Oliveira(C); Oliver; Patronella; Pennington; Polk; Polumbo; Price; Ragsdale; Rangel; Rudd; Salinas; Schlueter; Shea; Smith, A.; Tejeda; Thompson, S.; Toomey; Uher; Valles; Vowell; Watson; Whaley; Wilson; Wolens.

Present, not voting — Mr. Speaker.
Absent, Excused — Carriker; Wallace.
Absent — Berlanga; Garcia, M.; Patrick; Wright.

A record vote was requested.

The Collazo amendment failed of adoption by (Record 141): 71 Yeas, 72 Nays, 2 Present, not voting.

Yeas — Agnich; Barrientos; Barton, E.; Berlanga; Blanton; Bush; Cary; Cavazos; Colbert; Collazo; Coody; Criss; Danburg; Davis; Delco; Denton; Edwards; Evans, L.; Gamez; Gandy; Garcia, A.; Geistweidt; Gilley; Granoff; Green; Hackney; Hammond; Hanna; Hernandez; Hill, A.; Hill, G.; Hill, P.; Hollowell; Horn; Hudson, S.; Hury; Keller; Kemp; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; Mankins; Martinez, R.; Millsap; Moreno, A.; Moreno, P.; Oliver; Patronella; Patterson; Pennington; Polk; Polumbo; Price; Ragsdale; Rangel; Salinas; Schlueter; Shea; Smith, A.; Tejeda; Thompson, S.; Toomey; Uher; Valles; Vowell; Watson; Wilson; Wolens; Wright.

Nays — Armbrister; Arnold; Barton, B.; Bomer; Buchanan; Burnett; Cain; Ceverha; Clark; Clemens; Connelly; Crockett; DeLay; Eckels; Eikenburg; Emmett; English; Evans, C.; Finnell; Fox; Gavin; Gibson, B.; Gibson, J.; Glossbrenner; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Harrison, D.; Harrison, W.; Hefflin; Hightower; Hibbert; Hinojosa; Hudson, D.; Jackson; Jones; Khoury; Kubiski; Kuempel; Laney; McWilliams; Madia; Martinez, W.; Messor; Parker; Peveto; Pierce; Presnal; Robinson; Robnett; Rudd; Russell; Saunders; Schoolcraft; Shaw; Short; Simpson; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Thompson, G.; Tow; Turner; Waldrop; Whaley; Wieting; Willis; Word.

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

Absent, Excused — Carriker; Wallace.
Absent — Craddick; Garcia, M.; Patrick.

A record vote was requested.

CSHB 148, as amended, failed to pass to engrossment by (Record 142): 65 Yeas, 78 Nays, 2 Present, not voting.

Yeas — Armbrister; Arnold; Buchanan; Burnett; Cain; Cary; Clark; Crockett; Eckels; Eikenburg; Emmett; Finnell; Fox; Gavin; Gibson, B.; Gibson, J.; Glossbrenner; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Harrison, D.; Harrison, W.; Hefflin; Hernandez; Hightower; Hibbert; Hinojosa; Hudson, D.; Jackson; Jones; Kubiski; Kuempel; Laney; Leonard; McWilliams; Madia; Martinez, W.; Messor; Patrick; Patterson; Peveto; Pierce; Presnal; Robinson; Robnett; Russel; Saunders; Schoolcraft; Shaw; Short; Simpson; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Thompson, G.; Tow; Turner; Waldrop; Wieting; Willis; Word.

Nays — Agnich; Barrientos; Barton, B.; Barton, E.; Blanton; Bomer; Bush; Cavazos; Ceverha; Clemens; Colbert; Collazo; Connelly; Coody; Criss; Danburg; Davis; DeLay; Delco; Denton; Edwards; Evans, C.; Evans, L.; Gamez; Gandy; Garcia, A.; Geistweidt; Gilley; Granoff; Green; Hackney; Hammond; Hanna; Hill, A.; Hill, G.; Hill, P.; Hollowell; Horn; Hudson, S.; Hury; Keller; Kemp; Khoury; Lee, D.; Lee, E. F.; Luna; McKenna; Mankins; Martinez, R.; Millsap; Moreno, A.; Moreno, P.; Oliveira(C); Oliver; Parker; Patronella; Pennington; Polk; Polumbo; Price; Ragsdale; Rangel; Rudd; Salinas; Schlueter; Shea; Smith, A.; Tejeda; Thompson, S.; Toomey; Uher; Valles; Vowell; Watson; Whaley; Wilson; Wolens; Wright.
RESOLUTIONS 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 resolutions:

HCR 36, HCR 37, HCR 140, HCR 143

HB 1255 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1255.

CSHB 1255

A BILL TO BE ENTITLED
AN ACT
relating to the powers of an electric cooperative corporation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The Electric Cooperative Corporation Act (Article 1528b, Vernon's Texas Civil Statutes), is amended by adding Section 4A to read as follows:

Sec. 4A. ADDITIONAL POWERS. (a) Notwithstanding any other provision of this Article, to generate, manufacture, purchase, acquire and accumulate electric energy and to transmit, distribute, sell, furnish and dispose of such electric energy to the following entities if the same are engaged in the generation, transmission, or distribution of electricity for resale:

(1) firms, associations, corporations, except those who meet the criteria for a small power production facility and/or a cogeneration facility under Section 201 of the Public Utility Regulatory Policies Act of 1981 (PURPA).

(2) Federal agency, or

(3) State or political subdivision thereof.

The members only requirement of Section 4(4) of this article shall continue to apply to all sales to persons and entities not engaged in the generation, transmission or distribution of electricity for resale.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

CSHB 1255 was read second time.

Representative Haley offered the following amendment to CSHB 1255:

Amend CSHB 1255 on page 1, line 8, by inserting between “Article,” and “to”: “a corporation has authority”

The amendment was adopted without objection.

CSHB 1255, as amended, was passed to engrossment. (Hammond, Hilbert, Russell, P. Hill, W. Martinez, R. Martinez, W. Harrison, Staniswalski, Agnich, Khoury, D. Harrison, Ceverha, Wieting, Granoff, Luna, Hinojosa, Salinas, Pierce, Hackney, Eikenburg, E. Barton, Parker, Connelly, Watson, Heffin, Blanton, Wolens, Vowell, Jackson, A. Smith, A. Hill, and Cain recorded voting no)
HB 45 - RULES SUSPENDED

Representative Bush moved to suspend the 5-day posting rule to allow the Committee on Judiciary to consider HB 45.

The motion prevailed without objection.

BILL SIGNED BY THE SPEAKER

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

SB 10

HB 1852 - RULES SUSPENDED

Representative Jackson moved to suspend the 5-day posting rule to allow the Committee on Business and Commerce to consider HB 1852.

The motion prevailed without objection.

HB 162 - RULES SUSPENDED

Representative Staniswalis moved to suspend the 48-hour subcommittee report rule to allow the Committee on Elections to consider HB 162.

The motion prevailed without objection.

HB 36 - RULES SUSPENDED

Representative Tejeda moved to suspend the 48-hour subcommittee report rule to allow the Committee on Judiciary to consider HB 36.

The motion prevailed without objection.

HB 1505 - RULES SUSPENDED

Representative Pierce moved to suspend the 5-day posting rule to allow the Committee on Urban Affairs to consider HB 1505.

The motion prevailed without objection.

RESOLUTION REFERRED TO COMMITTEE

The following resolution was laid before the house and referred to committee:

By A. Smith, et al.: HCR 151, Inviting the Honorable John G. Tower to address a joint session of the Legislature.
To Committee on House Administration.

HB 1010 - RULES SUSPENDED

Representative W. Harrison moved to suspend the 48-hour subcommittee report rule to allow the Committee on Business and Commerce to consider HB 1010.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:
Appropriations, 2 p.m. today, Room 309, Capitol, to consider HB 409.
Business and Commerce, Subcommittee on HB 750, on adjournment today, Desk 145, to consider HB 750.
Business and Commerce, Subcommittee on HB 1056, on adjournment today, Desk 15, to consider HB 1056.

Business and Commerce, Subcommittee on HB 1969, on adjournment today, Desk 15, to consider HB 1969.

Business and Commerce, Subcommittee on HB 1176, on adjournment today, Desk 10, to consider HB 1176.

Business and Commerce, Subcommittee on HB 1010, on adjournment today, Desk 104, to consider HB 1010.

Business and Commerce, Subcommittee on HB 80, on adjournment today, Desk 10, to consider HB 80.

Business and Commerce, Subcommittee on HB 206, on adjournment today, Desk 93, to consider HB 206.

Business and Commerce, Subcommittee on HB 1125, on adjournment today, Desk 93, to consider HB 1125.

Business and Commerce, Subcommittee on HB 79, on adjournment today, Desk 10, to consider HB 79.

Criminal Jurisprudence, Subcommittee on HB 414, on adjournment today, Desk 144, to consider HB 414.

Higher Education, Subcommittee on HB 700, on adjournment today, Desk 110, to consider HB 700.

Liquor Regulation, Subcommittee on HB 1678, on adjournment today, Desk 102, to consider HB 1678.

Liquor Regulation, Subcommittee on HB 1310, on adjournment today, Desk 130, to consider HB 1310.

Insurance, Subcommittee on Auto Insurance, 15 minutes after adjournment today, Desk 74, to consider HB 169, HB 170, and HB 736.

Insurance, Subcommittee on SB 234, on adjournment today, Desk 18.

Ways and Means, Subcommittee on Property Tax, scheduled for 1:00 p.m. today, will meet at 2 p.m., Room 411, Reagan Building, to consider posted agenda.

ADJOURNMENT

Representative Kuempel moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 12:38 p.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Agriculture and Livestock - HB 1936, HB 2018

Appropriations - SB 341, SB 670
Business and Commerce - HB 897
Criminal Jurisprudence - HB 790, SJR 13
Energy - HB 593
Human Services - HB 279
Insurance - HB 1371, SB 330
Judiciary - HB 800, HB 1426, HB 1677, HB 1819, HJR 105, SB 99
Law Enforcement - HB 729, HB 1741, SB 277, SB 346
Natural Resources - HB 1964, HB 2161
Public Education - HB 634, HB 722, HB 734, HB 1828, HJR 43
Public Health - SB 435
Rules and Resolutions - HCR 136, HCR 145, HR 201, HR 203, HR 204,
HR 205, HR 217, SCR 53
State Affairs - HB 832, HB 1846
Transportation - SB 86

ENROLLED

April 11 - HCR 36, HCR 37, HCR 140, HCR 143

COAUTHORS AUTHORIZED

The following members were granted permission by the authors to sign bills and resolutions as coauthors:

HB 2 - Barrientos, Berlanga
HB 54 - Pennington
HB 155 - Gamez
HB 382 - D. Hudson
HB 533 - Toomey
HB 632 - Vowell
HB 641 - Robnett
HB 653 - Toomey
HB 759 - Gamez
HB 877 - Toomey, Eckels, Gamez
HB 1184 - Hackney
HB 1389 - D. Hudson
HB 1483 - Pennington
HJR 1 - Barrientos, Berlanga
HJR 44 - Robnett
HCR 67 - Russell
HCR 151 - Agnich
HR 224 - Luna, S. Thompson
The following house bills were transmitted by the chief clerk to the governor:

April 11 - HB 2345, HB 2346, HB 2347
April 12 - HB 2351