The house met at 11:30 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 312).

Present — Mr. Speaker; Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C), Blanton; Bomar; Buchanan; Burnett; Cain; Carriker; Cary; Cavazos; Ceverha; Clark; Clemons; Colbert; Collazo; Connolly; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; DeLeo; Denton; Eckels; Edwards; Eikenburg; English; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geisweidt; Gibson, B.; Gibson, J.; 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.; Hurst; Jackson; Jones; Keller; Kemp; Khoury; Kubik; 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; Polunbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoelchraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uhr; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Absent, Excused — Bush; Emmett; Evans, C.; Gilley.

Absent — Horn; Patrick.

**LEAVES OF ABSENCE GRANTED**

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

- Gilley on motion of Polumbo.
- Bush on motion of Criss.
- Emmett on motion of G. Thompson.

**LEAVES OF ABSENCE GRANTED**

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

**HB 2353 - VOTE RECONSIDERED**

Representative G. Hill moved to reconsider the vote by which HB 2353 was passed to engrossment on the consent calendar on the previous legislative day.

The motion to reconsider prevailed.
CONSENT CALENDAR ON SECOND READING

The following bill was laid before the house, read second time and passed to third reading:

SB 703 (Berlanga - House Sponsor), in lieu of HB 2353, A bill to be entitled An Act relating to the duties of the Family Practice Residency Advisory Committee; amending Subsection (f), Section 61.505, Texas Education Code.

HB 2353 - LAID ON THE TABLE SUBJECT TO CALL

Representative G. Hill moved that HB 2353 be laid on the table subject to call.

The motion prevailed without objection.

RULES SUSPENDED

Representative G. Hill 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 CALENDAR ON THIRD READING

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

SB 246
SB 644
SB 778
SB 1210
SB 1224
HB 2126
HB 2307
SB 1267
SB 1268
HB 2327
HB 2342
HB 2345
HB 2346
HB 2347
HB 2359
HB 2369
HB 2377
SB 392 (Green - no)
SB 393
SB 394
The following bills which were considered on second reading on the previous legislative day on the local and consent bills calendar were laid before the house, read third time, and passed by (Record 313): (Members registering votes and the results of the vote are shown following bill number) 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomar; Buchanan; Burnett; Cain; Carriker; Cary; Cavazos; Ceverha; Clark; Clemons; Colbert; Collazo; Connolly; Coody; Craddock; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Ekel; Edwards; Eikenburg; English; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Glossbrenner; Granoff; Green; Grisham; Hackney; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Kemp; Khoury; Kubiak; Kuempel; Lancy; 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;...
Present, not voting — Mr. Speaker.
Absent, Excused — Bush; Emmett; Evans, C.; Gilley.
Absent — Haley; Keller; Patrick.

SB 769 (142-0-8)
HB 726 (Hollowell - no) (141-1-8)
SB 1004 (142-0-8)
HB 1707 (142-0-8)
HB 1833 (142-0-8)
HB 2313 (142-0-8)
HB 2314 (142-0-8)
HB 2324 (142-0-8)
HB 2325 (142-0-8)
HB 2326 (142-0-8)
HB 2343 (142-0-8)
SB 221 (142-0-8)
SB 420 (142-0-8)
SB 438 (142-0-8)
SB 501 (Toomey, Eckels, and Stiles - no) (139-3-8)
SB 517 (142-0-8)
SB 558 (142-0-8)
SB 619 (Green - no) (141-1-8)
SB 623 (Green - no) (141-1-8)
SB 655 (G. Thompson, Fox, C. Smith, Schlueter, and Khoury - no) (137-5-8)
SB 697 (142-0-8)
SB 737 (Green - no) (141-1-8)
SB 749 (142-0-8)
SB 817 (Green, Fox, C. Smith, Schlueter, Khoury, Toomey, Eckels, and Stiles - no) (134-8-8)
SB 861 (142-0-8)
SB 897 (142-0-8)
SB 1050 (Toomey, Eckels, and Stiles - no) (139-3-8)
SB 1221 (142-0-8)
HB 1101 (142-0-8)
On motion of Representative G. Hill, and by unanimous consent, the captions of all senate bills passed on the local and consent calendars, were ordered amended to conform with the body of the bills.

**LEAVES OF ABSENCE GRANTED**

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

- Hinojosa on motion of Wieting.
- Ceverha on motion of Blanton.

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

- Staniswalis on motion of Davis.

**SB 1112 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Saunders submitted the conference committee report on SB 1112.

Representative Saunders moved to adopt the conference committee report on SB 1112.

The conference committee report on SB 1112 was adopted.

**SB 367 ON SECOND READING**

(Messer - House Sponsor)

The chair laid before the house, as unfinished business, on its passage to third reading,

**SB 367, A bill to be entitled An Act relating to local government compensation for required removal of outdoor advertising.**

SB 367 was read second time on April 4.
Representative Colbert offered the following amendment to the bill:

Amend SB 367, Section 1, by adding a new subsection (c) to read as follows:

Subsection (C). An incorporated city, town, or village, including a
home-rule city, shall have the power to license, regulate, control, or
prohibit the erection of outdoor advertising within the area of its
extraterritorial jurisdiction as established pursuant to Article 970a,
provided that such regulatory actions are in compliance with
subsection (b) of this Act.

Representative Messer raised a point of order against further consideration of
the Colbert amendment on the grounds that the amendment was not germane to
the bill.

The chair sustained the point of order.

Representative Salinas offered the following amendment to the bill:

Amend SB 367 by renumbering SECTION 2 of the bill as SECTION 3 and
inserting a new SECTION 2 to read as follows:

(1) nonconforming use and amortization provisions of the ordinance, law, or
regulation that, before the effective date of this Act, was involved in litigation in which:

(2) the state and federal supreme courts refused to hear the case.

Representative Messer moved to table the Salinas amendment.

The motion to table prevailed. (Shaw recorded voting no)

Representative P. Hill offered the following amendment to the bill:

Amend SB 367 on page 1, beginning on line 18 and continuing on line 19, by
striking “all right, title, leasehold, and interest in” and substituting “the original
purchase price and cost of erection of”.

Representative Messer moved to table the P. Hill amendment.

A record vote was requested.

The motion to table prevailed by (Record 314): 89 Yeas, 35 Nays. 2 Present, not voting.

Yeas — Armbrister; Barton, E.: Berlanga(C); Boner; Burnett; Carricker; Cary;
Clark; Clemens; Collazo; Connelly; Coody; Craddick; DeLay; Delco; Denton;
Eikenburg; English; Evans, L.; Fennell; Gamez; Gavin; Geistweidt; Gibson, B.;
Glossbrenner; Grisham, Hackney; Hall, L.; Hall, T.; Hall, W.; Hanna;
Hudson, S.: Hury; Jones; Keller; Khoury; Kubiak; Kuempel; Laney; Lee, E. F.;
Leonard; Luna; McKenna; McWilliams; Madia; Mankins; Messer; Millsap;
Oliveira; Parker; Patronella; Pennington; Peveto; Pierce; Polumbo; Presnal; Rangel;
Russell; Saunders; Schluter; Schoolcraft; Shaw; Simpson; Smith, A.; Smith, T.;
Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow;
Turner; Valles; Vowell; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Word.

Nays — Agnich; Arnold; Barrientos; Barton, B.; Blanton; Buchanan; Colbert;
Crockett; Danburg; Davis; Fox; Garcia, M.; Granoff; Green; Hammond; Heflin;
Hill, A.; Hill, P.; Hollowell; Horn; Jackson; Kemp; Martinez, W.; Moreno, P.;
Oliver; Patterson; Polk; Price; Ragsdale; Robinson; Robnett; Rudd; Salinas; Shea; Smith, C.

Present, not voting — Mr. Speaker; Wolens.

Absent, Excused — Bush; Cain; Ceverha; Emmett; Evans, C.; Gilley; Hinojosa.

Absent — Cavazos; Criss; Eckels; Edwards; Gandy; Garcia, A.; Gibson, J.; Haley; Hernandez; Lee, D.; Martinez, R.; Moreno, A.; Patrick; Short; Uher; Waldrop; Wright.

STATEMENT BY REPRESENTATIVE VALLES

I was shown voting yes on Record 314 when the record should show no.

Valles

LEAVE OF ABSENCE GRANTED

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

Cain on motion of Willis.

SB 367 - (consideration continued)

Representative Colbert offered the following amendment to the bill:

Amend SB 367 by:
(1) deleting the colon on line 17;
(2) deleting "(1)" on line 18;
(3) deleting "; and" on line 19;
(4) placing a period after "advertising" on line 19; and
(5) deleting Subsection (b)(2) on lines 20-22.

Representative Messer moved to table the Colbert amendment.

A record vote was requested.

The motion to table prevailed by (Record 315): 93 Yeas, 35 Nays, 2 Present, not voting.

Yeas — Armbrister; Arnold; Barton, E.; Bercang(C); Bomer; Buchanan; Burnett; Carriker; Cary; Clark; Clemons; Collazo; Coody; Craddick; Criss; DeLay; Delco; Denton; Eckels; Elkenburg; English; Evans, L.; Finnell; Fox; Gamez; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Glossbrenner; Grisham; Hall, L.; Hall, T.; Hanna; Harrison, D.; Harrison, W.; Heflin; Hightower; Hibbert; Hill, G.; Hudson, D.; Hudson, S.; Jones; Keller; Khoury; Kubiak; Kuempel; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madia; Mankins; Martinez, R.; Messer; Moreno, A.; Oliveira; Parker; Patronella; Patterson; Pennington; Pevelo; Pierce; Polumbo; Presnell; Robinson; Rudd; Russell; Saunders; Schlutet; Schoolcraft; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uber; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Word.

Nays — Agnich; Barrientos; Barton, B.; Blanton; Colbert; Connell; Crockett; Danburg; Davis; Gandy; Garcia, M.; Granoff; Green; Hackney; Hammond; Hill, A.; Hill, P.; Hollowell; Horn; Hury; Jackson; Kemp; Martinez, W.; Moreno, P.; Oliver; Polk; Price; Ragsdale; Rangel; Robnett; Salinas; Shaw; Shea; Smith, C.; Valles.

Present, not voting — Mr. Speaker; Wolens.
Absent, Excused — Bush; Cain; Ceverha; Emmett; Evans, C.; Gilley; Hinojosa.

Absent — Cavazos; Edwards; Garcia, A.; Haley; Hall, W.; Hernandez; Laney; Lee, D.; Millsap; Patrick; Short; Sutton; Wright.

Representative C. Smith raised a point of order against further consideration of SB 367 on the grounds that the bill violates Rule 8, Section 3 of the House Rules and Article III, Section 35 of the Constitution.

The chair overruled the point of order.

Representative P. Hill offered the following amendment to the bill:

Amend SB 367 by adding a new subsection (c) to Section 1 of the bill, said subsection (c) to read as follows:

"(c) The provisions of subsection (b) of this Section shall not apply to:

(i) outdoor advertising which was lawful when erected, but which is unlawful at the time of taking because the same has deteriorated into a state of disrepair;

(ii) outdoor advertising which was lawful when erected, but which is unlawful at the time of taking because it was erected temporarily pursuant to ordinances, regulations or rules in effect on the date when erected;

(iii) outdoor advertising which was lawful when erected but which at the time of taking threatens the public safety by reason of location or is otherwise hazardous to public safety;

(iv) outdoor advertising which was lawful when erected but which at the time of taking is being used for pornographic, obscene or other form of advertising which unduly causes diversions of drivers and passengers of vehicular traffic on the public streets or highways of the city, town or village;

(v) outdoor advertising which was lawful when erected but which at the time of taking is in non-conformity with the fire, electrical, structural or other building codes of the city irrespective of the date of enactment or adoption thereof;

(vi) outdoor advertising which was erected primarily for political purposes;

(vii) outdoor advertising which was lawful when erected but which at the time of taking is hazardous because of a deterioration in structural soundness;

(viii) outdoor advertising which was erected on a moving vehicle on any other property which is not attached to a building or other permanent structure or to land;

(ix) outdoor advertising which was lawful when erected but which has become unlawful pursuant to ordinances duly adopted by cities, towns or villages pursuant to a plan of rehabilitation of blighted or deteriorated neighborhoods, or the redevelopment or preservation of historical areas, or for the protection of residential neighborhoods against future deterioration and blight, or for the redevelopment or revitalization of downtown areas;

(x) outdoor advertising which was lawful when erected, but the removal of which is required by otherwise lawful ordinances enacted pursuant to any federally mandated requirements in connection with any grant of federal funds.

Representative Messer moved to table the P. Hill amendment.

A record vote was requested.

The motion to table prevailed by (Record 316): 93 Yeas, 38 Nays, 3 Present, not voting.

Yea — Armbrister; Arnold; Barton, E.; Berlanga(C); Bomer; Buchanan; Burnett; Carriker; Cary; Clark; Clemons; Collazo; Connelly; Coody; Craddick; Criss; DeLay; Delco; Denon; Eckels; Eikenburg; English; Evans, L.; Finkell; Gamez; Garcia, A.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Glossbrenner;
Representative Colbert offered the following amendment to the bill:

Amend SB 367, Section 1(b) on page 1, line 13 by striking the words "outdoor advertising that is visible from a street or roadway" and inserting in its place the word "property."

Representative Messer moved to table the Colbert amendment.

A record vote was requested.

The motion to table prevailed by (Record 317): 99 Yeas, 28 Nays, 3 Present, not voting.

Yeas — Armbrister; Arnold; Barton, E.; Berlanga(C); Bomer; Buchanan; Burnett; Cary; Clark; Clemens; Collazo; Connelly; Coody; Craddick; Criss; De Leon; Eckels; Eikenburg; English; Evans, L.; Finnell; Gamez; Gavin; Gibson, B.; Gibson, J.; Glossbrenner; Grisham; Hackney; Hall, L.; Hall, T.; Hall, W.; Hanna; Harrison, D.; Harrison, W.; Heflin; Hightower; Hilbert; Hill, G.; Horn; Hudson, D.; Hudson, S.; Hury; Jones; Kemp; Khourey; Kubiak; Kuempel; Laney; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Mankins; Martinez, R.; Messer; Millsap; Moreno, A.; Oliveira; Parker; Patronella; Patterson; Pennington; Peto; Pierce; Polumbo; Presnal; Rangel; Russell; Saunders; Schlueter; Schoolcraft; Shaw; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Word.

Nays — Agnich; Barrientos; Barton, B.; Blanton; Colbert; Crockett; Danburg; Davis; Edwards; Fox; Gandy; Garcia, M.; Granoff; Green; Hackney; Hammond; Heflin; Hill, A.; Hill, P.; Hollowell; Horn; Hury; Jackson; Kemp; Madla; Martinez, W.; Oliver; Polk; Price; Ragsdale; Robinson; Rudd; Salinas; Shea; Smith, C.; Tejeda; Thompson, G.; Valles.

Present, not voting — Mr. Speaker; Hollowell; Wolens.

Absent, Excused — Bush; Cain; Ceverha; Emmett; Evans, C.; Gilley; Hinojosa.

Absent — Cavazos; Haley; Hernandez; Lee, D.; Moreno, P.; Patrick; Robnett; Short; Wright.

Representative Colbert offered the following amendment to the bill:

Amend SB 367, Section 1(b) on page 1, line 13 by striking the words "outdoor advertising that is visible from a street or roadway" and inserting in its place the word "property."

Representative Messer moved to table the Colbert amendment.

A record vote was requested.

The motion to table prevailed by (Record 317): 99 Yeas, 28 Nays, 3 Present, not voting.

Yeas — Armbrister; Arnold; Barton, E.; Berlanga(C); Bomer; Buchanan; Burnett; Cary; Clark; Clemens; Collazo; Connelly; Coody; Craddick; Criss; De Leo; Eckels; Eikenburg; English; Evans, L.; Finnell; Gamez; Gavin; Gibson, B.; Gibson, J.; Glossbrenner; Grisham; Hackney; Hall, L.; Hall, T.; Hall, W.; Hanna; Harrison, D.; Harrison, W.; Heflin; Hightower; Hilbert; Hill, G.; Horn; Hudson, D.; Hudson, S.; Hury; Jones; Kemp; Khourey; Kubiak; Kuempel; Laney; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Messer; Millsap; Moreno, A.; Oliveira; Parker; Patronella; Patterson; Pennington; Peto; Pierce; Polumbo; Presnal; Rangel; Robinson; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Shaw; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Word.

Nays — Agnich; Barrientos; Barton, B.; Blanton; Carriker; Colbert; Crockett; Danburg; Davis; Denton; Edwards; Fox; Garcia, A.; Garcia, M.; Green; Hammond; Hill, A.; Hill, P.; Jackson; Martinez, W.; Moreno, P.; Oliver; Polk; Price; Ragsdale; Salinas; Shea; Smith, C.

Present, not voting — Mr. Speaker; Hollowell; Wolens.

Absent, Excused — Bush; Cain; Ceverha; Emmett; Evans, C.; Gilley; Hinojosa.
Absent — Cavazos; DeLay; Gandy; Geistweidt; Granoff; Haley; Hernandez; Keller; Lee, D.; Patrick; Robnett; Short; Wright.

Representative P. Hill offered the following amendment to the bill:

Amend SB 367 by adding a new subsection (c) to Section 1 of the Bill to read as follows:

(c) The provisions of subsection (b) of this Section 1 shall not apply to outdoor advertising which was lawful when erected but which at the time of taking is being used for pornographic, obscene or other form of advertising which unduly causes diversions of drivers and passengers of vehicular traffic on the public streets or highways of the city, town or village.

Representative Messer moved to table the P. Hill amendment.

A record vote was requested.

The motion to table prevailed by (Record 318): 78 Yeas, 38 Nays, 3 Present, not voting.

Yeas — Armbrister; Arnold; Barton, E.; Berlanga(C); Bomer; Buchanan; Burnett; Carraker; Cary; Clark; Clemmons; Collazo; Connelly; Coody; Craddick; Criss; Delco; Eikenburg; English; Evans, L.; Gamez; Gavin; Gibson, B.; Gibson, J.; Glossbrenner; Hall, T.; Hall, W.; Hanna; Harrison, D.; Harrison, W.; Hightower; Hilbert; Hill, A.; Hill, G.; Hudson, S.; Hurly; Jones; Kemp; Khouyr; Kuempel; Laney; Lee, E. F.; Leonard; McKenna; Mankins; Messer; Moreno, A.; Oliveira; Parker; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Rudd; Russell; Saunders; Schoolcraft; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Thompson, S.; Tooney; Tow; Uher; Valles; Vowell; Waldrop; Watson; Whaley; Wieting; Wills; Wilson; Word.

Nays — Agnich; Barrientos; Barton, B.; Blanton; Colbert; Crockett; Davis; Denton; Finnell; Fox; Garcia, M.; Green; Hall, L.; Hammond; Heflin; Hill, P.; Hollowell; Horn; Hudson, D.; Jackson; Kubiak; Madia; Oliver; Patronella; Patterson; Price; Ragsdale; Rangel; Robinson; Robnett; Salinas; Schlueter; Shaw; Shea; Smith, C.; Tejeda; Thompson, G.; Turner.

Present, not voting — Mr. Speaker; McWilliams; Wolens.

Absent, Excused — Bush; Cain; Ceverha; Emmett; Evans, C.; Gilley; Hinojosa.

Absent — Cavazos; Danburg; DeLay; Eckels; Edwards; Gandy; Garcia, A.; Geistweidt; Granoff; Grisham; Hackney; Haley; Hernandez; Keller; Lee, D.; Luna; Martinez; R.; Martinez; W.; Millsap; Moreno, P.; Patrick; Short; Wallace; Wright.

A record vote was requested.

SB 367 was passed to third reading by (Record 319): 99 Yeas, 33 Nays, 2 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, E.; Berlanga(C); Bomer; Buchanan; Burnett; Carraker; Cary; Clark; Clemmons; Collazo; Connelly; Coody; Craddick; Criss; DeLay; Delco; Denton; Edwards; Eikenburg; English; Evans, L.; Finnell; Gamez; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Glossbrenner; Grisham; Hall, L.; Hall, T.; Hall, W.; Hanna; Harrison, D.; Harrison, W.; Heflin; Hightower; Hilbert; Hill, G.; Hudson, S.; Jones; Kemp; Khouyr; Kubiak; Kuempel; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madia; Mankins; Martinez, R.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Parker; Patterson; Pennington; Peveto; Pierce; Presnal;
Rangel; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Shaw; Short; Simpson; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Word.

Nays - Agnich; Barton, B.; Colbert; Crockett; Danburg; Davis; Fox; Gandy; Granoff; Green; Hackney; Hammond; Hill, A.; Hill, P.; Hollowell; Horn; Hudson, D.; Hury; Jackson; Laney; Martinez, W.; Oliver; Patronella; Polk; Polumbo; Price; Ragsdale; Robinson; Robnett; Salinas; Shea; Smith, A.; Smith, C.

Present, not voting — Mr. Speaker; Wolens.

Absent, Excused — Bush; Cain; Ceverha; Emmett; Evans, C.; Gilley; Hinojosa.

Absent — Cavazos; Eckels; Garcia, A.; Haley; Hernandez; Keller; Lee, D.; Patrick; Wright.

HB 800 - POSTPONED

Representative Messer moved that consideration of HB 800 be postponed until Monday, May 9, at 2 p.m.

The motion prevailed without objection.

SB 179 ON THIRD READING

The chair laid before the house on its third reading and final passage, SB 179, the General Appropriations Bill.

The bill was read third time.

Representative Presnal offered the following amendment to the bill:

Amend SB 179 as follows:

1. On page 1-75, line 6 by inserting “, estimated” between Budget and period.

The amendment was adopted without objection.

Representative Rudd offered the following amendment to the bill:

On page 1-55, APPROPRIATIONS TO TEXAS DEPARTMENT OF CORRECTIONS: delete the existing language and substitute the following:

11. Wardens, The Director of Classifications, The Chief of Food Services, Assistant Directors, The Administrative Assistant to The Director, The Medical Director, Psychiatrists, Physicians, The Supervisor Anesthetist, Dentist II’s, Dentist II’s, and Dentists shall be entitled to emoluments.

The amendment was adopted without objection.

SB 179 - MOTION TO POSTPONE

Representative M. Garcia moved that consideration of SB 179 be postponed until Friday, May 13, at 2 p.m.

Representative Presnal moved to table the motion to postpone.

A record vote was requested.

The motion to table prevailed by (Record 320): 85 Yeas, 46 Nays, 1 Present, not voting.

Yea — Agnich; Arnold; Barton, E.; Berlanga(C); Bomer; Buchanan; Burnett; Clark; Colbert; Connolly; Craddick; Criss; Danburg; Davis; DeLay; Eikcnburg;
The following members were granted leaves of absence for the remainder of today because of important business:

- Short on motion of Russell.
- L. Hall on motion of G. Thompson.

SB 179 - (consideration continued)

A record vote was requested.

SB 179, as amended, was passed by (Record 321): 83 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Agнич; Arnold; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Clark; Colbert; Collazo; Connelly; Coody; Criss; Danburg; DeLay; Delco; Eckels; Finnell; Garcia, A.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Grisham; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hollowell; Horn; Hudson, D.; Hury; Jackson; Kemp; Khoury; Kuempel; Laney; McKenna; McWilliams; Madla; Mankins; Messer; Millsap; Oliveira; Patterson; Pennington; Peveto; Price; Presnal; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Vowell; Waldrop; Whaley; Wieting; Willis; Wolens; Word.

Nays — Armbrister; Barrientos; Barton, B.; Carriker; Cavazos; Clemmons; Coody; Crockett; Delco; Denton; Edwards; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Glossbrenner; Green; Grisham; Hall, W.; Hanna; Hernandez; Hudson, S.; Jones; Kubiak; Lee, E. F.; Leonard; Luna; Martinez, R.; Martinez, W.; Moreno, A.; Oliver; Parker; Patronella; Polk; Polumbo; Price; Ragsdale; Rangel; Smith, C.; Tejeda; Valles; Wallace; Watson; Wilson.

Present, not voting — Mr. Speaker.

Absent, Excused — Bush; Cain; Ceverha; Emmett; Evans, C.; Gilley; Hinojosa.

Absent — Blanton; Cary; Collazo; Eckels; Haley; Keller; Lee, D.; Moreno, P.; Patrick; Short; Wright.

LEAVES OF ABSENCE GRANTED

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

- Short on motion of Russell.
- L. Hall on motion of G. Thompson.

Present, not voting — Mr. Speaker.
Absent, Excused — Bush; Cain; Ceverha; Emmett; Evans, C.; Gilley; Hall, L.; Hinojosa; Short.

Absent — Cary; English; Haley; Keller; Lee, D.; Patrick; Wright.

On motion of Representative Presnal and by unanimous consent, the caption of SB 179 was ordered amended to conform to the body of the bill.

The chair stated that SB 179 was passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

Reasons for Votes

SB 179 (General Appropriations Bill) raises local school property taxes $122 million over the previous biennium.

In addition, SB 179 does not sufficiently address the fiscal needs of Texas' educational system.

For these reasons I cannot vote for this bill.

Gandy

SB 179 fails to give public school teachers the much needed pay raise. I cannot support a general appropriations bill which does not address this critical need.

Clemons

I appreciate the hard work and long hours required in drafting the general appropriations bill. However, I cannot vote for a bill which raises local school property taxes $122,000,000 and which at the same time fails to insure the soundness of the teacher retirement system, fails to give public school teachers a much needed raise, and fails to address the real educational needs of the school children of Texas. Hence, I respectfully disagree with the priorities evidenced and the lack of fiscal restraint demonstrated in this bill.

Patronella

SB 179 fails to give public school teachers the much needed pay raise. I cannot support a general appropriations bill which does not address this critical need.

Hury

SB 179 fails to give public school teachers the much needed pay raise. I cannot support a general appropriations bill which does not address this critical need. I also cannot support a general appropriations bill that does not give all the other low salaried state employees a reasonable pay raise. I further object to SB 179 because it does not address many other areas of need in the entire state as well as in District 45.

Crockett

SB 179 (General Appropriations Bill) raises local school property taxes $122 million over the previous biennium. I cannot vote for such an increase in this regressive tax.

Carriker

1. SB 179 fails to give public school teachers the much needed pay raise. I cannot support a general appropriations bill which does not address this critical need.

2. Fails to adequately fund highways.

3. Fails to adequately provide for future water needs.
4. Reduces teacher retirement significantly.

Armbrister

SB 179 (General Appropriations Bill) raises local school property taxes $122 million over the previous biennium. I cannot vote for such an increase in this regressive tax.

Parker

My vote in opposition to SB 179 reflects my conviction that this appropriations bill fails to recognize the need for prudent public investments in such areas as educational quality, AFDC support for the children of the poor, and fair compensation for state employees.

It is not a negative judgment on the members of the Appropriations Committee, who worked so hard to spread the available money in a way that produced a balanced, certifiable budget.

My central concern is with the rule grafted onto the budget by the Calendars Committee, which requires that any increase in a line item be compensated by cuts in someone else's appropriation. This rule effectively ensured that few if any changes could be made in the budget which came to the floor of the house.

We made valiant attempts to increase AFDC payments by taking money from other funds and agencies, and all but one effort met with defeat. The increase which passed did so at the expense of two state parking garages and a Capitol Complex office building. In order to provide a paltry five dollars more per month for children who might otherwise go hungry, we were compelled to pit the bureaucracy against the very people they are charged with the duty to serve. Nothing could more clearly demonstrate that the priorities established by the Appropriations Committee should be opened to debate and discussion on the floor of the house.

We could, and should, have assured that our state employees can receive fair compensation for their efforts. No one in this chamber denies that the public business of Texas is conducted more diligently and with more efficiency than that of almost any other state. And we rewarded our public servants for their good work by a small percentage pay increase, which produced a disproportionately large raise for the bureaucrats at the top and an unfairly small raise for the workers at the bottom of the scale. We could have granted a flat, 70-dollar, across-the-board raise in the interest of fairness, but the initiative failed by four votes.

We should have been able to address the crying need for prudent investments in educational quality in floor debate. But the rule made debate in good faith pointless, because we were compelled to rob from Peter to pay Paul.

Only two days ago this house passed a piece of legislation that appropriated 1.7 million dollars to Texas A&M, and to refurbish a fire-damaged building. This bill went through on voice vote, and no one asked why that money could not have been provided out of the proceeds of the permanent or available university funds, instead of the general revenue fund. Yet in every effort to change any of the appropriations made by the Appropriations Committee, we were overwhelmingly defeated not by that kind of reasoned debate, but the rule, which no one invoked only 48 hours ago.

Once again, I commend the efforts of the Appropriations Committee to give us a foundation to work with. Their task was frustrating and thankless, especially in that the revenues they had to work with seemed to drain away even as they watched. But I believe that we, as members of the house, have failed to fully address the needs of all too many citizens of Texas, on the pretext that we cannot afford to debate our priorities on the floor of the house.

Oliver
May 6, 1983

HOUSE JOURNAL

HB 661 - LAID ON THE TABLE SUBJECT TO CALL

Representative Messer moved that HB 661 be laid on the table subject to call. The motion prevailed without objection.

HB 716 - LAID ON THE TABLE SUBJECT TO CALL

Representative Messer moved that HB 716 be laid on the table subject to call. The motion prevailed without objection.

LEAVE OF ABSENCE GRANTED

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

Hury on motion of Criss.

HB 137 ON THIRD READING

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

HB 137, A bill to be entitled An Act relating to the making and reporting of political contributions and expenditures before an election.

A record vote was requested.

The bill was read third time and was passed by (Record 322): 108 Yeas, 4 Nays, 1 Present, not voting.

Yea - Agnich; Arnold; Barrientos; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Carrker; Clemons; Colbert; Connelly; Coody; Crockett; Danburg; Davis; DeLay; Delco; Denton; Edwards; Eikenburg; Evans, L.; Fin nell; Fox; Gamez; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Glossbrenner; Granoff; Green; Grisham; Hackney; Hall, T.; Hall, W.; Hanna; Harrison, D.; Harrison, W.; Hellin; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hollowell; Horn; Hudson, D.; Hudson, S.; Jackson; Kemp; Khoury; Kuhak; Kuem pel; Laney; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Oliveira; Oliver; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robnett; Rudd; Russell; Salinas; Schnieder; Schoolcraft; Shaw; Shea; Simpson; Smith, C.; Smith, T.; Staniswalis; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Wallace; Whaley; Wething; Willis; Wilson; Wolens; Word.

Nay - Barton, E.; Jones; Vowell; Watson.

Present, not voting - Mr. Speaker.

Absent, Excused - Bush; Cain; Ceverha; Emmett; Evans, C.; Gilley; Hall, L.; Hinojosa; Hury; Short.

Absent - Armbrister; Barton, B.; Cary; Cavazos; Clark; Collazo; Criss; Eckels; English; Gandy; Haley; Hammond; Hernandez; Hightower; Keller; Lee, D.; Mankins; Moreno, P.; Parker; Patrick; Robinson; Saunders; Smith, A.; Stiles; Valles; Waldrop; Wright.

HB 1169 ON THIRD READING

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

HB 1169, A bill to be entitled An Act relating to suits for the dissolution of marriage and affecting the parent-child relationship and to orders and decrees in these suits, including the enforcement and limitations of orders and decrees.
The bill was read third time and was passed.

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 amending Section 51.14(b), Family Code; permitting inspection of certain juvenile records by the Texas Department of Corrections for statistical and diagnostic purposes; and declaring an emergency.

A record vote was requested.

The bill was read third time and was passed by (Record 323): 119 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Carriker; Clark; Clemens; Colbert; Connelly; Coody; Craddick; Crockett; Danburg; Davis; DelRay; Delco; Denton; Edwards, Eikenburg; Evans, L.; Fennell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Glossbrenner; Green; Grisham; Hackney; Hall, T.; Hall, W.; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hollowell; Horn; Hudson, D.; Hudson, S.; Jackson; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Meester; Millsap; Moreno, A.; Moreno, P.; Oliveira; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Schluter; Scholefield; Shaw; Shea; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Toomey; Tow; Turner; Uher; Vowell; Waldrop; Wallace; Watson; Whaley; Wieten; Wilson; Wolens; Word.

Present, not voting — Mr. Speaker.

Absent, Excused — Bush; Cain; Ceverha; Emmett; Evans, C.; Gilley; Hall, L.; Hinojosa; Hur; Short.

Absent — Cary; Cavazos; Collazo; Criss; Eckels; English; Granoff; Haley; Hammond; Jones; Keller; Lee, D.; Oliver; Patrick; Polumbo; Saunders; Thompson, S.; Valles; Willis; Wright.

HB 1731 ON THIRD READING

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

HB 1731, A bill to be entitled An Act relating to the establishment of a Texas Trails System.

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

HB 893 ON THIRD READING

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

HB 893, A bill to be entitled An Act relating to state reimbursement to a hospital for the cost of transporting an infant to the hospital under certain circumstances.

A record vote was requested.

The bill was read third time and was passed by (Record 324): 106 Yeas, 17 Nays, 1 Present, not voting.
Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Bomer; Buchanan; Burnett; Carriker; Cavazos; Clark; Clemons; Colbert; Connelly; Coody; Crockett; Danburg; Davis; Delco; Denton; Edwards; English; Evans, L.; Fin nell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Glossbrenner; Green; Grisham; Hackney; Hall, T.; Hall, W.; Harrison, D.; Harrison, W.; Hernandez; Hightower; Hill, A.; Hill, G.; Hill, P.; Hollowell; Hudson, D.; Hudson, S.; Jackson; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, E. F.; Leonard; Luna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Pennington; Pe veto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoeller; Shaw; Simpson; Smith, T.; Staniswalis; Sutton; Tejeda; Thompson, G.; Thompson, S.; Tow; Turner; Uhler; Vowell; Wallace; Watson; Whaley; Wieting; Wilson; Wolens; Word.

Nays — Agnic; Blanton; Craddick; DeLay; Eckels; Eikenburg; Fox; Hanna; Heflin; Hill, T.; Horn; Jones; McKenna; Patterson; Smith, A.; Toomey; Waldrop.

Present, not voting — Mr. Speaker.

Absent, Excused — Bush; Cain; Coverha; Emmett; Evans, C.; Gilley; Hall, L.; Hinojosa; Hury; Short.

Absent — Cary; Collazo; Criss; Granoff; Haley; Hammond; Keller, Lee, D.; Patrick; Robinson; Shea; Smith, C.; Stiles; Valles; Willis; Wright.

The chair stated that HB 893 was passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

HB 1114 ON THIRD READING

The chair laid before the house on its third reading and final passage, HB 1114. A bill to be entitled An Act relating to the enforcement of certain vehicle weight limitations; providing penalties.

A record vote was requested.

The bill was read third time and was passed by (Record 325): 86 Yeas, 34 Nays, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Carriker; Cavazos; Clark; Colbert; Connelly; Crockett; Danburg; Davis; Delco; Denton; Eckels; Edwards; English; Evans, L.; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Glossbrenner; Granoff; Green; Hackney; Harrison, D.; Harrison, W.; Hernandez; Hill, A.; Hill, P.; Hollowell; Hudson, D.; Hudson, S.; Kemp; Khoury; Kubiak; Kuempel; Lee, E. F.; Leonard; Luna; Madla; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Pe veto; Pierce; Polk; Polumbo; Price; Ragsdale; Rangel; Rudd; Salinas; Schlueter; Schoeller; Shea; Smith, A.; Smith, T.; Sutton; Tejeda; Thompson, S.; Toomey; Turner; Vowell; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens.

Nays — Agnic; Coody; Craddick; DeLay; Eikenburg; Fin nell; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Grisham; Hall, T.; Hali, W.; Hanna; Hill, G.; Horn; Laney; McKenna; McWilliams; Mankins; Mes sers; Patterson; Pennington; Presnal; Robnett; Russell; Saunders; Shaw; Simpson; Staniswalis; Tow; Uhler; Waldrop; Word.

Present, not voting — Mr. Speaker.
Absent, Excused — Bush; Cain; Ceverha; Emmett; Evans, C.; Gilley; Hall, L.; Hinojosa; Hury; Short.

Absent — Cary; Clemons; Collazo; Criss; Haley; Hammond; Heflin; Hightower; Jackson; Jones; Keller; Lee, D.; Patrick; Robinson; Smith, C.; Stiles; Thompson, G.; Valles; Wright.

HB 340 ON THIRD READING

The chair laid before the house on its third reading and final passage,
HB 340, A bill to be entitled An Act relating to disqualification for benefits under the Texas Unemployment Compensation Act.

The bill was read third time and was passed.

HB 490 ON THIRD READING

The chair laid before the house on its third reading and final passage,
HB 490, A bill to be entitled An Act relating to subdivision controls in certain counties; providing a penalty.

The bill was read third time.

Representative McWilliams offered the following amendment to the bill:
Amend HB 490, second reading engrossment as follows:
(1) On page 5, between lines (3) and (4) insert the following:
Any new remedies provided by this section do not apply to the developer of a subdivision created before the effective date of this section.
(2) Strike the underlined text on page 10.

The amendment was adopted without objection.
HB 490, as amended, was passed. (Schlueter recorded voting no)

HB 1736 ON THIRD READING

The chair laid before the house on its third reading and final passage,
HB 1736, A bill to be entitled An Act relating to the application of the sales and use tax to fertilizer.

The bill was read third time and was passed. (Schlueter, Green, and Delco recorded voting no)

HB 785 ON THIRD READING

The chair laid before the house on its third reading and final passage,
HB 785, A bill to be entitled An Act relating to certain fees imposed by the Texas Board of Private Investigators and Private Security Agencies.

The bill was read third time and was passed.

HB 2161 ON THIRD READING

The chair laid before the house on its third reading and final passage,
HB 2161, A bill to be entitled An Act relating to the requirement of permits for the transportation of water from the Edwards Underground Water District.

The bill was read third time.

Representative Geistweit offered the following amendment to the bill:
Amend HB 2161, 2nd Reading Engrossment, by striking Section 1 of the bill and substituting the following:

SECTION 1. Chapter 99, Acts of the 56th Legislature, Regular Session, 1959 (Article 8280-719, Vernon's Texas Civil Statutes), is amended by adding Sections 3A, 3B, and 3C to read as follows:

Sec. 3A. PERMITS. (a) In addition to other powers provided by this Act, the District has the power to require any person to obtain a permit from the District for the transporting of water by pipeline, channel, ditch, watercourse or other natural or artificial facilities, or any combination of such facilities, when such water is produced from wells located or to be located within the District, whenever all or any part of such water is used or is intended for use outside of the boundaries of the District; provided, however, the requirement for a permit hereunder shall not apply to (i) any person transporting water from such a well located within the District prior to the effective date of this section provided the amount of water so transported annually shall not exceed by more than ten percent (10%) the amount transported in calendar year 1982; (ii) any person transporting water on behalf of any incorporated municipality whose boundaries lie partly within the District provided such water so transported shall be used within the incorporated limits of such municipality as such limits are defined as of the effective date of this section. "Person" in this section shall include any individual, firm, entity, corporation, municipal corporation, governmental or proprietary body, or association of persons.

(b) The permit must be applied for and filed with the District in the form or forms promulgated by the District hereunder and such permit must be obtained from the District prior to the proposed transporting of water, all in accordance with the provisions of this section.

(c) An application for the transportation of water for which a permit is required under this section must:

(i) be in writing and sworn to;

(ii) contain the name, post-office address and place of residence or principal office of the applicant;

(iii) identify the location of the well from which the water to be transported is produced or to be produced;

(iv) describe specifically the proposed transportation facilities;

(v) state the nature and purposes of the proposed use and the amount of water to be used for each purpose;

(vi) state the time within which the proposed construction or alteration is to begin;

(vii) state the length of time required for the proposed use of the water;

(viii) provide information showing the effect of the proposed transportation on the quantity and quality of water available within the District.

(d) The application must be accompanied by a map or plat drawn on a scale not less than one inch equals 2,000 feet, showing substantially:

(i) the location of the existing or proposed well; and

(ii) the location of the existing or proposed water-transporting facilities; and

(iii) the location of the proposed or increased use or uses.

(e) The application must be accompanied by an application fee in an amount adopted by the District as sufficient to cover the cost of considering and processing the application, which in no event shall exceed Two Thousand Five Hundred Dollars ($2,500.00).

(f) The District shall determine whether the application, maps, and other materials comply with the requirements of this Act. The District may require amendment of the application, maps, or other materials to achieve necessary compliance.
(g) The District shall conduct a hearing on each application within ninety (90) days of the filing of the complete application.

(h) The District shall give notice of the hearing on the application as prescribed by this subsection. The notice must:

(i) state the name and address of the applicant;
(ii) state the date the application was filed;
(iii) state the location and purpose of the well from which the water to be transported is produced or to be produced;
(iv) specify the time and place of the hearing; and
(v) give any additional information the District considers necessary.

(i) At the time and place stated in the notice, the District shall hold a hearing on the application. The hearing may be held in conjunction with any regular or special meeting of the District, or a special meeting may be called for the purpose of holding a hearing. Any person may appear at the hearing, in person or by attorney, or may enter his appearance in writing. Any person who appears may present objections to the issuance of the permit. The District may receive evidence, orally or by affidavit, in support or in opposition to the issuance of the permit, and it may hear arguments.

(j) After the hearing the District shall make a written decision granting or denying the application. The application may be granted in whole or in part. Any decision to grant a permit in whole or in part, shall require a two-thirds (2/3) vote of Directors present.

(k) Such application shall not be approved unless the Board of Directors finds and determines that the transporting of water for use outside the District applied for will not substantially affect the quantity and quality of water available to any person or property within the District and that the proposed use, or any part of the proposed use, will not constitute waste as defined under the laws of the State of Texas. In considering the application, the District shall consider the quantity of water proposed to be transported; the term for which the transporting is requested; the safety of the proposed transportation facilities with respect to contamination of the aquifer; the nature of the proposed use; the effect of the proposed use of the water to be transported on District residents in proportion to all beneficial use of District residents for municipal, agricultural, industrial, recreational, and other categories, and such other factors to be consistent with the purposes of the District.

(l) On approval of an application, the District shall issue a permit to the applicant. The applicant’s right to transport shall be limited to the extent and purposes stated in the permit. A permit shall not be transferable except as provided in Subsection (p).

(m) The permit shall be in writing and attested by the seal of the District and shall contain substantially the following information:

(i) the name of the person to whom the permit is issued;
(ii) the date the permit is issued;
(iii) the term for which the permit is issued;
(iv) the date the original application was filed;
(v) the use or purpose for which the water is to be transported;
(vi) the time within which construction or work on the well or transportation facilities must begin and the time within which it must be completed, and
(vii) any other information the District prescribes.

(n) The permittee shall file with the District quarterly reports describing the amount of water transported and used for the permitted purpose. Such report shall be filed on the appropriate form or forms provided by the District within ten (10) days of the March 31, June 30, September 30, and December 31 next following the commencement of transporting of water, and within ten (10) days of each such quarterly date thereafter.
(a) All transporting facilities for wells subject to the requirements of this section shall be equipped with flow-monitoring devices approved by the District and available for District inspection at any time.

(p) A permittee may apply for an extension of any permit granted under this section or for transfer of a permit to another person. The District shall consider and grant or deny such application for extension or transfer of a permit in the same manner as is provided herein for the application for a permit.

(g) Any permit granted under this section shall be subject to revocation for nonuse or waste by the permittee, or for substantial deviation from the purposes or other terms stated in the permit.

Sec. 3B. REGISTRATION. (a) In addition to other powers provided by this Act, the District has the power to require any person transporting water produced from wells located within the District for use outside of the District, regardless of the amount of water so transported, to register such transporting with the District. Such registration shall be made within one hundred eighty (180) days after the effective date of this subsection. "Person" in this subsection shall include any individual, firm, entity, corporation, municipal corporation, governmental or proprietary body or association of persons.

(b) Any person subject to the requirements of this section shall file with the District quarterly reports describing the amount of water transported. Such report shall be filed on the appropriate form or forms provided by the District within ten (10) days of the March 31, June 30, September 30, and December 31 next following the commencement of transporting of water, and within ten (10) days of each such quarterly date thereafter.

(c) All transporting facilities for wells subject to the requirements of this subsection shall be equipped with flow-monitoring devices approved by the District and available for District inspection at any time.

Sec. 3C. ENFORCEMENT. (a) In addition to other powers provided by this Act, the District has the power to enforce any valid ruling, rule, or regulation made under Sections 3, 3A, or 3B of this Act or any term or condition of a permit issued by the District under those sections by injunction or other appropriate remedy. The suit shall be brought in a District court in the county where the offending activity is occurring.

The amendment was adopted without objection.

HB 2161, as amended, was passed.

HB 1658 ON THIRD READING

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

HB 1658, A bill to be entitled An Act relating to a temporary increase of the operator's license fee to fund a study on rail passenger service.

The bill was read third time and was passed. (Hoffin, Schlueter, McKenna, Edwards, Finnell, Hollowell, Schoolcraft, Polumbo, Fox, Craddick, and Hanna recorded voting no)

SB 346 ON THIRD READING

(Saunders - House Sponsor)

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


A record vote was requested.
The bill was read third time and was passed by (Record 326): 117 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Carraker; Cavazos; Clark; Colbert; Connelly; Coody; Craddock; Crockett; Danburg; Davis; DeLay; Delco; Denton; Edwards; Eikcnburg; English; Evans, L.; Finnell; Fox; Gardner; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Glossbrenner; Grisham; Hackney; Hall, T.; Hall, W.; Hanna; Harrison, D.; Harrison, W.; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hollowell; Horn; Hudson, D.; Hudson, S.; Jackson; Jones; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliver; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shear; Simpson; Smith, C.; Smith, T.; Staniswalis; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Wilson; Wolens; Word.

Nay — Green.

Present, not voting — Mr. Speaker.

Absent, Excused — Bush; Cain; Ceverha; Emmett; Evans, C.; Gilley; Hall, L.; Hinojosa; Hury; Short.

Absent — Cary; Clemons; Collazo; Criss; Eckels; Granoff; Haley; Hammond; Heflin; Hernandez; Hightower; Keller; Lee, D.; Oliveira; Patrick; Robinson; Smith, A.; Siles; Valles; Willis; Wright.

HR 344 - ADOPTED

Representative McKenna moved that all necessary rules be suspended to take up and consider at this time, HR 344.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By McKenna:

HR 344

WHEREAS, The Honorable W. G. (Bill) Coody of Weatherford will celebrate his 49th birthday on May 8, 1983, and it is with great pleasure that his fellow members commemorate this important day in his life; and

WHEREAS, Representative Coody, who was born on May 8, 1934, has done a commendable job of representing the citizens of his district during the 10 years he has served in the house; and

WHEREAS, He began his decade of exceptional public service as a member of the 63rd Legislature in 1973 and has since established an excellent record of legislative skill and leadership; and

WHEREAS, This admirable Texan capably chairs the Committee on Financial Institutions and is a valued member of the Committee on Energy; whether on the chamber floor or in the committee room, he works diligently to enact legislation beneficial to all of the state's citizens; and

WHEREAS, Representative Coody is held in highest esteem by his fellow members, who wish to extend their warmest birthday greetings; now, therefore, be it...
RESOLVED, That the House of Representatives of the 68th Legislature of the State of Texas hereby wish the Honorable W. G. (Bill) Coody a Happy Birthday, with the further wish that he celebrate many more of the same; and, be it further RESOLVED, That an official copy of this resolution be prepared for Representative Coody as a memento of this special occasion from his colleagues in the Texas House of Representatives.

The resolution was adopted.

On motion of Representative Tov, the names of all the members of the house were added to HR 344 as signers thereof.

HB 2110 AND HR 278 - RULES SUSPENDED

Representative Delco moved to suspend the 5-day posting rule to allow the Committee on Higher Education to consider HB 2110 and HR 278.

The motion prevailed without objection.

HB 2426 AND HB 2276 - RULES SUSPENDED

Representative Craddick moved to suspend the 5-day posting rule to allow the Committee on Natural Resources to consider HB 2426 and HB 2276.

The motion prevailed without objection.

SB 643 - RULES SUSPENDED

Representative Pierce moved to suspend the 48-hour subcommittee report rule to allow the Committee on Urban Affairs to consider SB 643.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Judicial Affairs, on adjournment today, Desk 102, to consider HB 940.

Urban Affairs, on adjournment today, Desk 9.

Insurance, Subcommittee on Life and Health, on adjournment today, Desk 132, to consider HB 1863 and SB 812.

Public Health, Subcommittee on HB 1066, on adjournment today, Desk 13, to consider HB 1066.

Public Health, Subcommittee on HB 1791, on adjournment today, Desk 45, to consider HB 1791.

Urban Affairs, Subcommittee on HB 2146, on adjournment today, Desk 56, to consider HB 2146.

Urban Affairs, Subcommittee on SB 643, on adjournment today, Desk 29.

Judicial Affairs, 12:30 p.m. next Monday, May 9, Desk 102, to consider HB 1473.

Labor and Employment Relations, Subcommittee on HB 1260, on adjournment today, Desk 28, to consider HB 1260.

Calendars, on adjournment today, Room G-14.

State Affairs, Subcommittee on Ethics, on adjournment today, Desk 59, to consider HB 2095.
Ethics Committee, 7:30 p.m. Monday, May 9, Room 346, organizational meeting.

State Affairs, Subcommittee on HB 458, on adjournment today, Desk 32, to consider HB 458.

ADJOURNMENT

Representative W. Harrison moved that the house adjourn until 2 p.m. Monday, in memory of Mario Medrano.

The motion prevailed without objection.

The house accordingly, at 3:05 p.m., adjourned until 2 p.m. Monday.

APPENDIX

STANDING COMMITTEE REPORTS

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

County Affairs - HB 1536, HB 2035, HJR 86
Criminal Jurisprudence - SB 7
Judicial Affairs - HB 2302, HB 2392, HCR 147
Labor and Employment Relations - HB 925, HB 1401, HB 1555
Natural Resources - HB 1408, HB 1482, HB 1719, HB 2015, HB 2215, HB 2323
State Affairs - HB 2000, HB 2066, HB 2251, SB 1110
Transportation - HB 424, HB 1420, SB 284
Urban Affairs - HB 1631, HB 2265
Ways and Means - HJR 109

ENGROSSED


ENROLLED

May 5 - HB 46, HB 68, HB 94, HB 99, HB 131, HB 176, HB 218, HB 266, HB 276, HB 304, HB 333, HB 373, HB 375, HB 376, HB 502, HB 553, HB 665, HB 797, HB 1231, HB 1255, HB 1341, HB 1346, HB 2194, HB 2304, HCR 84
COAUTHORS AUTHORIZED

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

HB 709 - W. Harrison, Stiles
HB 1238 - Price
HB 1726 - Hury
HB 1776 - Gandy
HB 2288 - Danburg
HJR 77 - Gandy