

HB 1865 / SB 709 Record Votes:

Approved as amended, was passed to third reading by (Record 489): 92 Yeas, 50 Nays, 1 Present, not voting (Mr. Speaker, Joe Straus).

Yeas — Anderson, C.; Anderson, R.; Ashby; Aycocock; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Deshotel; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Guillen; Harless; Herrero; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Martinez; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Otto; Paddie; Parker; Paul; Pen~ a; Phelan; Phillips; Price; Raney; Rinaldi; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bell; Bernal; Blanco; Coleman; Collier; Davis, Y.; Dutton; Farias; Farrar; Giddings; Gonzá'lez; Guerra; Gutierrez; Hernandez; Howard; Huberty; Israel; Johnson; Longoria; Lucio; Ma' rquez; Martinez Fischer; McClendon; Metcalf; Miles; Minjarez; Moody; Murr; Naishtat; Neva' rez; Oliveira; Pickett; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

Following are the votes on the amendments to HB 1865 / SB 709

Amendment 3 by Eddie Rodriguez - to extend time frame for the administrative law judge to complete the proceeding and provide a proposal for decision to the commission from 180 days to 270 days.

(A Yea vote represents a vote to table, or reject, the amendment).

Yeas — Anderson, C.; Anderson, R.; Ashby; Aycocock; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Deshotel; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Guillen; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Ma' rquez; Martinez; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Pen~ a; Phelan; Phillips; Pickett; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Coleman; Collier; Davis, Y.; Dutton; Farias; Farrar; Giddings; Gonzá'lez; Guerra; Gutierrez; Hernandez; Herrero; Howard; Israel; Johnson; Lucio; Martinez Fischer; McClendon; Miles; Minjarez; Moody; Naishtat; Neva' rez; Oliveira; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

Amendment 4 by Eddie Rodriguez – Would have taken out the section of the bill that switched the burden of proof from the applicant to the protestant.

(A Yea vote represents a vote to table, or reject, the amendment)

Yeas — Anderson, C.; Anderson, R.; Ashby; Aycocock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Guillen; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Pen~ a; Phelan; Phillips; Price; Raney; Riddle; Rinaldi; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Spitzer; Springer; Stephenson; Stickland; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Coleman; Collier; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; Gonza´lez; Guerra; Gutierrez; Hernandez; Herrero; Howard; Israel; Johnson; Longoria; Lucio; Ma´rquez; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Naishtat; Neva´rez; Oliveira; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Simpson; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

Amendment 5 by Dutton – Intended to give the Administrative Law Judge appropriate discretion to extend the hearing if needed.

(A Yea vote represents a vote to table, or reject, the amendment)

Yeas — Anderson, C.; Anderson, R.; Ashby; Aycocock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Cook; Craddick; Crownover; Dale; Darby; Davis, S.; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, P.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Lozano; Martinez; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; otto; Paddie; Parker; Paul; Pen~ a; Phelan; Phillips; Price; Raney; Rinaldi; Romero; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Spitzer; Springer; Stephenson; Thompson, E.; Turner, E.S.; VanDeaver; Villalba; White, J.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Coleman; Collier; Cyrier; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; Gonza´lez; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Israel; Johnson; King, T.; Longoria; Lucio; Ma´rquez; Martinez Fischer; McClendon; Miles; Minjarez; Moody; Naishtat; Neva´rez; Oliveira; Otto; Pickett; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Simpson; Stickland; Thompson, S.; Tinderholt; Turner, C.; Turner, S.; Vo; Walle; Wu.

Amendment 6 by Farrar – Provides additional notice of an application on the internet. **Adopted**

Amendment 7 by Reynolds – Under this bill the TCEQ can deny a hearing simply because they believe a permit should be issued. The amendment was intended to require a hearing prior to the decision by the TCEQ as to whether a permit should be issued. This amendment would have insured that an evaluation would require a hearing.

(A Yea vote represents a vote to table, or reject, the amendment)

Yeas — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Cook; Craddick; Crownover; Dale; Darby; Davis, S.; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Guerra; Guillen; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Lozano; Martinez; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Pen˜ a; Phelan; Phillips; Price; Raney; Rinaldi; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Coleman; Collier; Cyrier; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; Gonza´lez; Gutierrez; Hernandez; Herrero; Howard; Israel; Johnson; Longoria; Lucio; Ma´rquez; Martinez Fischer; McClendon; Miles; Minjarez; Moody; Naishtat; Neva´rez; Oliveira; Pickett; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

Amendment 8 by Moody – Allowed the TCEQ Executive Director to revise his recommendations concerning the permit to be based upon new evidence provided in the hearing. **Adopted**

Amendment 9 by P. King and Amendment 10 by Schofield – Has to do with grandfathering pending contested cases or cases filed before the bill takes effect and to addresses attempts to effect avoidance of current law by refiling the application. **Adopted**

Amendment 11 by Miles – Attempted to insure an opportunity for cross examination of the applicant’s experts.

(A Yea vote represents a vote to table, or reject, the amendment)

Yeas — Anderson, R.; Ashby; Aycock; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Guillen; Harless; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Pen˜ a; Phelan; Phillips; Price; Raney; Rinaldi; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simpson; Smith; Spitzer; Stephenson; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Bernal; Blanco; Coleman; Collier; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; Gonza´lez; Guerra; Gutierrez; Hernandez; Herrero; Howard; Huberty; Israel; Johnson; King, T.; Longoria; Lucio; Ma´rquez; Martinez; Martinez Fischer; McClendon; Meyer; Miles; Minjarez; Moody; Naishtat; Neva´rez; Oliveira; Pickett; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Simmons; Springer; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

Amendment 12 by Reynolds – Attempted to expand this bill to apply to all TCEQ environmental permits and not just those addressed by the bill.

(A Yea vote represents a vote to table, or reject, the amendment)

Yeas — Anderson, C.; Anderson, R.; Ashby; Aycok; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Guerra; Guillen; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Pen˜a; Phelan; Phillips; Pickett; Price; Raney; Rinaldi; Romero; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Stephenson; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Coleman; Collier; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; Gonza´lez; Gutierrez; Hernandez; Herrero; Howard; Israel; Johnson; Longoria; Lucio; Ma´rquez; Martinez; Martinez Fischer; McClendon; Miles; Minjarez; Moody; Naishtat; Neva´rez; Oliveira; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

Amendment 13 by S. Turner – Attempted to expand this bill to apply to all TCEQ environmental permits and not just those addressed by the bill.

(A Yea vote represents a vote to table, or reject, the amendment)

Yeas — Anchia; Anderson, C.; Anderson, R.; Ashby; Aycok; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Cook; Craddick; Crownover; Dale; Darby; Davis, S.; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Harless; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, P.; Klick; Koop; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Pen˜a; Phelan; Phillips; Price; Rinaldi; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Spitzer; Springer; Stephenson; Stickland; E. Thompson; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Bell; Bernal; Blanco; Coleman; Collier; Cyrier; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; Gonza´lez; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard;

Huberty; Israel; Johnson; Keough; Krause; Longoria; Lucio; Ma´rquez; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Naishtat; Neva´rez; Oliveira; Pickett; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Simpson; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.