

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, FIRST CALLED SESSION

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## PROCEEDINGS

SIXTH DAY — THURSDAY, JULY 7, 2005

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 42).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Dukes; Hegar; Martinez Fischer; Truitt.

Absent — Seaman.

The invocation was offered by Representative Hughes.

The speaker recognized Representative Hughes who led the house in the pledges of allegiance to the United States and Texas flags.

### LEAVES OF ABSENCE GRANTED

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

Dukes on motion of Rose.

Truitt on motion of Crownover.

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

Martinez Fischer on motion of Gallego.

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

Hegar on motion of Hamilton.

**LETTER FROM REPRESENTATIVE GEREN**

July 7, 2005

The Honorable Peggy Hamric  
House Committee on Administration  
P.O. Box 2910  
Austin, Texas 78768

Dear Madam Chair Hamric:

Pursuant to Rule 5, Section 15, please accept this formal complaint to the Committee on House Administration regarding lobbying activities on the house floor.

During floor debate on **HB 3**, I personally witnessed occasions of lobbying on the part of Governor Perry's staff. Mr. Mark Borskey, Ms. Deirdre Delisi, and Mr. Dan Shelley were all present on the house floor clearly lobbying members of the house by advocating for a pending legislative matter.

I request that a warning be given to anyone who is granted access to the house floor and who is not expressly permitted by Rule 5, Section 15 to engage in lobbying activities. If a violation of the rule continues to persist, I would respectfully request that floor privileges be rescinded from Governor Perry's staff and any other individual working for or against any pending or perspective legislative measure before the house.

Thank you for your thoughtful attention to this matter.

Sincerely,  
Charlie Geren

(Berman in the chair)

**HR 16 - ADOPTED**  
**(by Giddings)**

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 16**.

The motion prevailed.

The following resolution was laid before the house:

**HR 16**, Honoring Dr. Tony Evans for his service as senior pastor of Oak Cliff Bible Fellowship Church in Dallas and for his work in support of The Urban Alternative.

**HR 16** was read and was adopted.

On motion of Representative Hughes, the names of all the members of the house were added to **HR 16** as signers thereof.

**HR 232 - ADOPTED**  
**(by Giddings)**

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 232**.

The motion prevailed.

The following resolution was laid before the house:

**HR 232**, Honoring Kracynthia Flowers on her receipt of the Concerned DeSoto Citizens 2005 Helen Giddings Scholarship.

**HR 232** was adopted.

**HR 17 - ADOPTED**  
**(by Giddings)**

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 17**.

The motion prevailed.

The following resolution was laid before the house:

**HR 17**, Honoring Dr. Lois Evans for her service with The Urban Alternative and for her myriad contributions to the Dallas community.

**HR 17** was adopted.

**HR 230 - ADOPTED**  
**(by Hill)**

Representative Hill moved to suspend all necessary rules to take up and consider at this time **HR 230**.

The motion prevailed.

The following resolution was laid before the house:

**HR 230**, Honoring Dr. Stephanie Hirsh for her service to the Richardson Independent School District Board of Trustees.

**HR 230** was adopted.

**HR 231 - ADOPTED**  
**(by Hill)**

Representative Hill moved to suspend all necessary rules to take up and consider at this time **HR 231**.

The motion prevailed.

The following resolution was laid before the house:

**HR 231**, Honoring Kimberly A. Quirk as a newly elected member of the Richardson ISD Board of Trustees.

**HR 231** was adopted.

**HR 199 - ADOPTED**  
**(by Herrero)**

Representative Herrero moved to suspend all necessary rules to take up and consider at this time **HR 199**.

The motion prevailed.

The following resolution was laid before the house:

**HR 199**, Congratulating the Calallen High School baseball team on winning the 2005 4A state championship title.

**HR 199** was adopted.

**HCR 21 - ADOPTED**  
**(by Farabee)**

Representative Farabee moved to suspend all necessary rules to take up and consider at this time **HCR 21**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 21**, Honoring Roberta Farris of Wichita Falls on her 100th birthday.

**HCR 21** was adopted.

**HR 213 - ADOPTED**  
**(by R. Cook)**

Representative R. Cook moved to suspend all necessary rules to take up and consider at this time **HR 213**.

The motion prevailed.

The following resolution was laid before the house:

**HR 213**, In memory of U.S. Army Private First Class Christopher Reed Kilpatrick of Columbus.

**HR 213** was unanimously adopted by a rising vote.

On motion of Representative Crabb, the names of all the members of the house were added to **HR 213** as signers thereof.

**HR 202 - ADOPTED**  
**(by McClendon)**

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 202**.

The motion prevailed.

The following resolution was laid before the house:

**HR 202**, In memory of Idolio "Al" Alaniz of San Antonio.

**HR 202** was unanimously adopted by a rising vote.

**HR 203 - ADOPTED**  
**(by McClendon)**

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 203**.

The motion prevailed.

The following resolution was laid before the house:

**HR 203**, In memory of Hubert Hiawatha Hawkins of San Antonio.

**HR 203** was unanimously adopted by a rising vote.

**HR 204 - ADOPTED**  
**(by McClendon)**

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 204**.

The motion prevailed.

The following resolution was laid before the house:

**HR 204**, In memory of Martin Lipcomb Collins of San Antonio.

**HR 204** was unanimously adopted by a rising vote.

**HR 19 - ADOPTED**  
**(by McClendon)**

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 19**.

The motion prevailed.

The following resolution was laid before the house:

**HR 19**, Congratulating the San Antonio Spurs for winning the 2005 NBA Championship.

(Speaker in the chair)

**HR 19** was read and was adopted.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 19** as signers thereof.

**HR 97 - ADOPTED**  
**(by Crabb)**

Representative Crabb moved to suspend all necessary rules to take up and consider at this time **HR 97**.

The motion prevailed.

The following resolution was laid before the house:

**HR 97**, Congratulating the Kingwood High School baseball team on winning the Class 5A state championship title.

**HR 97** was adopted.

**EMERGENCY CALENDAR  
HOUSE BILLS  
THIRD READING**

The following bills were laid before the house and read third time:

**HB 3 ON THIRD READING**

**(by J. Keffer)**

**HB 3**, A bill to be entitled An Act relating to property tax relief and protection of taxpayers, taxes and fees, and other matters relating to the financing of public schools; providing civil and criminal penalties; making an appropriation.

**Amendment No. 1**

Representative J. Keffer offered the following amendment to **HB 3**:

Amend **HB 3** on third reading as follows:

- (1) On page 1, line 18, strike "\$ \_\_\_\_\_" and substitute "\$1.12".
- (2) On page 2, line 6, strike "\$ \_\_\_\_\_" and substitute "\$1.23".
- (3) On page 2, line 14, strike "\$ \_\_\_\_\_" and substitute "\$1.23".
- (4) On page 2, line 16, strike "\$ \_\_\_\_\_" and substitute "\$1.23".
- (5) On page 2, line 18, strike "\$ \_\_\_\_\_" and substitute "\$1.12".
- (6) On page 2, line 19, strike "\$ \_\_\_\_\_" and substitute "1.12".
- (7) On page 53, line 27, strike "November 1, 2005" and substitute "on the 91st day after the last day of the legislative session".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative R. Allen offered the following amendment to **HB 3**:

Amend **HB 3** on third reading as follows:

(1) Strike the SECTION in PART A, ARTICLE 3 of the bill that amends Section 151.315, Tax Code, and renumber subsequent SECTIONS of the bill accordingly.

(2) Add the following appropriately numbered ARTICLE to the bill and renumber subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_. PROFESSIONAL FEES

SECTION \_\_.01. Section 153.053, Occupations Code, is amended to read as follows:

Sec. 153.053. SURCHARGE FOR CERTAIN FEES. (a) The board shall collect a fee surcharge as follows:

- (1) \$350 [~~\$200~~] for the license fee;
- (2) \$700 [~~\$400~~] for the first registration permit;
- (3) \$700 [~~\$400~~] for renewal of a registration permit; and
- (4) \$350 [~~\$200~~] for reinstatement of a license after cancellation for cause.

(b) Of each surcharge collected under Subsections (a)(1) and (4), the board shall deposit \$87.50 [~~\$50~~] to the credit of the foundation school fund and \$262.50 [~~\$150~~] to the credit of the general revenue fund.

(c) Of each surcharge collected under Subsections (a)(2) and (3), the board shall deposit \$175 [~~\$100~~] to the credit of the foundation school fund and \$525 [~~\$300~~] to the credit of the general revenue fund.

SECTION \_\_.02. Sections 201.153(b) and (c), Occupations Code, are amended to read as follows:

(b) Each of the following fees imposed under Subsection (a) is increased by \$350 [~~\$200~~]:

- (1) the fee for an annual renewal of a license;
- (2) the fee for issuance of a license to an out-of-state applicant;
- (3) the fee for an examination; and
- (4) the fee for a reexamination.

(c) For each \$350 [~~\$200~~] fee increase collected under Subsection (b), \$87.50 [~~\$50~~] shall be deposited in the foundation school fund and \$262.50 [~~\$150~~] shall be deposited in the general revenue fund.

SECTION \_\_.03. Section 254.004(b), Occupations Code, is amended to read as follows:

(b) The amount of the dental application fee and dentist annual renewal fee is the amount set by the board under Subsection (a) and an additional charge of \$350 [~~\$200~~]. Of each fee increase collected under this subsection, \$87.50 [~~\$50~~] shall be deposited to the credit of the foundation school fund and \$262.50 [~~\$150~~] shall be deposited to the credit of the general revenue fund.

SECTION \_\_.04. Sections 351.153(a) and (b), Occupations Code, are amended to read as follows:

(a) The fee for the issuance of a license under this chapter and the fee for the renewal of a license under this chapter are the amounts of those fees set by the board under Section 351.152 and an additional fee of \$350 [~~\$200~~].

(b) Of each additional fee collected, \$87.50 [~~\$50~~] shall be deposited in the foundation school fund and \$262.50 [~~\$150~~] shall be deposited in the general revenue fund.

SECTION \_\_.05. Sections 501.153(a) and (b), Occupations Code, are amended to read as follows:

(a) The amount of the following fees is the amount set by the board under Section 501.152 and an additional charge of \$350 [~~\$200~~]:

- (1) the fee for renewing a license;
- (2) the fee for applying to take the provisional license examination; and
- (3) the fee for renewing a provisional license.

(b) Of each additional \$350 [~~\$200~~] collected, \$87.50 [~~\$50~~] shall be deposited to the credit of the foundation school fund and \$262.50 [~~\$150~~] shall be deposited to the credit of the general revenue fund.

SECTION \_\_.06. Sections 801.154(b) and (c), Occupations Code, are amended to read as follows:

(b) The license renewal fee set by the board under this chapter is the amount set by the board under Subsection (a) and an additional fee of \$350 [~~\$200~~].

(c) Of each additional fee collected under Subsection (b), \$87.50 [~~\$50~~] shall be deposited in the foundation school fund and \$262.50 [~~\$150~~] shall be deposited in the general revenue fund.

SECTION \_\_.07. Section 901.406, Occupations Code, is amended to read as follows:

Sec. 901.406. FEE INCREASE. (a) The fee for the issuance of a certificate under this chapter and the fee for the issuance or renewal of a license under this chapter is the amount of the fee set by the board under Section 901.154 and a fee increase of \$350 [~~\$200~~].

(b) For each fee increase collected under this section, \$87.50 [~~\$50~~] shall be deposited to the credit of the foundation school fund and \$262.50 [~~\$150~~] shall be deposited in the general revenue fund.

SECTION \_\_.08. Sections 1001.206(a) and (b), Occupations Code, are amended to read as follows:

(a) The fee for a license under this chapter, for the annual renewal of that license, and for a reciprocal license under this chapter is increased by \$350 [~~\$200~~].

(b) Of each fee increase collected, \$87.50 [~~\$50~~] shall be deposited in the foundation school fund and \$262.50 [~~\$150~~] shall be deposited in the general revenue fund.

SECTION \_\_.09. Section 1051.652, Occupations Code, is amended to read as follows:

Sec. 1051.652. FEE INCREASE. (a) The fee for the issuance of a certificate to an applicant possessing a license or certificate to practice architecture in another state and the fee for the renewal of a certificate under this chapter are increased by \$350 [~~\$200~~].

(b) Of each fee increase collected, \$87.50 [~~\$50~~] shall be deposited in the foundation school fund and \$262.50 [~~\$150~~] shall be deposited in the general revenue fund.

SECTION \_\_.10. Section 1052.0541, Occupations Code, is amended to read as follows:

Sec. 1052.0541. FEE INCREASE. (a) The fee for the issuance of a certificate of registration under this chapter and the fee for the renewal of a certificate of registration under this chapter is increased by \$350 [~~\$200~~].

(b) Of each fee increase collected, \$87.50 [~~\$50~~] shall be deposited in the foundation school fund and \$262.50 [~~\$150~~] shall be deposited in the general revenue fund.

SECTION \_\_.11. Section 1053.0521, Occupations Code, is amended to read as follows:

Sec. 1053.0521. FEE INCREASE. (a) The fee for the issuance of a certificate of registration under this chapter and the fee for the renewal of a certificate of registration under this chapter is increased by \$350 [~~\$200~~].

(b) Of each fee increase collected, \$87.50 [~~\$50~~] shall be deposited in the foundation school fund and \$262.50 [~~\$150~~] shall be deposited in the general revenue fund.

SECTION \_\_.12. Sections 1071.1521(a) and (b), Occupations Code, are amended to read as follows:



(a) The fee for the issuance of a certificate of registration to a registered professional land surveyor under this chapter and the fee for the renewal of a certificate of registration for a registered professional land surveyor under this chapter is increased by \$350 [~~\$200~~].

(b) Of each fee increase collected, \$87.50 [~~\$50~~] shall be deposited in the foundation school fund and \$262.50 [~~\$150~~] shall be deposited in the general revenue fund.

SECTION \_\_.13. Section 1101.153, Occupations Code, is amended to read as follows:

Sec. 1101.153. FEE INCREASE. (a) The fee for filing an original application for an individual broker license and the fee for annual renewal of an individual broker license is the amount of the fee set by the commission under Section 1101.152 and a fee increase of \$350 [~~\$200~~].

(b) Of each fee increase collected under Subsection (a), \$87.50 [~~\$50~~] shall be deposited to the credit of the foundation school fund and \$262.50 [~~\$150~~] shall be deposited to the credit of the general revenue fund.

SECTION \_\_.14. Section 1152.053, Occupations Code, is amended to read as follows:

Sec. 1152.053. FEE INCREASE. (a) The fee for the registration of a person under this chapter and the fee for the renewal of a registration under this chapter is increased by \$350 [~~\$200~~].

(b) Of each fee increase collected, \$87.50 [~~\$50~~] shall be deposited in the foundation school fund and \$262.50 [~~\$150~~] shall be deposited in the general revenue fund.

SECTION \_\_.15. Section 191.142(b), Tax Code, is amended to read as follows:

(b) The tax rate is \$350 [~~\$200~~] per year to be paid in advance.

SECTION \_\_.16. Section 41, The Securities Act (Article 581-41, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 41. INCREASE IN FEES. (a) Each of the following fees imposed by or under another section of this Act is increased by \$350 [~~\$200~~]:

(1) fee for filing any original application of a dealer or investment adviser or for submitting a notice filing for a federal covered investment adviser;

(2) fee for filing any renewal application of a dealer or investment adviser or for submitting a renewal notice filing for a federal covered investment adviser;

(3) fee for filing any original application for agent, officer, or investment adviser representative or for submitting a notice filing for an investment adviser representative of a federal covered investment adviser; and

(4) fee for filing any renewal application for agent, officer, or investment adviser representative or for submitting a renewal notice filing for an investment adviser representative of a federal covered investment adviser.

(b) Of each fee increase collected, \$87.50 [~~\$50~~] shall be deposited to the credit of the foundation school fund and \$262.50 [~~\$150~~] shall be deposited to the credit of the general revenue fund. This subsection applies to the disposition of each fee increase regardless of any other provision of law providing for a different disposition of funds.

SECTION \_\_.17. Notwithstanding any other law, including law dedicating revenue to the foundation school fund, all revenue collected as a result of the change in law made by this article shall be deposited to the credit of the general revenue fund.

SECTION \_\_.18. This article applies only to a fee imposed on or after the effective date of this article. A fee imposed before that date is governed by the law in effect on the date the fee is imposed, and that law is continued in effect for that purpose.

SECTION \_\_.19. This article takes effect September 1, 2005, if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for effect on that date, this article takes effect on the first day of the first month that begins on or after the 91st day after the last day of the legislative session.

### **Amendment No. 2 - Point of Order**

Representative Turner raised a point of order against further consideration of Amendment No. 2 on the grounds that it violates the Committee on Calendars rule adopted July 5.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 2.

### **Amendment No. 3**

Representative Hartnett offered the following amendment to **HB 3**:

Amend **HB 3** on 3rd reading as follows:

(1) Add the following appropriately numbered section to Part A of Article 3 of the bill and renumber subsequent sections accordingly:

SECTION 3A. \_\_. (a) There are exempted from the increase in the rate of the tax imposed by Chapter 151, Tax Code, that is made by this part the receipts from the sale, use, or rental and the storage, use, or consumption in this state of taxable items, if:

(1) the items are used:

(A) for the performance of a contract for the improvement of real property entered into on or before July 8, 2005, if the contract is not subject to change or modification because of the tax rate increase made by this part; or

(B) pursuant to an obligation of a bid submitted for the improvement of real property submitted on or before July 8, 2005, if the bid may not be withdrawn, modified, or changed because of the tax rate increase made by this part; and

(2) an electronic or paper copy of the contract or bid on which the exemption is claimed is given by the taxpayer to the comptroller not later than October 1, 2005.

(b) The exemption provided by this section expires September 1, 2007.

(2) On page 36, line 16, between "2005." and "The", insert "The exemption provided by this section applies only if the taxpayer, not later than October 1, 2005, gives to the comptroller an electronic or paper copy of the contract or bid on which the exemption is claimed."

(3) Add the following appropriately numbered ARTICLE to the bill and renumber subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_. SEXUALLY ORIENTED BUSINESS ADMISSIONS FEE

SECTION \_\_.01. Sections 47.001-47.004, Business & Commerce Code, as renumbered by **HB 2018**, Acts of the 79th Legislature, Regular Session, 2005, are redesignated as Subchapter A, Chapter 47, Business & Commerce Code, and a subchapter heading is added to read as follows:

SUBCHAPTER A. RESTRICTION ON OWNERS, OPERATORS,  
MANAGERS, OR EMPLOYEES OF SEXUALLY ORIENTED BUSINESSES

SECTION \_\_.02. Section 47.001, Business & Commerce Code, as renumbered by **HB 2018**, Acts of the 79th Legislature, Regular Session, 2005, is amended to read as follows:

Sec. 47.001. DEFINITIONS. In this subchapter [~~chapter~~]:

(1) "Sex offender" means a person who has been convicted of or placed on deferred adjudication for an offense for which a person is subject to registration under Chapter 62, Code of Criminal Procedure.

(2) "Sexually oriented business" has the meaning assigned by Section 243.002, Local Government Code.

SECTION \_\_.03. Chapter 47, Business & Commerce Code, as renumbered by **HB 2018**, Acts of the 79th Legislature, Regular Session, 2005, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. FEE ON ADMISSIONS TO CERTAIN SEXUALLY  
ORIENTED BUSINESSES

Sec. 47.051. DEFINITIONS. In this subchapter:

(1) "Nude" means:

(A) entirely unclothed; or

(B) clothed in a manner that leaves uncovered or visible through less than fully opaque clothing any portion of the breasts below the top of the areola of the breasts, if the person is female, or any portion of the genitals or buttocks.

(2) "Sexually oriented business" has the meaning assigned by Section 243.002, Local Government Code.

Sec. 47.052. ADMISSION FEE. (a) A fee is imposed on a sexually oriented business that provides live nude entertainment or performances in an amount equal to \$4 for each entry by each customer admitted to the business.

(b) For purposes of this section, the amount that a business charges a customer for admission includes a membership fee or a multiple-entry admission charge.

Sec. 47.053. REMISSION OF FEE TO COMPTROLLER; DEPOSIT IN GENERAL REVENUE. A sexually oriented business shall remit the fee imposed by Section 47.052 to the comptroller each quarter in the manner prescribed by the comptroller for deposit to the credit of the general revenue fund.

Sec. 47.054. ADMINISTRATION, COLLECTION, AND ENFORCEMENT. The comptroller shall adopt any necessary rules for the administration, payment, collection, and enforcement of the fee imposed by this chapter.

SECTION \_\_.04. Subchapter B, Chapter 47, Business & Commerce Code, as added by this article, expires August 31, 2007.

SECTION \_\_.05. The fee imposed by Section 47.052, Business & Commerce Code, as added by this article, applies only to a customer admitted to a sexually oriented business on or after the effective date of this article.

SECTION \_\_.06. This article takes effect January 1, 2006.

### **LEAVE OF ABSENCE GRANTED**

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

Taylor on motion of Crownover.

### **HB 3 - (consideration continued)**

Amendment No. 3 was adopted.

### **Amendment No. 4**

Representative Leibowitz offered the following amendment to **HB 3**:

Amend **HB 3** on third reading by adding the following appropriately numbered ARTICLE to read as follows and renumbering subsequent ARTICLES accordingly:

#### **ARTICLE \_\_. PUBLIC NOTICE RELATING TO TAX INCREASES AND DECREASES**

SECTION \_\_.01. Not later than the 10th day after the date this Act takes effect:

(1) the chief clerk of the house of representatives and the secretary of the senate, as applicable, shall publish on the public Internet site maintained by or for the appropriate house in a manner that is easily accessible and searchable by members of the public:

(A) the record vote of that house on approval of this Act, including the vote of each individual member;

(B) a description of each tax increase or decrease prescribed by this Act, including an estimate of the amount of each increase or decrease according to revenue estimates prepared by the comptroller of public accounts; and

(C) whether the governor signed the legislation enacting this Act, and if so, the date on which the governor signed that legislation; and

(2) the governor shall publish the information required by Subdivision (1) on the public Internet site maintained by or for the governor in a manner that is easily accessible and searchable by members of the public.

A record vote was requested.

Amendment No. 4 failed of adoption by (Record 43): 66 Yeas, 73 Nays, 1 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Anderson; Brown, B.; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hochberg; Hodge; Homer; Hopson; Hunter; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; McClendon; McReynolds; Menendez; Miller; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Smithee; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Nays — Allen, R.; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hill; Hope; Howard; Hughes; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Pitts; Riddle; Smith, T.; Smith, W.; Solomons; Swinford; Talton; Van Arsdale; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dukes; Hegar; Martinez Fischer; Taylor; Truitt.

Absent — Bailey; Hilderbran; Seaman; Straus.

### STATEMENT OF VOTE

When Record No. 43 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hilderbran

A record vote was requested.

**HB 3**, as amended, was passed by (Record 44): 71 Yeas, 66 Nays, 4 Present, not voting.

Yeas — Mr. Speaker(C); Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hill; Hope; Howard; Hughes; Hupp; Isett; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; McClendon; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Riddle; Smith, W.; Smithee; Swinford; Talton; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Bailey; Burnam; Casteel; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Griggs; Guillen; Haggerty; Herrero; Hochberg; Hodge; Homer; Hopson; Hunter; Jones, D.; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; McReynolds; Menendez; Merritt; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Straus; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Geren; Reyna; Smith, T.; Solomons.

Absent, Excused — Dukes; Hegar; Martinez Fischer; Taylor; Truitt.

Absent — Anchia; Hilderbran; Seaman.

The speaker stated that **HB 3** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

### PAIRED VOTES

Geren (present), who would vote yes, with Martinez Fischer (absent), who would vote no.

Reyna (present), who would vote no, with Seaman (absent), who would vote yes.

T. Smith (present), who would vote yes, with Dukes (absent), who would vote no.

Solomons (present), who would vote no, with Taylor (absent), who would vote yes.

### STATEMENTS OF VOTE

When Record No. 44 was taken, my vote failed to register. I would have voted no.

Anchia

When Record No. 44 was taken, I was temporarily out of the house chamber. I would have voted no.

Hilderbran

I was shown voting yes on Record No. 44. I intended to vote no.

McClendon

### 24 HOUR POSTING RULE SUSPENDED

Representative Madden moved to suspend the 24 hour posting rule to allow the Committee on Corrections to consider **HB 69** upon adjournment today at Desk 50.

The motion prevailed.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Corrections, upon adjournment today, Desk 50, for a formal meeting, to consider **HB 69**.

Judiciary, upon adjournment today, Desk 70, for a formal meeting, to consider **HB 34**.

**HR 201 - ADOPTED**  
**(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 201**.

The motion prevailed.

The following resolution was laid before the house:

**HR 201**, Honoring Pastor Louis C. Sidney, Sr., and Darlene Sidney for their service to St. Paul Missionary Baptist Church in Houston.

**HR 201** was adopted.

**HR 238 - ADOPTED**  
**(by Dunnam)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 238**.

The motion prevailed.

The following resolution was laid before the house:

**HR 238**, Recognizing Russell Devorsky of Bellmead for his work in behalf of House District 57.

**HR 238** was adopted.

**HCR 22 - ADOPTED**  
**(by Dunnam)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HCR 22**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 22**, Congratulating the Baylor University baseball team on its outstanding 2005 season.

**HCR 22** was adopted.

**PROVIDING FOR ADJOURNMENT**

Representative Herrero moved that, pending the receipt of messages from the senate, the house adjourn until 12 p.m. Monday, July 11 in memory of Matilde Mata Sanchez of Rio Bravo, Mexico.

The motion prevailed.

(Nixon in the chair)

**MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

**ADJOURNMENT**

In accordance with a previous motion, the house, at 11:59 a.m. Monday, July 11, adjourned until 12 p.m. today.

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**ADDENDUM**

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**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Monday, July 11, 2005

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 3** Keffer, Jim SPONSOR: Ogden  
Relating to financing public schools in this state and reducing property taxes.  
(COMMITTEE SUBSTITUTE/AMENDED)

**HCR 1** Merritt SPONSOR: Barrientos  
Congratulating The University of Texas Longhorns baseball team on winning the 2005 NCAA College World Series Championship.

**HCR 12** Merritt SPONSOR: Eltife  
Congratulating Neal McCoy for being named the 2005 Humanitarian of the Year by the Academy of Country Music and designating October 1, 2005, as Neal McCoy Day in Texas.

**HCR 21** Farabee SPONSOR: Estes  
Honoring Roberta Farris of Wichita Falls on her 100th birthday.

**HCR 22** Dunnam SPONSOR: Averitt  
Congratulating the Baylor University baseball team on its outstanding 2005 season.

**SB 5** Ogden  
Relating to certain fiscal matters affecting governmental entities.

**SB 6** Ogden  
Appropriating money for the support of state government.



THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 2**

Senate Conferees: Shapiro - Chair/Duncan/Janek/Van de Putte/West, Royce

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**July 6**

Environmental Regulation - **HB 39**

Public Health - **HB 65**

**July 7**

Higher Education - **HB 6**

Land and Resource Management - **HJR 19**

**July 8**

Ways and Means - **HB 23**

**ENGROSSED**

**July 7 - HB 1, HB 3**

**ENROLLED**

**July 7 - HCR 14**

