

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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FIFTY-THIRD DAY — THURSDAY, APRIL 21, 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 352).

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

Absent, Excused — Castro; Delisi; Olivo.

Absent — Brown, F.; Chavez; Corte; Eiland; Hamric; Hilderbran; Isett; McCall; Mowery; Naishtat.

The invocation was offered by Rob Renfroe, pastor, The Woodlands United Methodist Church, as follows:

Gracious God, we begin this day thanking you for the freedoms and the prosperity that we as Americans and as Texans are privileged to enjoy. With humility, we acknowledge that you are the architect of our blessings and the giver of every good and perfect gift. Remind us that with your blessings comes the responsibility to use what we have received for a purpose greater than ourselves. Our prayer is that we will be faithful stewards of your gifts of life, freedom, wealth, and power.

Omnipotent God, I thank you for the persons in this place who know both the privilege and the burden of leadership. And, in particular, I ask your blessing upon those here who see their work not as a career but as a calling, who sit in the seats of power with the spirit of a servant, and who know that the only worthy legacy is not the name we make for ourselves but the good that we do for others.

God of truth, you have revealed clearly in your word that those who govern will be judged, as we all will be, by how they treat the lowest and the least, the most vulnerable, and those who are seeking justice. Though we may disagree on how best to help the poor, the ill, and the disadvantaged, may the desire to lift up the downtrodden and to protect the powerless be the force that drives the deliberations and the decisions of this body. Give your guidance, your wisdom, and your righteousness to those who govern this great state that we love.

God of all people, break down the barriers that divide us and allow good will and understanding to build bridges of acceptance and respect. Cause the people of Texas to live up to our name so that our home will truly be a haven of friendship for all persons who desire to find a better life and live in peace. This we ask, trusting in your grace and in your providence. Amen.

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

#### **LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today because of a death in the family:

Delisi on motion of Woolley.

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

Castro on motion of Keel.

#### **CAPITOL PHYSICIAN**

The speaker recognized Representative Haggerty who presented Dr. Hector Lopez of El Paso as the "Doctor for the Day."

The house welcomed Dr. Lopez and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Hamric now present)

#### **LEAVE OF ABSENCE GRANTED**

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

Geren on motion of R. Cook.

(F. Brown and Mowery now present)

(Berman in the chair)

**HR 1278 - ADOPTED**  
**(by Guillen)**

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 1278**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1278**, Congratulating Grupo Solido for its success in the music industry.

**HR 1278** was read and was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Guillen who introduced Grupo Solido.  
(Hilderbran now present)

**HR 1274 - ADOPTED**  
**(by Peña)**

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 1274**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1274**, Honoring the Rio Grande Valley Academy of General Dentistry for advancing excellence in that field and its exemplary service to area citizens.

**HR 1274** was adopted.

**HR 1275 - ADOPTED**  
**(by Peña)**

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 1275**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1275**, Honoring the Texas Academy of General Dentistry for advancing excellence in that field.

**HR 1275** was adopted.

**HR 1037 - ADOPTED**  
**(by Hamilton)**

Representative Hamilton moved to suspend all necessary rules to take up and consider at this time **HR 1037**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1037**, Honoring Wayne Prouse of Orange County for his many contributions to his community.

**HR 1037** was read and was adopted.

**HR 1283 - ADOPTED**  
**(by Mowery)**

Representative Mowery moved to suspend all necessary rules to take up and consider at this time **HR 1283**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1283**, Welcoming the Leadership Fort Worth Class of 2005 to the State Capitol on April 21, 2005.

**HR 1283** was read and was adopted.

**HR 1236 - ADOPTED**  
**(by J. Jones)**

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HR 1236**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1236**, Recognizing April 28, 2005, as Workers Memorial Day.

**HR 1236** was adopted.

**HR 1258 - ADOPTED**  
**(by J. Jones)**

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HR 1258**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1258**, Honoring native Texan Katie Gardner Frye on her 90th birthday.

**HR 1258** was adopted.

**HCR 151 - ADOPTED**  
**(by Craddick)**

Representative Zedler moved to suspend all necessary rules to take up and consider at this time **HCR 151**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 151**, Honoring Jim M. Alsup of Midland for his lifelong commitment to philanthropy.

**HCR 151** was adopted.

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 239 ON THIRD READING  
(Talton - House Sponsor)**

**SB 239**, A bill to be entitled An Act relating to an exemption from the fee for a birth or death record requested by a child fatality review team or the child fatality review team committee.

A record vote was requested.

**SB 239** was passed by (Record 353): 138 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Castro; Delisi; Geren; Olivo.

Absent — Chavez; Corte; Eiland; Isett; McCall; McReynolds; Naishtat.

**STATEMENT OF VOTE**

When Record No. 353 was taken, I was meeting with Galveston officials regarding a controversial local bill. I would have voted yes.

Eiland

**SB 734 ON THIRD READING  
(Mowery - House Sponsor)**

**SB 734**, A bill to be entitled An Act relating to municipal regulation of the discharge of firearms and certain other weapons.

A record vote was requested.

**SB 734** was passed by (Record 354): 138 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Castro; Delisi; Geren; Olivo.

Absent — Branch; Chavez; Corte; Eiland; Isett; McCall; Naishtat.

### STATEMENT OF VOTE

When Record No. 354 was taken, I was meeting with Galveston officials regarding a controversial local bill. I would have voted yes.

Eiland

### SB 148 ON THIRD READING (Swinford - House Sponsor)

**SB 148**, A bill to be entitled An Act relating to the exception from required public disclosure of a photograph of a peace officer.

(Corte, Isett, and McCall now present)

A record vote was requested.

**SB 148** was passed by (Record 355): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; 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; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Nixon; Noriega, M.; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Castro; Delisi; Geren; Olivo.

Absent — Allen, A.; Chavez; Eiland; Naishtat; Talton.

### STATEMENT OF VOTE

When Record No. 355 was taken, I was meeting with Galveston officials regarding a controversial local bill. I would have voted yes.

Eiland

(Naishtat now present)

(Nixon in the chair)

### SB 848 ON THIRD READING (Kuempel - House Sponsor)

**SB 848**, A bill to be entitled An Act relating to the approval of certain permit applications by local governments.

### SB 848 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE RODRIGUEZ: Mr. Kuempel, does this bill require a city to lock in grandfathering based on a prior approval from another regulatory agency, such as an approval of a water well, on-site sewage facility, or a curb cut?

REPRESENTATIVE KUEMPEL: Nope.

### REMARKS ORDERED PRINTED

Representative Rodriguez moved to print remarks between Representative Kuempel and Representative Rodriguez.

The motion prevailed.

### Amendment No. 1

Representative Kuempel offered the following amendment to **SB 848**:

Amend **SB 848** as follows:

On page 2, line 2, between "property" and "is", insert "or plat application"

On page 2, line 6, between "development" and "that", insert "or plat application".

Amendment No. 1 was adopted.

A record vote was requested.

**SB 848**, as amended, was passed by (Record 356): 118 Yeas, 20 Nays, 2 Present, not voting.

Yeas — Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Denny; Deshotel; Driver; Dutton; Edwards; Eissler; Elkins; Farabee; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; Martinez; McCall; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Nixon(C); Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Van Arsdale; Veasey; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Burnam; Dukes; Escobar; Farrar; Flores; Herrero; Hochberg; Hodge; Leibowitz; Martinez Fischer; McClendon; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Rose; Solis; Uresti; Villarreal.

Present, not voting — Mr. Speaker; Truitt.

Absent, Excused — Castro; Delisi; Geren; Olivo.

Absent — Chavez; Coleman; Dunnam; Eiland; Kolkhorst; Turner.

### STATEMENTS OF VOTE

When Record No. 356 was taken, my vote failed to register. I would have voted yes.

Dunnam

When Record No. 356 was taken, I was meeting with Galveston officials regarding a controversial local bill. I would have voted yes.

Eiland

I was shown voting yes on Record No. 356. I intended to vote no.

Gallego

I was shown voting yes on Record No. 356. I intended to vote no.

Puente

I was shown voting yes on Record No. 356. I intended to vote no.

Raymond

### POSTPONED BUSINESS

The following bills were laid before the house as postponed business:



**SB 101 ON SECOND READING**  
**(McClendon - House Sponsor)**

**SB 101**, A bill to be entitled An Act relating to efficiently administering and electronically monitoring certain veterans' and dependents' tuition exemptions at institutions of higher education.

**SB 101** was considered in lieu of **CSHB 303**.

**SB 101** was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 303 - LAID ON THE TABLE SUBJECT TO CALL**

Representative McClendon moved to lay **CSHB 303** on the table subject to call.

The motion prevailed.

**CSHB 3020 ON SECOND READING**  
**(by Phillips)**

**CSHB 3020**, A bill to be entitled An Act relating to local government authorization of charitable solicitation by a pedestrian.

**CSHB 3020** was read second time on April 14 and was postponed until 10 a.m. today.

(Speaker in the chair)

Representative Phillips moved to postpone consideration of **CSHB 3020** until 2 p.m. today.

The motion prevailed.

**HB 652 ON SECOND READING**  
**(by Bohac)**

**HB 652**, A bill to be entitled An Act relating to the submission of proposed charter amendments to the voters in a home-rule municipality.

**HB 652** was read second time on April 19 and was postponed until 10 a.m. today.

Representative Bohac moved to postpone consideration of **HB 652** until 9 a.m. April 26.

The motion prevailed.

**MAJOR STATE CALENDAR**  
**HOUSE BILLS**  
**THIRD READING**

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

**HB 4 ON THIRD READING****(by Grusendorf, Delisi, Eissler, Edwards, Flores, et al.)**

**HB 4**, A bill to be entitled An Act relating to the use of technology and the purchase of instructional materials by public schools.

**Amendment No. 1**

Representative Phillips offered the following amendment to **HB 4**:

Amend **HB 4**, on third reading, in amended Section 31.104(c), Education Code, between "appropriate." and "Each", by inserting the following:

The publisher of a textbook that must be returned by a student under Subsection (d) shall place a bar code with a unique identifying number on the textbook.

Amendment No. 1 was withdrawn.

**Amendment No. 2**

Representative Phillips offered the following amendment to **HB 4**:

Amend **HB 4**, on third reading, by striking amended Section 31.105, Education Code, and substituting the following:

Sec. 31.105. SALE, EXCHANGE, OR LOAN OF INSTRUCTIONAL MATERIALS [TEXTBOOKS]. (a) The board of trustees of a school district or governing body of an open-enrollment charter school may sell instructional materials [textbooks], other than electronic instructional materials [textbooks], to a student or another school at a [the state contract] price determined by board rule. Money [The district shall send money] from the sale of instructional materials may be used only to purchase items that may be purchased lawfully using the allotment provided by Section 32.005.

(b) Subject to any applicable licensing agreement, the board of trustees of a school district or governing body of an open-enrollment charter school may:

(1) exchange instructional materials with another school district or open-enrollment charter school; or

(2) loan instructional materials to another school district or open-enrollment charter school [textbooks to the commissioner as required by the commissioner. The commissioner shall deposit the money in the state textbook fund].

**AMENDMENT NO. 2 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE HOCHBERG: Thank you, Mr. Speaker; thank you, Mr. Phillips. I just wanted to clarify—you and I talked about this, that where you specify that the price set by board rule—what your intent is, is that the board will set up criteria for setting the price, and that they won't be expected to set a price on every specific transaction?

REPRESENTATIVE PHILLIPS: That's exactly right. This allows flexibility. They're going to set up flexibility to allow the local school districts to do what they're already really doing in reality.

HOCHBERG: Thank you, Mr. Speaker.

Amendment No. 2 was adopted.

**REMARKS ORDERED PRINTED**

Representative Hochberg moved to print remarks between Representative Phillips and Representative Hochberg.

The motion prevailed.

(Eiland and Chavez now present)

**HB 4 - DEBATE**

REPRESENTATIVE BRANCH: Mr. Chairman, I want to refer you particularly to Section 38 of this bill, this excellent bill which—I, as you know, I am a co-author—we amended yesterday this section. I just wanted to ask you a few clarifying questions with respect to the technological devices that are called for. I know that they relate to instruction, but it's not your intent to have a particular vendor or particular type of technology that may be listed in that section to the exclusion of another that might even not be invented.

REPRESENTATIVE GRUSENDORF: Absolutely, this bill as it is before today, is completely vendor neutral. No vendor has any advantage. What we are doing is, we are asking for this program to be targeted for instructional materials, and then, specifically in the section you are referring to, we put an emphasis on wireless electronic mobile electronic devices. That could be like a palm pilot or a laptop. So, there is a lot of discretion even under that category. Additionally, we are allowing the agency and state board to adopt rules to further define those products.

BRANCH: But this is not meant to be limited to laptops or PDAs because there might be things that either—

GRUSENDORF: We do not know what is going to be put on the market tomorrow, right. We are trying to maintain our broad language throughout the bill, and we were very careful to avoid, as you know in committee, very careful to avoid any amendment that gave any preference to any vendor whatsoever.

BRANCH: So in Section 1 where we have a listing of the different items as well as in Section 2, but in Section 3 in an effort—I wanted to make sure that my understanding is correct—in an effort to be very broad, with Section 3 then, was a broader catch-all to catch any other technological devices for instruction.

GRUSENDORF: Absolutely, our own specification there is, our intent was for it to be very broad, as you indicated, but to make sure that the money is spent for instructional purposes, not for a central computer at the central office to do the payroll. We want this money to be spent for instructional delivery services to students.

BRANCH: And whether that is hardware or software, the word "program" in that section is not meant to be limited to a software, for example.

GRUSENDORF: That is a correct interpretation. In every instance we are trying to make it broad, trying to address the needs of the students, and allow the flexibility for new products that may come on the market next year, tomorrow, whenever. So we are not prescriptive and restrictive in this language.

BRANCH: So, this is meant to live on, unlike textbooks, which are starting to become, at least in many instances, obsolete. This notion of instructional materials that you blended into the bill is technological devices—is meant to sort of expand as technologies change?

GRUSENDORF: Absolutely, and my own opinion is, textbooks will never go away, but I think we will move to broader use. And one of the things I am really excited about is, when we visited these schools and we talked to the principals—I think once we open this bill up we are going to encourage vendors to come up with interactive software not only delivering a textbook where there is printed material, but when you develop interactive curriculum materials, well, it adjusts to the needs of that particular student. Well, that is a very powerful dynamic. That is a big shift in the way we are doing business in education today, to allow that interactive curriculum delivery system to be made available to these students. I think it will really move us forward. That use of the computers allows that kind of technology to be used effectively in the classroom.

BRANCH: Well, I appreciate that. And I hope that this bill, as amended, will take us into the, truly take us into this new century and expand our opportunities and hopefully make Texas a true leader in education. Not only the way we do education in Texas, but also the opportunities for children. And hopefully they will be reinvigorated by, as you have seen and I guess together we have seen various classrooms, by the use of technology in education.

GRUSENDORF: I think you are absolutely right, Mr. Branch, and it is really exciting when we do visit those classrooms that are using today's technology.

REPRESENTATIVE HOCHBERG: Mr. Speaker?

MR. CRADDICK: For what purpose, Mr. Hochberg?

HOCHBERG: Will the gentleman yield for a question?

GRUSENDORF: Yes.

MR. SPEAKER: The gentleman yields.

HOCHBERG: Mr. Grusendorf, one question you and I discussed, and several members have asked me on the floor so I thought that we'd just do this for intent—the allocating that you are providing under this bill for technology, is it within the parameters of this bill for a school district to receive the allocation one year, not spend it, aggregate it with allocations from additional years, and with local money or whatever and spend it in a later year when they could actually do laptop immersion or some other choice that you allow?

GRUSENDORF: Absolutely. In fact, I believe that bill implies that is a requirement rather than just permissive, you know, if they are not ready, if a district in other words wants to use the money for these purposes but they are not ready then it would only make sense that they aggregate that money for the next couple of years until they are ready to spend it in this fashion.

HOCHBERG: And that is, if they are ready to spend it then they can just go ahead and spend it now?

GRUSENDORF: Right. That is my intent.

HOCHBERG: Okay.

GRUSENDORF: That is my intent.

### REMARKS ORDERED PRINTED

Representative Hochberg moved to print remarks between Representative Grusendorf and Representative Branch and Representative Grusendorf and Representative Hochberg.

The motion prevailed.

#### Amendment No. 3

Representative Phillips offered the following amendment to **HB 4**:

Amend **HB 4**, on third reading, in amended Section 31.104(c), Education Code, between "appropriate." and "Each", by inserting the following:

The board may require the publisher of a textbook that must be returned by a student under Subsection (d) to place a bar code with a unique identifying number on the textbook.

Amendment No. 3 was adopted.

**HB 4**, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Thompson recorded voting no.)

### GENERAL STATE CALENDAR

#### HOUSE BILLS

#### THIRD READING

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

#### **HB 1287 ON THIRD READING**

(by Leibowitz)

**HB 1287**, A bill to be entitled An Act relating to county abatement of a public nuisance.

**HB 1287** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

(Delisi now present)

**HB 168 ON THIRD READING**  
**(by Deshotel)**

**HB 168**, A bill to be entitled An Act relating to the hours for selling alcoholic beverages at certain events.

A record vote was requested.

**HB 168** was passed by (Record 357): 72 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Bailey; Baxter; Burnam; Campbell; Coleman; Corte; Crabb; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Herrero; Hilderbran; Hill; Hochberg; Hodge; Hupp; Keel; King, T.; Kolkhorst; Kuempel; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Oliveira; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Strama; Straus; Thompson; Turner; Uresti; Veasey; Villarreal; Woolley; Zedler.

Nays — Anderson; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Casteel; Chavez; Chisum; Cook, B.; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Flynn; Frost; Gattis; Goodman; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hope; Hopson; Howard; Hughes; Hunter; Isett; Jackson; Jones, D.; Keffer, B.; Keffer, J.; Krusee; Laubenberg; Madden; McCall; McReynolds; Miller; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Talton; Taylor; Truitt; Van Arsdale; Vo; West; Wong.

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

Absent, Excused — Castro; Geren; Olivo.

Absent — Cook, R.; Edwards; Hamilton; Homer; Jones, J.; King, P.; Laney; Nixon; Ritter; Swinford.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 357. I intended to vote no.

Crabb

I was shown voting yes on Record No. 357. I intended to vote no.

Elkins

I was shown voting yes on Record No. 357. I intended to vote no.

Hill

When Record No. 357 was taken, I was in the house but away from my desk. I would have voted no.

P. King

When Record No. 357 was taken, I was in the house but away from my desk. I would have voted no.

Nixon

When Record No. 357 was taken, I was in the house but away from my desk. I would have voted no.

Swinford

I was shown voting yes on Record No. 357. I intended to vote no.

Zedler

### **HB 240 ON THIRD READING**

**(by Goolsby)**

**HB 240**, A bill to be entitled An Act relating to the right of an adopted person to have access to the person's original birth certificate.

**HB 240** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### **POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

#### **HB 1041 ON SECOND READING**

**(by Gattis, et al.)**

**HB 1041**, A bill to be entitled An Act relating to vacancies on municipal utility district boards.

**HB 1041** was read second time on April 11, postponed until April 18, and was again postponed until 10 a.m. today.

Representative Gattis moved to postpone consideration of **HB 1041** until 10 a.m. April 28.

The motion prevailed.

### **GENERAL STATE CALENDAR**

**(consideration continued)**

#### **HB 308 ON THIRD READING**

**(by Hope)**

**HB 308**, A bill to be entitled An Act relating to discipline in public schools and the assignment of certain public school students involved in a sexual assault.

(Uresti in the chair)

A record vote was requested.

**HB 308** was passed by (Record 358): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Harcastle; Harper-Brown; Hartnett; Hegar; 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; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley.

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

Absent, Excused — Castro; Geren; Olivo.

Absent — Branch; Burnam; Coleman; Delisi; Escobar; Zedler.

### STATEMENT OF VOTE

When Record No. 358 was taken, I was in the house but away from my desk. I would have voted yes.

Zedler

### HB 384 ON THIRD READING (by Dutton and Edwards)

**HB 384**, A bill to be entitled An Act relating to placement of a child with a noncustodial parent or relative to further the best interest of the child.

**HB 384** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### HB 492 ON THIRD READING (by Woolley, Chavez, Menendez, Hegar, Veasey, et al.)

**HB 492**, A bill to be entitled An Act relating to personal finance education as a requirement for graduation from public high school.

(Speaker in the chair)

#### Amendment No. 1

Representative Woolley offered the following amendment to **HB 492**:

Amend **HB 492** on third reading as follows:

(1) On page 1, lines 11 and 15, strike "charters" and substitute "charter schools".

(2) On page 1, line 24, between "district" and ",", insert "open-enrollment charter school".



Amendment No. 1 was adopted.

**HB 492**, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 6).

### **HB 599 ON THIRD READING**

(by Eissler)

**HB 599**, A bill to be entitled An Act relating to erecting certain outdoor signs; creating an offense; providing penalties.

#### **Amendment No. 1**

Representative Eissler offered the following amendment to **HB 599**:

Amend **HB 599** on third reading as amended by Floor Amendment No. 1 by Eissler as follows:

(1) Add the following appropriately numbered section to the bill and renumber the remaining sections appropriately:

SECTION \_\_. Section 391.001, Transportation Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Billboard" means a structure directly attached to land or a building that has a panel or other space that is intended to be rented or is rented by a person other than the owner of the structure for the display of advertising or other information.

(2) Strike amended Section 391.031(a), Transportation Code, and substitute the following:

(a) A person commits an offense if the person [~~wilfully~~] erects or maintains outdoor advertising, or allows outdoor advertising, other than a billboard, to be erected or maintained on property owned by the person:

(1) within 660 feet of the nearest edge of a right-of-way if the advertising is visible from the main-traveled way of the interstate or primary system; or

(2) outside an urban area if the advertising is located more than 660 feet from the nearest edge of a right-of-way, is visible from the main-traveled way of the interstate or primary system, and is erected for the purpose of having its message seen from the main-traveled way of the interstate or primary system.

Amendment No. 1 was adopted.

**HB 599**, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 600 ON THIRD READING**  
**(by Eissler and Riddle)**

**HB 600**, A bill to be entitled An Act relating to erecting certain signs on certain rights-of-way; providing penalties.

**HB 600** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 657 ON THIRD READING**  
**(by Bonnen, et al.)**

**HB 657**, A bill to be entitled An Act relating to terminating the parent-child relationship of a parent convicted of certain crimes.

**HB 657** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 880 ON THIRD READING**  
**(by Delisi)**

**HB 880**, A bill to be entitled An Act relating to attorney general review of certain contracts for health care purposes.

**HB 880** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 883 ON THIRD READING**  
**(by Seaman and M. Noriega)**

**HB 883**, A bill to be entitled An Act relating to the disposition of abandoned watercraft and the construction of, and donation of materials for, artificial reefs.

A record vote was requested.

**HB 883** was passed by (Record 359): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Flores; Flynn; Frost; Gallego; Gattis; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; 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; Martinez

Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro; Geren; Olivo.

Absent — Farrar; Giddings; Guillen; Haggerty.

#### STATEMENTS OF VOTE

When Record No. 359 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

When Record No. 359 was taken, my vote failed to register. I would have voted yes.

Guillen

#### 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).

#### HB 968 ON THIRD READING

(by Keel, Naishtat, Dukes, Rodriguez, et al.)

**HB 968**, A bill to be entitled An Act relating to the creation of an additional judicial district in Travis County.

**HB 968** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

#### HB 1174 ON THIRD READING

(by Dutton)

**HB 1174**, A bill to be entitled An Act relating to attorney's fees and costs in a proceeding to enforce an order for the possession of or access to a child.

**HB 1174** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

#### HB 1182 ON THIRD READING

(by Dutton)

**HB 1182**, A bill to be entitled An Act relating to the issuance of an administrative writ of withholding for the enforcement of a child support obligation.

**HB 1182** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1253 ON THIRD READING**  
(by Kuempel)

**HB 1253**, A bill to be entitled An Act relating to projects that may be undertaken by certain development corporations for career centers.

A record vote was requested.

**HB 1253** was passed by (Record 360): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; 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; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro; Geren; Olivo.

Absent — Crownover; Eiland; Flores; Howard; McClendon; Oliveira; Straus.

**STATEMENT OF VOTE**

When Record No. 360 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

**HB 1601 ON THIRD READING**  
(by Madden)

**HB 1601**, A bill to be entitled An Act relating to the use of interpreter services in a criminal case.

**HB 1601** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1677 ON THIRD READING**  
**(by Dukes and Riddle)**

**HB 1677**, A bill to be entitled An Act relating to establishing a sentinel surveillance program for respiratory syncytial virus.

A record vote was requested.

**HB 1677** was passed by (Record 361): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Campbell; Casteel; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; 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; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro; Geren; Olivo.

Absent — Callegari; Crownover; Davis, J.; Flores; Guillen; Howard; Hughes; Oliveira.

**STATEMENT OF VOTE**

When Record No. 361 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

**HB 1734 ON THIRD READING**  
**(by Krusee)**

**HB 1734**, A bill to be entitled An Act relating to the use of municipal hotel occupancy taxes for the enhancement and upgrading of sports facilities and fields by certain municipalities.

A record vote was requested.

**HB 1734** was passed by (Record 362): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Campbell; Casteel; Chavez; Chisum; Coleman; Cook, B.; Corte; Crabb; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; 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; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro; Geren; Olivo.

Absent — Callegari; Cook, R.; Crownover; Flores.

### STATEMENT OF VOTE

When Record No. 362 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

### HB 1752 ON THIRD READING

(by J. Davis)

**HB 1752**, A bill to be entitled An Act relating to the regulation of germicidal treatment of certain bedding, materials, and upholstered items.

**HB 1752** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### HB 1855 ON THIRD READING

(by Giddings)

**HB 1855**, A bill to be entitled An Act relating to the deletion of certain electronic records concerning a customer who issues a check; providing a civil penalty.

**HB 1855** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1912 ON THIRD READING**  
**(by Hupp)**

**HB 1912**, A bill to be entitled An Act relating to rates for medical services provided by the Department of Assistive and Rehabilitative Services.

**HB 1912** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1970 ON THIRD READING**  
**(by Raymond)**

**HB 1970**, A bill to be entitled An Act relating to reports and investigations of child abuse and neglect.

**HB 1970** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 2021 ON THIRD READING**  
**(by Casteel)**

**HB 2021**, A bill to be entitled An Act relating to the identification and administration of land located in a future transportation corridor of a county.

**HB 2021** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 2039 ON THIRD READING**  
**(by Nixon and Van Arsdale)**

**HB 2039**, A bill to be entitled An Act relating to the adjudication of claims arising under written contracts with local governmental entities.

**HB 2039** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 2217 ON THIRD READING**  
**(by McCall)**

**HB 2217**, A bill to be entitled An Act relating to the management of public school land and the permanent school fund.

(Deshotel in the chair)

A record vote was requested.

**HB 2217** was passed by (Record 363): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel(C); Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; 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; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Castro; Geren; Olivo.

Absent — Dutton.

(Speaker in the chair)

**HB 2297 ON THIRD READING**  
(by R. Cook, et al.)

**HB 2297**, A bill to be entitled An Act relating to penalties for repeat and habitual misdemeanor offenders.

**HB 2297** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 2475 ON THIRD READING**  
(by Delisi)

**HB 2475**, A bill to be entitled An Act relating to a cervical cancer initiative.

**HB 2475** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)



**HB 2510 ON THIRD READING**  
**(by Bonnen)**

**HB 2510**, A bill to be entitled An Act relating to the regulation of on-site sewage disposal systems and the maintenance of those systems; imposing administrative and criminal penalties.

**HB 2510** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 2553 ON THIRD READING**  
**(by McCall)**

**HB 2553**, A bill to be entitled An Act relating to the publication of mobile service customer telephone numbers by commercial mobile service providers; providing a civil penalty.

**HB 2553** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 2604 ON THIRD READING**  
**(by Guillen)**

**HB 2604**, A bill to be entitled An Act relating to preferences for veterans in state-funded job training or employment assistance programs and services.

**HB 2604** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 3017 ON THIRD READING**  
**(by Orr, Hegar, Anderson, et al.)**

**HB 3017**, A bill to be entitled An Act relating to the procedure for initiating and the award of certain costs in eminent domain proceedings.

**HB 3017** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1567 ON THIRD READING**  
**(by Ritter, Deshotel, Hamilton, Otto, Crabb, et al.)**

**HB 1567**, A bill to be entitled An Act relating to the transition to competition of certain electric utilities outside of ERCOT.

**Amendment No. 1**

Representative Swinford offered the following amendment to **HB 1567**:

Amend **HB 1567** on third reading by adding the following appropriately numbered section to the bill and renumbering existing sections according:

SECTION \_\_\_\_ . Section 39.402(a), Utilities Code, is amended to read as follows:

(a) Until the later of January 1, 2009 [~~2007~~], or the date on which an electric utility subject to this subchapter is authorized by the commission to implement customer choice, the rates of the utility shall be regulated under traditional cost of service regulation and the utility is subject to all applicable regulatory authority prescribed by this subtitle and Subtitle A, including Chapters 14, 32, 33, 36, and 37. Until the date on which an electric utility subject to this subchapter implements customer choice, the provisions of this chapter, other than this subchapter, Section 39.904, and the provisions relating to the duty to obtain a permit from the Texas Natural Resource Conservation Commission for an electric generating facility and to reduce emissions from an electric generating facility, shall not apply to that utility. That portion of any commission order entered before September 1, 2001, to comply with this subchapter shall be null and void.

Amendment No. 1 was adopted.

A record vote was requested.

**HB 1567**, as amended, was passed by (Record 364): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; 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; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro; Geren; Olivo.

Absent — Pitts; Riddle.

**HB 695 ON THIRD READING****(by Leibowitz, Martinez, Eiland, Herrero, Vo, et al.)**

**HB 695**, A bill to be entitled An Act relating to restrictions on the prices of certain consumer goods and services during an abnormal disruption of the market.

**HB 695** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Insurance, upon lunch recess today, Desk 24, for a formal meeting, to consider pending bills.

County Affairs, upon lunch recess today, Desk 1, for a formal meeting, to consider pending bills.

Border and International Affairs, upon lunch recess today, Desk 76, for a formal meeting, to consider pending business.

Government Reform, upon lunch recess today, Desk 114, for a formal meeting, to consider pending business.

State Affairs, upon lunch recess today, Desk 9, for a formal meeting, to consider pending business.

Juvenile Justice and Family Issues, upon lunch recess today, Desk 115, for a formal meeting, to consider pending business.

Transportation, upon lunch recess today, Desk 46, for a formal meeting, to consider pending legislation.

Pensions and Investments, upon lunch recess today, Desk 41, for a formal meeting, to consider pending business.

**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. 2).

**RECESS**

At 11:50 a.m., the speaker announced that the house would stand recessed until 1 p.m. today.

**AFTERNOON SESSION**

The house met at 1 p.m. and was called to order by the speaker.

**MAJOR STATE CALENDAR****HOUSE BILLS****SECOND READING**

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

**CSHB 1006 ON SECOND READING**  
**(by Isett, Bohac, Eissler, Gattis, Crabb, et al.)**

**CSHB 1006**, A bill to be entitled An Act relating to certain limitations on the ad valorem tax rates of certain taxing units.

**Amendment No. 1**

Representative Isett offered the following amendment to **CSHB 1006**:

Amend **CSHB 1006** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 26.04(c), Tax Code, is amended to read as follows:

(c) An officer or employee designated by the governing body shall calculate the effective tax rate and the rollback tax rate for the unit, where:

(1) "Effective tax rate" means a rate expressed in dollars per \$100 of taxable value calculated according to the following formula:

EFFECTIVE TAX RATE = (LAST YEAR'S LEVY - LOST PROPERTY LEVY) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE)

; and

(2) "Rollback tax rate" means a rate expressed in dollars per \$100 of taxable value calculated according to the following formula:

ROLLBACK TAX RATE = (EFFECTIVE MAINTENANCE AND OPERATIONS RATE x 1.04 [~~1.08~~]) + CURRENT DEBT RATE

SECTION 2. Sections 26.041(a), (b), and (c), Tax Code, are amended to read as follows:

(a) In the first year in which an additional sales and use tax is required to be collected, the effective tax rate and rollback tax rate for the unit are calculated according to the following formulas:

EFFECTIVE TAX RATE = [(LAST YEAR'S LEVY - LOST PROPERTY LEVY) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE)] - SALES TAX GAIN RATE

and

ROLLBACK RATE = ((EFFECTIVE MAINTENANCE AND OPERATIONS RATE x 1.04 [~~1.08~~]) + CURRENT DEBT RATE - SALES TAX GAIN RATE

where "sales tax gain rate" means a number expressed in dollars per \$100 of taxable value, calculated by dividing the revenue that will be generated by the additional sales and use tax in the following year as calculated under Subsection (d) [~~of this section~~] by the current total value.

(b) Except as provided by Subsections (a) and (c) [~~of this section~~], in a year in which a taxing unit imposes an additional sales and use tax the rollback tax rate for the unit is calculated according to the following formula, regardless of whether the unit levied a property tax in the preceding year:

ROLLBACK RATE = [(LAST YEAR'S MAINTENANCE AND OPERATIONS EXPENSE X 1.04 [~~1.08~~]) / (~~TOTAL~~ CURRENT TOTAL VALUE - NEW PROPERTY VALUE)] + (CURRENT DEBT RATE - SALES TAX REVENUE RATE)

where "last year's maintenance and operations expense" means the amount spent for maintenance and operations from property tax and additional sales and use tax revenues in the preceding year, and "sales tax revenue rate" means a number expressed in dollars per \$100 of taxable value, calculated by dividing the revenue that will be generated by the additional sales and use tax in the current year as calculated under Subsection (d) ~~[of this section]~~ by the current total value.

(c) In a year in which a taxing unit that has been imposing an additional sales and use tax ceases to impose an additional sales and use tax the effective tax rate and rollback tax rate for the unit are calculated according to the following formulas:

EFFECTIVE TAX RATE = [(LAST YEAR'S LEVY - LOST PROPERTY LEVY) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE)] + SALES TAX LOSS RATE

and

ROLLBACK TAX RATE = [(LAST YEAR'S MAINTENANCE AND OPERATIONS EXPENSE X 1.04 ~~[1.08]~~) / ((~~TOTAL~~) CURRENT TOTAL VALUE - NEW PROPERTY VALUE)] + CURRENT DEBT RATE

where "sales tax loss rate" means a number expressed in dollars per \$100 of taxable value, calculated by dividing the amount of sales and use tax revenue generated in the last four quarters for which the information is available by the current total value and "last year's maintenance and operations expense" means the amount spent for maintenance and operations from property tax and additional sales and use tax revenues in the preceding year.

SECTION 3. Section 26.05(d), Tax Code, is amended to read as follows:

(d) The governing body of a taxing unit other than a school district may not adopt a tax rate that exceeds ~~[the lower of the rollback tax rate or 103 percent of]~~ the effective tax rate calculated as provided by this chapter until the governing body has held a public hearing on the proposed tax rate and has otherwise complied with Sections ~~[Section]~~ 26.06 and ~~[Section]~~ 26.065. The governing body of a taxing unit shall reduce a tax rate set by law or by vote of the electorate to the ~~[lower of the rollback tax rate or 103 percent of the]~~ effective tax rate and may not adopt a higher rate unless it first complies with Section 26.06.

SECTION 4. Sections 26.06(b), (d), and (e), Tax Code, are amended to read as follows:

(b) The notice of a public hearing may not be smaller than one-quarter page of a standard-size or a tabloid-size newspaper, and the headline on the notice must be in 18-point or larger type. The notice must:

(1) contain a statement in the following form:

"NOTICE OF PUBLIC HEARING ON TAX INCREASE

"The (name of the taxing unit) will hold a public hearing on a proposal to increase total tax revenues from properties on the tax roll in the preceding year by (percentage by which proposed tax rate exceeds ~~[lower of rollback tax rate or]~~ effective tax rate calculated under this chapter) percent. Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.

"The public hearing will be held on (date and time) at (meeting place).

"(Names of all members of the governing body, showing how each voted on the proposal to consider the tax increase or, if one or more were absent, indicating the absences.)"; and

(2) contain the following information:

(A) the unit's adopted tax rate for the preceding year, the unit's effective tax rate for the current year, and the proposed tax rate, expressed as an amount per \$100;

(B) the difference, expressed as an amount per \$100 and as a percent increase or decrease, as applicable, in the proposed tax rate compared to the effective ~~adopted~~ tax rate ~~[for the preceding year]~~;

(C) the average appraised value of a residence homestead in the taxing unit in the preceding year and in the current year; the unit's homestead exemption, other than an exemption available only to disabled persons or persons 65 years of age or older, applicable to that appraised value in each of those years; and the average taxable value of a residence homestead in the unit in each of those years, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older;

(D) the amount of tax that would have been imposed by the unit in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older;

(E) the amount of tax that would be imposed by the unit in the current year on a residence homestead appraised at the average appraised value of a residence homestead in the current year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older, if the proposed tax rate is adopted; and

(F) the difference between the amounts of tax calculated under Paragraphs (D) and (E), expressed in dollars and cents and described as the annual increase or decrease, as applicable, in the tax to be imposed by the unit on the average residence homestead in the unit in the current year if the proposed tax rate is adopted.

(d) At the public hearing the governing body shall announce the date, time, and place of the meeting at which it will vote on the proposed tax rate. After the hearing the governing body shall give notice of the meeting at which it will vote on the proposed tax rate and the notice shall be in the same form as prescribed by Subsections (b) and (c), except that it must state the following:

"NOTICE OF VOTE ON TAX INCREASE ~~[RATE]~~

"The (name of the taxing unit) conducted a public hearing on a proposal to increase the total tax revenues of the (name of the taxing unit) from properties on the tax roll in the preceding year by (percentage by which proposed tax rate exceeds ~~lower of rollback tax rate or~~ effective tax rate calculated under this chapter) percent on (date and time public hearing was conducted).

"The (governing body of the taxing unit) is scheduled to vote on the tax rate that will result in that tax increase at a public meeting to be held on (date and time) at (meeting place)."

(e) The meeting to vote on the tax increase may not be earlier than the third day or later than the 14th day after the date of the public hearing. The meeting must be held inside the boundaries of the taxing unit in a publicly owned building or, if a suitable publicly owned building is not available, in a suitable building to which the public normally has access. If the governing body does not adopt a tax rate that exceeds the ~~[lower of the rollback tax rate or 103 percent of the]~~ effective tax rate by the 14th day, it must give a new notice under Subsection (d) before it may adopt a rate that exceeds the ~~[lower of the rollback tax rate or 103 percent of the]~~ effective tax rate.

SECTION 5. Section 26.07, Tax Code, is amended by amending Subsections (b) and (d) and adding Subsection (b-1) to read as follows:

(b) A petition is valid only if:

(1) it states that it is intended to require an election in the taxing unit on the question of reducing the tax rate for the current year;

(2) except as provided by Subsection (b-1), it is signed by a number of registered voters of the taxing unit equal to at least 10 percent of the number of registered voters of the taxing unit according to the most recent official list of registered voters; and

(3) it is submitted to the governing body on or before the 90th day after the date on which the governing body adopted the tax rate for the current year.

(b-1) For a county or municipality for which the total tax rate adopted for the current tax year would impose taxes in an amount of more than \$5 million when applied to the current total value for the county or municipality, a petition is valid only if it is signed by a number of registered voters of the county or municipality equal to at least 10 percent of the registered voters of the county or municipality who voted in the most recent gubernatorial election according to the most recent official list of registered voters.

(d) If the governing body finds that the petition is valid (or fails to act within the time allowed), it shall order that ~~the~~ ~~[an]~~ election be held in the taxing unit on the next uniform election [a] date prescribed by Section 41.001, Election Code, that is not less than 45 [30 or more than 90] days after the [last] day on which the governing body adopted the proposed tax rate and that affords enough time to hold the election in the manner provided by law [it could have acted to approve or disapprove the petition. A state law requiring local elections to be held on a specified date does not apply to the election unless a specified date falls within the time permitted by this section]. At the election, the ballots shall be prepared to permit voting for or against the proposition: "Reducing the tax rate in (name of taxing unit) for the current year from (the rate adopted) to (the rollback tax rate calculated as provided by this chapter)."

SECTION 6. Section 49.236, Water Code, as added by Chapters 248 and 335, Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

Sec. 49.236. NOTICE OF TAX HEARING. (a) Before the board adopts an ad valorem tax rate for the district for debt service, operation and maintenance purposes, or contract purposes, the board shall give notice of each meeting of the board at which the adoption of a tax rate will be considered. The notice must:

(1) contain a statement in substantially the following form:

"NOTICE OF PUBLIC HEARING ON TAX INCREASE [~~RATE~~]

"The (name of the district) will hold a public hearing on a proposed tax rate for the tax year (year of tax levy) on (date and time) at (meeting place). Your individual taxes may increase or decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.

"(Names of all board members and, if a vote was taken, an indication of how each voted on the proposed tax rate and an indication of any absences.)";

(2) contain the following information:

(A) the district's total adopted tax rate for the preceding year, the unit's effective tax rate for the current year, and the proposed tax rate, expressed as an amount per \$100;

(B) the difference, expressed as an amount per \$100 and as a percent increase or decrease, as applicable, in the proposed tax rate compared to the effective [~~adopted~~] tax rate [~~for the preceding year~~];

(C) the average appraised value of a residence homestead in the district in the preceding year and in the current year; the district's total homestead exemption, other than an exemption available only to disabled persons or persons 65 years of age or older, applicable to that appraised value in each of those years; and the average taxable value of a residence homestead in the district in each of those years, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older;

(D) the amount of tax that would have been imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older;

(E) the amount of tax that would be imposed by the district in the current year on a residence homestead appraised at the average appraised value of a residence homestead in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older, if the proposed tax rate is adopted; and

(F) the difference between the amounts of tax calculated under Paragraphs (D) and (E), expressed in dollars and cents and described as the annual percentage increase or decrease, as applicable, in the tax to be imposed by the district on the average residence homestead in the district in the current year if the proposed tax rate is adopted; and

(3) contain a statement in substantially the following form:

"NOTICE OF TAXPAYERS' RIGHT TO ROLLBACK ELECTION

"If taxes on the average residence homestead increase by more than four [~~eight~~] percent, the qualified voters of the district by petition may require that an election be held to determine whether to reduce the operation and maintenance tax rate to the rollback tax rate under Section 49.236(d), Water Code."

(b) Notice of the hearing shall be:



(1) published at least once in a newspaper having general circulation in the district at least seven days before the date of the hearing; or

(2) mailed to each owner of taxable property in the district, at the address for notice shown on the most recently certified tax roll of the district, at least 10 days before the date of the hearing.

(c) The notice provided under this section may not be smaller than one-quarter page of a standard-size or tabloid-size newspaper of general circulation, and the headline on the notice must be in 18-point or larger type.

(d) If the governing body of a district adopts a combined debt service, operation and maintenance, and contract tax rate that would impose more than 1.04 [~~1.08~~] times the amount of tax imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in the district in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older, the qualified voters of the district by petition may require that an election be held to determine whether [~~or not~~] to reduce the tax rate adopted for the current year to the rollback tax rate in accordance with the procedures provided by Sections 26.07(b)-(g) and 26.081, Tax Code. For purposes of Sections 26.07(b)-(g) and this subsection, the rollback tax rate is the current year's debt service and contract tax rates plus the operation and maintenance tax rate that would impose 1.04 [~~1.08~~] times the amount of the operation and maintenance tax imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in the district in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older.

SECTION 7. (a) The change in law made by this Act applies to the ad valorem tax rate of a taxing unit beginning with the 2005 tax year, except as provided by Subsection (b) of this section.

(b) If the governing body of a taxing unit adopted an ad valorem tax rate for the taxing unit for the 2005 tax year before the effective date of this Act, the change in law made by this Act applies to the ad valorem tax rate of that taxing unit beginning with the 2006 tax year, and the law in effect when the tax rate was adopted applies to the 2005 tax year with respect to that taxing unit.

SECTION 8. This Act takes effect immediately if it 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 immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

Amendment No. 1 was withdrawn.

### 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. 3).

### LEAVE OF ABSENCE GRANTED

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

Crownover on motion of Taylor.

### CSHB 1006 - (consideration continued)

#### Amendment No. 2

Representatives R. Cook, Hopson, Homer, and Anderson offered the following amendment to **CSHB 1006**:

Amend **CSHB 1006** as follows:

- (1) On page 1, strike line 15 and substitute "; and".
- (2) On page 1, line 19, strike "ANY RATE EQUAL TO OR GREATER THAN".
- (3) On page 1, line 20, strike "1.03" and substitute "1.05".
- (4) Strike page 1, line 21 through page 2, line 5.
- (5) On page 2, strike lines 9 and 10 and substitute "tax is required to be collected, the effective tax rate and rollback tax rate for the unit are".
- (6) On page 2, line 15, strike "ANY RATE EQUAL TO OR GREATER THAN".
- (7) On page 2, line 16, strike "1.03" and substitute "1.05".
- (8) On page 2, strike lines 17 and 18 and substitute "- SALES TAX GAIN RATE".
- (9) Strike page 2, line 24, through page 3, line 4.
- (10) On page 3, strike lines 7 through 9 and substitute: "sales and use tax, the rollback tax rate for the unit is calculated according to the following formula, regardless of whether the unit levied a".
- (11) On page 3, line 11, strike "ANY RATE EQUAL TO OR GREATER THAN".
- (12) On page 3, line 12, strike "1.03" and substitute "1.05".
- (13) On page 3, strike lines 14 through 16 and substitute "SALES TAX REVENUE RATE)".
- (14) Strike page 3, line 25, through page 4, line 8.
- (15) On page 4, line 16, strike "ANY RATE EQUAL TO OR GREATER THAN".
- (16) On page 4, line 17, strike "1.03" and substitute "1.05".
- (17) On page 4, strike lines 19 through 21 and substitute "RATE".
- (18) On page 5, strike lines 1 through 12 and substitute "sales and use tax revenues in the preceding year."
- (19) Strike page 11, line 16, through page 15, line 10, and substitute the following:
 

SECTION 7. Section 26.07(b), Tax Code, is amended to read as follows:

  - (b) A petition is valid only if:
    - (1) it states that it is intended to require an election in the taxing unit on the question of reducing the tax rate for the current year;

(2) it is signed by a number of registered voters of the taxing unit equal to at least 10 percent of the number of registered voters of the taxing unit who voted in the most recent gubernatorial election according to the most recent official list of registered voters; and

(3) it is submitted to the governing body on or before the 90th day after the date on which the governing body adopted the tax rate for the current year.

(20) On page 17, line 16, strike "three" and substitute "five".

(21) On page 18, line 7, strike "1.03" and substitute "1.05".

(22) On page 18, line 19, strike "1.03" and substitute "1.05".

(23) Renumber the sections of the bill accordingly.

Amendment No. 2 was adopted.

### Amendment No. 3

Representative Villarreal offered the following amendment to **CSHB 1006**:

Amend the floor substitute for **CSHB 1006** as follows:

1. Strike Section 3 of the floor substitute, and replace it with the following:  
SECTION 3. Section 26.05, Tax Code, is amended to read as follows:

Section 26.05. TAX RATE. (a) The governing body of each taxing unit, before the later of September 30 or the 60th day after the date the certified appraisal roll is received by the taxing unit, shall adopt a tax rate for the current tax year and shall notify the assessor for the unit of the rate adopted. The tax rate consists of two components, each of which must be approved separately. The components are:

(1) the rate that, if applied to the total taxable value, will impose the total amount published under Section 26.04(e) (3) (C), less any amount of additional sales and use tax revenue that will be used to pay debt service; and

(2) the rate that, if applied to the total taxable value, will impose the amount of taxes imposed to fund maintenance and operation expenditures for the unit in the prior year ~~needed to fund maintenance and operation expenditures of the unit for the next year~~. A unit may not impose taxes that exceed the taxes levied to fund maintenance and operation expenditures for the prior year unless the unit does each of the following:

(i) Includes in its order, ordinance, or resolution, in type larger than all other elements of the instrument, the following statement: "THIS TAX RATE RAISES MORE TAXES THAN LAST YEAR'S TAX RATE. THE PROPOSED RATE WOULD RAISE TAXES ON A \$100,000 HOME BY [Insert amount]."

(ii) IncludeS on the home page of any Internet Web site operated by the unit the following statement: "[Insert name of unit] ADOPTED A TAX RATE THAT RAISES MORE TAXES THAN LAST YEAR'S TAX RATE. THE PROPOSED RATE RAISES TAXES ON A \$100,000 HOME BY APPROXIMATELY [Insert amount]."

(b) A taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance,

resolution, or order setting the tax rate must be separate from the vote adopting the budget. The vote that adopts a rate that exceeds the effective rate must be a record vote.

(c) If the governing body of a taxing unit does not adopt a tax rate before the date required by Subsection (a), the tax rate for the taxing unit for that tax year is the lower of the effective tax rate calculated for that tax year or the tax rate adopted by the taxing unit for the preceding tax year. A tax rate established by this subsection is treated as an adopted tax rate. Before the fifth day after the establishment of a tax rate by this subsection, the governing body of the taxing unit must ratify the applicable tax rate in the manner required by Subsection (b).

(d) The governing body of a taxing district other than a school district may not adopt a tax rate that exceeds the lower of the rollback tax rate or ~~[103 percent of]~~ the effective tax rate calculated as provided by this chapter until the governing body has held two ~~[a]~~ public hearings on the proposed tax rate and has otherwise complied with Section 26.06 and 26.065. The governing body of a taxing unit shall reduce a tax rate set by law or by vote of the electorate to the lower of the rollback rate or ~~[103 percent of]~~ the effective tax rate and may not adopt a higher rate unless it first complies with Section 26.06.

(e) A person who owns taxable property is entitled to an injunction restraining the collection of taxes by a taxing unit in which the property is taxable if the taxing unit has not complied with the requirements of this section and the failure to comply was not in good faith. An action to enjoin the collection of taxes must be filed prior to the date a taxing unit delivers substantially all of its tax bills.

(f) Except as required by the law under which an obligation was created, the governing body may not apply any tax revenues generated by the rate described in Subsection (a) (1) of this section for any purpose other than the retirement of debt.

2. Strike Section 4 of the floor substitute, and replace it with the following:

SECTION 4. Section 26.06, Tax Code, is amended as follows:

Section 26.06. NOTICE, HEARING, AND VOTE ON TAX INCREASE.

(a) ~~[A-p]~~ Public hearings required by Section 26.05 may not be held before the seventh day after the date the notice of the public hearings on the proposed tax increase is given. The second hearing must take place no sooner than three days after the first hearing. The hearings must be held inside the boundaries of the unit in a publicly owned building or, if a suitable publicly owned building is not available, in a suitable building to which the public normally has access. At the hearings, the governing body must afford adequate opportunity for proponents and opponents of the tax increase to present their views.

(b) The notice of the ~~[a]~~ public hearings may not be smaller than one-quarter page of a standard-size or a tabloid-size newspaper, and the headline on the notice must be in 18-point or larger type. The notice must:

(1) contain a statement in the following form:

"NOTICE OF PUBLIC HEARING ON TAX INCREASE

"Last year, the [name of taxing unit] property tax rate was \$ [insert rate]. That rate raised \$ [insert amount] which was used to fund operations such as [insert sample descriptions of unit's operations]."

"This year, [name of taxing unit] is proposing a property tax rate of \$ [insert rate]. This rate would raise \$ [insert amount] (which is \$ [insert amount] more than last year).

"There will be two public hearings to consider this increase. The first public hearing will be held on (date and time) at (meeting place). The second hearing will be held on (date and time) at (meeting place).

"You have a right to attend this meeting and make comments. You are encouraged to attend and you have a right to testify."

~~The (name of the taxing unit) will hold a public hearing on a proposal to increase total tax revenues from properties on the tax role in the preceding year by (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax rate calculated under this chapter) percent. Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.~~

~~"The public hearing will be held on (date and time) at (meeting place).~~

~~"(Names of all members of the governing body, showing how each voted on the proposal to consider the tax increase or, if one or more were absent, indicating the absences.); and~~

~~(2) contain the following information:~~

~~(A) the unit's adopted tax rate for the preceding year and the proposed tax rate; expressed as an amount per \$100;~~

~~(B) the difference, expressed as an amount per \$100 and as a percent increase or decrease, as applicable, and the proposed tax rate compared to the adopted tax rate for the preceding year;~~

~~(C) the average appraised value of a residence homestead in the taxing unit in the preceding year and in the current year; the unit's homestead exemption, other than an exemption available only to disabled persons or persons 65 years of age or older, applicable to that appraised value and each of those years; and average taxable value of a residence homestead in the unit in each of those years; disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older;~~

~~(D) the amount of tax that would have been imposed by the unit in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older;~~

~~(E) the amount of tax that would be imposed by the unit in the current year on a residence homestead appraised at the average appraised value of a residence homestead in the current year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older, if the proposed tax rate is adopted; and~~

~~(F) the difference between the amounts of tax calculated under Paragraphs (D) and (E), expressed in dollars and cents and described as the annual increase or decrease, as applicable, in the tax to be imposed by the unit on the average residence homestead in the unit in the current year if the proposed tax rate is adopted.~~

(c) The notice may be delivered by mail to each property owner in the unit, or it may be published in a newspaper. If the notice is published in a newspaper, it may not be in the part of the paper in which legal notices and classified advertisements appear. If the unit operates an Internet Web site, the notice shall appear on that site from the beginning of the first publication until the second hearing is concluded.

(d) At the public hearing the governing body shall announce the date, time, and place of the meeting at which it will vote on the proposed tax rate. After the hearing the governing body shall give notice of the meeting at which it will vote on the proposed tax rate and the notice shall be in the same form as prescribed by Subsections (b) and (c), except that it must state the following:

"NOTICE OF VOTE ON TAX RATE"

"The (name of taxing unit) conducted public hearings on a proposal to increase the total tax revenues of the (name of the taxing unit) from properties on the tax roll in the preceding year by (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax rate calculated under this chapter) percent on (date and times public hearings were ~~was~~ conducted).

"The (governing body of the taxing unit) is scheduled to vote on the tax rate that will result in that tax increase at a public meeting to be held on (date and time) at (meeting place)."

(e) The meeting to vote on the tax increase may not be earlier than the third day or later than the 14th date of the last public hearing. The meeting must be held inside the boundaries of the taxing unit in a publicly owned building or, if a suitable publicly owned building is not available, in a suitable building to which the public normally has access. If the governing body does not adopt a tax rate that exceeds the lower of the rollback tax rate or ~~[103 percent of]~~ the effective tax rate by the 14th day, it must give a new notice under Subsection (d) before it may adopt a rate that exceeds the lower of the rollback tax rate or 103 percent of the effective tax rate. The vote that adopts a rate that exceeds the effective rate must be a record vote.

(f) The comptroller by rule shall prescribe the language and format to be used in the part of the notice required by Subsection (b) (2). A notice under Subsection (b) is not valid if it does not substantially conform to the language and format prescribed by the comptroller under this subsection.

(g) This section does not apply to a school district. A school district shall provide notice of a public hearing on a tax increase as required by Section 44.004, Education Code.

3. Add the following new section to the floor substitute, and renumber the other sections appropriately:

SECTION \_\_\_\_. Section 31.01, Tax Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

- (c) The tax bill or a separate statement accompanying the tax bill shall:
- (1) identify the property subject to the tax;
  - (2) state the appraised value, assessed value, and taxable value of the property;
  - (3) if the property is land appraised as provided by Subchapter C, D, E, or H, Chapter 23, state the market value and the taxable value for purpose of deferred or additional taxation as provided by Section 23.46, 23.55, 23.76, or 23.9807, as applicable;
  - (4) state the assessment ratio for the unit;
  - (5) state the type and amount of any partial exemption applicable to the property, indicating whether it applies to appraised or assessed value;
  - (6) state the local tax rate for the unit;
  - (7) state the amount of tax due, the due date, and delinquency date;
  - (8) explain the payment option and discounts provided by Sections 31.03 and 31.05, if available to the unit's tax payers, and state the date on which each of the discount periods provided by Section 31.05 concludes, if the discounts are available;
  - (9) state the rates of penalty and interest imposed for delinquent payment of the tax;
  - (10) include the name and telephone number of the assessor for the unit and, if different, of the collector for the unit; ~~and~~
  - (11) for real property, state for the current tax year and each of the preceding five tax years:
    - (A) the appraised value and taxable value of property;
    - (B) the total tax rate for the unit;
    - (C) the amount of taxes imposed on the property by the unit; and
    - (D) the difference, expressed as a percent increase or decrease, as applicable, in the amount of taxes imposed on the property by the unit compared to the amount imposed for the preceding tax year;
  - (12) for real property, state the differences, expressed as a percent increase or decrease, as applicable, in the following for the current year as compared to the fifth tax year before that tax year:
    - (A) the appraised value and taxable value of property;
    - (B) the total tax rate for the unit; and
    - (C) the amount of taxes imposed on the property by the unit; and
  - (13) include any other information required by the comptroller.
- (c-1) If for any of the preceding six tax years any information required by Subsection (c) (11) or (12) to be included in a tax bill or separate statement is unavailable, the tax bill or statement must state that the information is not available for that year.

Amendment No. 3 was withdrawn.

#### **Amendment No. 4**

Representative Villarreal offered the following amendment to **CSHB 1006**:

Amend **CSHB 1006** as follows:

1. Strike Sections 1, 2, 6, 7, 8, and 9 of the bill and page 18, lines 5 through 25, and renumber existing Sections accordingly.

2. Strike SECTION 3 of the bill and replace it with the following:

SECTION 3. Section 26.05, Tax Code, is amended to read as follows:

Section 26.05. TAX RATE. (a) The governing body of each taxing unit, before the later of September 30 or the 60th day after the date the certified appraisal roll is received by the taxing unit, shall adopt a tax rate for the current tax year and shall notify the assessor for the unit of the rate adopted. The tax rate consists of two components, each of which must be approved separately. The components are:

(1) the rate that, if applied to the total taxable value, will impose the total amount published under Section 26.04(e) (3) (C), less any amount of additional sales and use tax revenue that will be used to pay debt service; and

(2) the rate that, if applied to the total taxable value, will impose the amount of taxes imposed to fund maintenance and operation expenditures for the unit in the prior year ~~needed to fund maintenance and operation expenditures of the unit for the next year.~~ A unit may not impose taxes that exceed the taxes levied to fund maintenance and operation expenditures for the prior year unless the unit does each of the following:

(i) Includes in its order, ordinance, or resolution, in type larger than all other elements of the instrument, the following statement: "THIS TAX RATE RAISES MORE TAXES THAN LAST YEAR'S TAX RATE. THE PROPOSED RATE RAISES TAXES ON A \$100,000 HOME BY APPROXIMATELY [Insert amount]."

(ii) IncludeS on the home page of any Internet Web site operated by the unit the following statement: "[Insert name of unit] ADOPTED A TAX RATE THAT RAISES MORE TAXES THAN LAST YEAR'S TAX RATE. THE PROPOSED RATE RAISES TAXES ON A \$100,000 HOME BY APPROXIMATELY [Insert amount]."

(b) A taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. The vote that adopts a rate that exceeds the effective rate must be a record vote.

(c) If the governing body of a taxing unit does not adopt a tax rate before the date required by Subsection (a), the tax rate for the taxing unit for that tax year is the lower of the effective tax rate calculated for that tax year or the tax rate adopted by the taxing unit for the preceding tax year. A tax rate established by this subsection is treated as an adopted tax rate. Before the fifth day after the establishment of a tax rate by this subsection, the governing body of the taxing unit must ratify the applicable tax rate in the manner required by Subsection (b).

(d) The governing body of a taxing district other than a school district may not adopt a tax rate that exceeds the lower of the rollback tax rate or ~~[103 percent of]~~ the effective tax rate calculated as provided by this chapter until the governing



body has held two [a] public hearings on the proposed tax rate and has otherwise complied with Section 26.06 and 26.065. The governing body of taxing unit shall reduce a tax rate set by law or by vote of the electorate to the lower of the rollback rate or ~~[103 percent of]~~ the effective tax rate and may not adopt a higher rate unless it first complies with Section 26.06.

(e) A person who owns taxable property is entitled to an injunction restraining the collection of taxes by a taxing unit in which the property is taxable if the taxing unit has not complied with the requirements of this section and the failure to comply was not in good faith. An action to enjoin the collection of taxes must be filed prior to the date a taxing unit delivers substantially all of its tax bills.

(f) Except as required by the law under which an obligation was created, the governing body may not apply any tax revenues generated by the rate described in Subsection (a) (1) of this section for any purpose other than the retirement of debt.

2. Strike Section 4 of the bill and replace it with the following:

SECTION 4. Section 26.06, Tax Code, is amended as follows:

Section 26.06. NOTICE, HEARING, AND VOTE ON TAX INCREASE.

(a) ~~[A-p]~~ Public hearings required by Section 26.05 may not be held before the seventh day after the date the notice of the public hearings on the proposed tax increase is given. The second hearing must take place no sooner than three days after the first hearing. The hearings must be held inside the boundaries of the unit in a publicly owned building or, if a suitable publicly owned building is not available, in a suitable building to which the public normally has access. At the hearings, the governing body must afford adequate opportunity for proponents and opponents of the tax increase to present their views.

(b) The notice of the [a] public hearings may not be smaller than one-quarter page of a standard-size or a tabloid-size newspaper, and the headline on the notice must be in 18-point or larger type. The notice must:

(1) contain a statement in the following form:

"NOTICE OF PUBLIC HEARING ON TAX INCREASE

"Last year, the [name of taxing unit] property tax rate was \$ [insert rate]. That rate raised \$ [insert amount] which was used to fund operations such as [insert sample descriptions of unit's operations]."

"This year, [name of taxing unit] is proposing a property tax rate of \$ [insert rate]. This rate would raise \$ [insert amount] (which is \$ [insert amount] more than last year)."

"There will be two public hearings to consider this increase. The first public hearing will be held on (date and time) at (meeting place). The second hearing will be held on (date and time) at (meeting place)."

"You have a right to attend this meeting and make comments. You are encouraged to attend and you have a right to testify."

~~The (name of the taxing unit) will hold a public hearing on a proposal to increase total tax revenues from properties on the tax role in the preceding year by (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax rate calculated under this chapter) percent. Your individual taxes~~

~~may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.~~

~~"The public hearing will be held on (date and time) at (meeting place).~~

~~"(Names of all members of the governing body, showing how each voted on the proposal to consider the tax increase or, if one or more were absent, indicating the absences.)"; and~~

~~(2) contain the following information:~~

~~(A) the unit's adopted tax rate for the preceding year and the proposed tax rate; expressed as an amount per \$100;~~

~~(B) the difference, expressed as an amount per \$100 and as a percent increase or decrease, as applicable, and the proposed tax rate compared to the adopted tax rate for the preceding year;~~

~~(C) the average appraised value of a residence homestead in the taxing unit in the preceding year and in the current year; the unit's homestead exemption, other than an exemption available only to disabled persons or persons 65 years of age or older, applicable to that appraised value and each of those years; and average taxable value of a residence homestead in the unit in each of those years; disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older;~~

~~(D) the amount of tax that would have been imposed by the unit in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older;~~

~~(E) the amount of tax that would be imposed by the unit in the current year on a residence homestead appraised at the average appraised value of a residence homestead in the current year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older, if the proposed tax rate is adopted; and~~

~~(F) the difference between the amounts of tax calculated under Paragraphs (D) and (E), expressed in dollars and cents and described as the annual increase or decrease, as applicable, in the tax to be imposed by the unit on the average residence homestead in the unit in the current year if the proposed tax rate is adopted.~~

(c) The notice may be delivered by mail to each property owner in the unit, or it may be published in a newspaper. If the notice is published in a newspaper, it may not be in the part of the paper in which legal notices and classified advertisements appear. If the unit operates an Internet Web site, the notice shall appear on that site from the beginning of the first publication until the second hearing is concluded.

(d) At the public hearing the governing body shall announce the date, time, and place of the meeting at which it will vote on the proposed tax rate. After the hearing the governing body shall give notice of the meeting at which it will vote on the proposed tax rate and the notice shall be in the same form as prescribed by Subsections (b) and (c), except that it must state the following:

"NOTICE OF VOTE ON TAX RATE"

"The (name of taxing unit) conducted public hearings on a proposal to increase the total tax revenues of the (name of the taxing unit) from properties on the tax roll in the preceding year by (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax rate calculated under this chapter) percent on (date and time) public hearings were [~~was~~] conducted).

"The (governing body of the taxing unit) is scheduled to vote on the tax rate that will result in that tax increase at a public meeting to be held on (date and time) at (meeting place)."

(e) The meeting to vote on the tax increase may not be earlier than the third day or later than the 14th date of the last public hearing. The meeting must be held inside the boundaries of the taxing unit in a publicly owned building or, if a suitable publicly owned building is not available, in a suitable building to which the public normally has access. If the governing body does not adopt a tax rate that exceeds the lower of the rollback tax rate or [~~103 percent of~~] the effective tax rate by the 14th day, it must give a new notice under Subsection (d) before it may adopt a rate that exceeds the lower of the rollback tax rate or 103 percent of the effective tax rate. The vote that adopts a rate that exceeds the effective rate must be a record vote.

(f) The comptroller by rule shall prescribe the language and format to be used in the part of the notice required by Subsection (b)(2). A notice under Subsection (b) is not valid if it does not substantially conform to the language and format prescribed by the comptroller under this subsection.

(g) This section does not apply to a school district. A school district shall provide notice of a public hearing on a tax increase as required by Section 44.004, Education Code.

3. Add the following new section to the bill, and renumber the other sections appropriately:

SECTION \_\_\_\_ . Section 31.01, Tax Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) The tax bill or a separate statement accompanying the tax bill shall:

- (1) identify the property subject to the tax;
- (2) state the appraised value, assessed value, and taxable value of the property;
- (3) if the property is land appraised as provided by Subchapter C, D, E, or H, Chapter 23, state the market value and the taxable value for purpose of deferred or additional taxation as provided by Section 23.46, 23.55, 23.76, or 23.9807, as applicable;
- (4) state the assessment ratio for the unit;
- (5) state the type and amount of any partial exemption applicable to the property, indicating whether it applies to appraised or assessed value;
- (6) state the local tax rate for the unit;
- (7) state the amount of tax due, the due date, and delinquency date;

(8) explain the payment option and discounts provided by Sections 31.03 and 31.05, if available to the unit's tax payers, and state the date on which each of the discount periods provided by Section 31.05 concludes, if the discounts are available;

(9) state the rates of penalty and interest imposed for delinquent payment of the tax;

(10) include the name and telephone number of the assessor for the unit and, if different, of the collector for the unit; ~~and~~

(11) for real property, state for the current tax year and each of the preceding five tax years:

(A) the appraised value and taxable value of property;

(B) the total tax rate for the unit;

(C) the amount of taxes imposed on the property by the unit; and

(D) the difference, expressed as a percent increase or decrease, as applicable, in the amount of taxes imposed on the property by the unit compared to the amount imposed for the preceding tax year;

(12) for real property, state the differences, expressed as a percent increase or decrease, as applicable, in the following for the current year as compared to the fifth tax year before that tax year:

(A) the appraised value and taxable value of property;

(B) the total tax rate for the unit; and

(C) the amount of taxes imposed on the property by the unit; and

(13) include any other information required by the comptroller.

(c-1) If for any of the preceding six tax years any information required by Subsection (c) (11) or (12) to be included in a tax bill or separate statement is unavailable, the tax bill or statement must state that the information is not available for that year.

#### **Amendment No. 4 - Point of Order**

Representative Talton raised a point of order against further consideration of Amendment No. 4 under Rule 11, Section 2 of the House Rules on the grounds that it is not germane to the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 4.

#### **Amendment No. 5**

Representatives Otto, Hope, and Isett offered the following amendment to **CSHB 1006**:

Amend **CSHB 1006** on page 6, line 2, between "taxes" and "in an amount", by inserting "for maintenance and operations".

Amendment No. 5 was adopted.

#### **Amendment No. 6**

Representative R. Cook offered the following amendment to **CSHB 1006**:

Amend **CSHB 1006** as follows:

(1) Strike page 6, line 27, through page 7, line 4, and substitute the following:

under this chapter) percent. [~~Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.~~]

(2) On page 7, between lines 12 and 13, insert the following:

(A-1) the unit's effective tax rate calculated under this chapter;

(3) On page 7, strike lines 19 through 25 and substitute the following:  
current year; [~~the unit's homestead exemption, other than an exemption available only to disabled persons or persons 65 years of age or older, applicable to that appraised value in each of those years;~~]

(4) On page 8, strike lines 2 and 3 and substitute the following:  
in that year [~~disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older;~~]

(5) On page 8, strike lines 7 through 9 and substitute the following:  
year [~~disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older,~~]

if the proposed tax rate is adopted;  
(E-1) the amount of tax that would be imposed by the unit in the current year on a residence homestead appraised if the effective tax rate is adopted as the tax rate for the unit; [and]

(6) On page 8, strike lines 10 through 15 and substitute the following:

(F) the difference between the amounts of tax calculated under Paragraphs (D) and (E), expressed in dollars and cents and described as the [~~annual~~] increase of decrease, as applicable, in the tax that would [~~to~~] be imposed by the unit on the average residence homestead [~~in the unit in the current year~~] if the proposed tax rate is adopted; and

(F-1) the difference between the amounts of tax calculated under Paragraphs (D) and (E-1), expressed in dollars and cents, and described as the increase or decrease, as applicable, in the tax that would be imposed by the unit on the average residence homestead in the current year if the effective tax rate is adopted as the tax rate for the unit.

(7) On page 9, between lines 3 and 4, insert the following:

"(Names of all members of the governing body, showing how each on voted on the proposal to consider the tax increase or, if one or more were absent, indicating the absences.)"

(8) On page 10, strike lines 9 through 13 and substitute the following:  
under this chapter) percent.

Amendment No. 6 was adopted.

### **Amendment No. 7**

Representatives Casteel, Hilderbran, Homer, Campbell, Hopson, Truitt, Chisum, Harper-Brown, B. Cook, Rose, Strama, Eiland, and Hardcastle offered the following amendment to **CSHB 1006**:

Amend **CSHB 1006** by adding the following section to the bill and renumbering existing sections accordingly:

SECTION \_\_. Chapter 26, Tax Code, is amended by adding Section 26.046 to read as follows:

Sec. 26.046. ROLLBACK RELIEF FOR UNFUNDED STATE MANDATE. (a) In this section, "state mandate" means a statutory provision enacted by the legislature, or a rule or order implementing a state statute that is prescribed or issued by a state officer or state agency in the executive branch of state government and that requires a taxing unit to establish, expand, or change an activity in a way that requires an expenditure of revenue that would not have been required in the absence of the statutory provision, rule, or order.

(b) For purposes of this section, a state mandate is considered to be unfunded during any period for which the state has not provided, by legislative appropriation or otherwise, for the affected taxing unit to receive state or federal funds in an amount estimated to be sufficient to meet the cost of complying with or implementing the mandate. If the legislature provides for funds by authorizing or requiring an affected taxing unit to collect a regulatory or user fee that the state will impose or that a taxing unit is authorized to impose on persons who engage in an activity that is the subject of or is directly connected to the subject of the state mandate, the anticipated revenue from the fee is considered for purposes of this section to be funds provided by the state to pay for the costs of the state mandate.

(c) This section does not apply to:

(1) a state mandate the existence of which is necessary for compliance with a requirement of the Texas Constitution, a court order, or federal law, including a state mandate that is necessary for continued participation in a federal program;

(2) a state statute that creates a criminal offense or changes the elements of a criminal offense; or

(3) a decision or order by a state officer or state agency that requires a taxing unit to comply with, or that sanctions the taxing unit for failure to comply with, a law, rule, or order that is not an unfunded state mandate to which this section applies.

(d) Subject to Subsections (g) and (h), when a taxing unit adopts a tax rate, the effective tax rate, the rollback tax rate, and the super rollback tax rate for the taxing unit are increased by the rate that, if applied to current total value, would impose an amount of taxes equal to the amount the taxing unit is required to spend to comply with or implement the mandate in that year. If the taxing unit is a county or municipality, the rollback tax rate and the super rollback tax rate of the county or municipality shall also be adjusted by the percentage increase or decrease, as applicable, in the municipal cost index for the preceding tax year compared with the municipal cost index for the current tax year.

(e) In each subsequent year that the taxing unit adopts a tax rate, if the amount the taxing unit is required to spend to comply with or implement the unfunded state mandate is greater than the amount required to be spent for the mandate in the preceding year, the effective tax rate, the rollback tax rate, and the super rollback tax rate for the taxing unit are increased by the rate that, if applied

to current total value, would impose an amount of taxes equal to the increase in the amount required to be spent to comply with or implement the mandate in that year.

(f) A taxing unit shall include a notice of an increase in the effective tax rate, the rollback tax rate, and the super rollback tax rate made as provided by this section, including a description of and the estimated amount of the unfunded state mandate in the information published under Sections 26.04 and 26.06 of this code, Section 44.004, Education Code, or Section 49.236, Water Code.

(g) On or before the September 1 following a regular session of the legislature and on or before the 90th day after the last day of a special session of the legislature, the comptroller shall publish a list of legislative mandates for which the legislature has not provided reimbursement as provided by Subsection (b) and that were enacted by the legislature during that legislative session. By that same date the comptroller shall:

(1) remove from the list of legislative mandates or a previous legislative session a legislative mandate:

(A) for which the legislature has provided reimbursement as provided by Subsection (b); or

(B) that is no longer in effect; and

(2) add to the list a legislative mandate from a previous legislative session for which reimbursement was provided as provided by Subsection (b) in the previous session but for which reimbursement was not provided in the most recent regular session or in any subsequent special session.

(h) The comptroller shall deliver the list prepared under Subsection (g) to the secretary of state for publication in the Texas Register.

(i) A taxing unit that believes it is subject to an unfunded state mandate that is not listed by the comptroller under Subsection (g) must apply in writing to the comptroller for a determination as to whether the taxing unit is subject to an unfunded state mandate. The comptroller shall make the determination as soon as practicable and send a copy of the determination to the chief executive officer of the taxing unit. If the comptroller determines that an unfunded mandate exists, the comptroller shall add the the unfunded mandate to the list published under Subsection (g) as soon as practicable and deliver a notice of the addition to the secretary of state for publication in the Texas Register.

Amendment No. 7 was withdrawn.

### **Amendment No. 8**

Representative Villarreal offered the following amendment to **CSHB 1006**:

Amend **CSHB 1006** as follows:

1. Strike Sections 1, 2, 6, 7, 8, and 9 of the bill and page 18, lines 5 through 25, and renumber existing Sections accordingly.

Representative Isett moved to table Amendment No. 8.

A record vote was requested.

The motion to table was lost by (Record 365): 68 Yeas, 76 Nays, 1 Present, not voting.

Yeas — Anderson; Baxter; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Eissler; Elkins; Flynn; Gattis; Goolsby; Grusendorf; Hamilton; Hamric; Harper-Brown; Hegar; Hilderbran; Homer; Hope; Hopson; Howard; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; King, P.; Kolkhorst; Kuempel; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Rose; Seaman; Smith, W.; Smithee; Strama; Straus; Talton; Taylor; Van Arsdale; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Allen, R.; Alonzo; Anchia; Bailey; Blake; Branch; Burnam; Campbell; Casteel; Chavez; Chisum; Coleman; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Griggs; Guillen; Haggerty; Hardcastle; Hartnett; Herrero; Hill; Hochberg; Hodge; Hughes; Hunter; Jones, J.; Keffer, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Smith, T.; Solis; Solomons; Swinford; Thompson; Truitt; Turner; Uresti; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro; Crownover; Geren; Olivo.

Absent — Krusee.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 365. I intended to vote yes.

Guillen

When Record No. 365 was taken, I was in the house but away from my desk. I would have voted yes.

Krusee

#### Amendment No. 8 - Point of Order

Representative Nixon raised a point of order against further consideration of Amendment No. 8 under Rule 11, Section 3 of the House Rules on the grounds that it changes the original purpose of the bill.

The speaker overruled the point of order.

(Geren now present)

#### 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. 4).

#### CSHB 1006 - (consideration continued)

A record vote was requested.

Amendment No. 8 failed of adoption by (Record 366): 62 Yeas, 83 Nays, 0 Present, not voting.



Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Bailey; Blake; Burnam; Casteel; Chavez; Coleman; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Griggs; Haggerty; Hardcastle; Herrero; Hill; Hochberg; Hodge; Hunter; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; McReynolds; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Smith, T.; Solis; Thompson; Truitt; Turner; Uresti; Veasey; Villarreal.

Nays — Mr. Speaker(C); Anderson; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Eissler; Elkins; Flynn; Gattis; Goodman; Goolsby; Grusendorf; Guillen; Hamilton; Hamric; Harper-Brown; Hartnett; Hegar; Hilderbran; Homer; Hope; Hopson; Howard; Hughes; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Martinez Fischer; McCall; Menendez; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Rose; Seaman; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Van Arsdale; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Castro; Crownover; Olivo.

Absent — Frost; McClendon.

### STATEMENTS OF VOTE

When Record No. 366 was taken, my vote failed to register. I would have voted yes.

Frost

I was shown voting yes on Record No. 366. I intended to vote no.

Raymond

### Amendment No. 9

Representatives F. Brown, Hamric, and Oliveira offered the following amendment to **CSHB 1006**:

Amend **CSHB 1006** by adding the following section to the bill, appropriately numbered, and renumbering existing sections accordingly:

SECTION \_\_. Chapter 26, Tax Code, is amended by adding Section 26.071 to read as follows:

Sec. 26.071. ELECTION TO REPEAL INCREASE OF JUNIOR COLLEGE DISTRICT. (a) This section applies only to a junior college district. Sections 26.07 and 26.08 do not apply to a junior college district.

(b) If the governing body of a junior college district adopts a tax rate that exceeds the rollback tax rate calculated as provided by this chapter, the qualified voters of the district by petition may require that an election be held to determine whether to reduce the tax rate adopted for the current year to the rollback tax rate calculated as provided by this chapter.

(c) A petition is valid only if:

(1) it states that it is intended to require an election in the junior college district on the question of reducing the tax rate for the current year;

(2) it is signed by a number of registered voters of the district equal to at least 10 percent of the number of registered voters of the district according to the most recent official list of registered voters; and

(3) it is submitted to the governing body on or before the 90th day after the date on which the governing body adopted the tax rate for the current year.

(d) Not later than the 20th day after the day a petition is submitted, the governing body shall determine whether the petition is valid and pass a resolution stating its finding. If the governing body fails to act within the time allowed, the petition is treated as if it had been found valid.

(e) If the governing body finds that the petition is valid (or fails to act within the time allowed), it shall order that an election be held in the junior college district on a date not less than 30 or more than 90 days after the last day on which it could have acted to approve or disapprove the petition. A state law requiring local elections to be held on a specified date does not apply to the election unless a specified date falls within the time permitted by this section. At the election, the ballots shall be prepared to permit voting for or against the proposition: "Reducing the tax rate in (name of junior college district) for the current year from (the rate adopted) to (the rollback tax rate calculated as provided by this chapter)."

(f) If a majority of the qualified voters voting on the question in the election favor the proposition, the tax rate for the junior college district for the current year is the rollback tax rate calculated as provided by this chapter; otherwise, the tax rate for the current year is the one adopted by the governing body.

(g) If the tax rate is reduced by an election called under this section after tax bills for the unit are mailed, the assessor for the junior college district shall prepare and mail corrected tax bills. The collector shall include with the bill a brief explanation of the reason for and effect of the corrected bill. The date on which the taxes become delinquent for the year is extended by a number of days equal to the number of days between the date the first tax bills were sent and the date the corrected tax bills were sent.

(h) If a property owner pays taxes calculated using the higher tax rate when the rate is reduced by an election called under this section, the junior college district shall refund the difference between the amount of taxes paid and the amount due under the reduced rate if the difference between the amount of taxes paid and the amount due under the reduced rate is \$1 or more. If the difference between the amount of taxes paid and the amount due under the reduced rate is less than \$1, the junior college district shall refund the difference on request of

the taxpayer. An application for a refund of less than \$1 must be made within 90 days after the date the refund becomes due or the taxpayer forfeits the right to the refund.

(i) Section 33.08(b) applies to a tax bill sent under Subsection (g).

(j) Sections 31.12(a) and (b) apply to a refund due under Subsection (h). Liability for the refund arises on the date the election is canvassed.

Amendment No. 9 was adopted.

#### **Amendment No. 10**

Representative Eiland offered the following amendment to **CSHB 1006**:

Amend **CSHB 1006**, by adding the following Section to the bill and renumbering existing Sections accordingly:

SECTION 1. This Act shall be known as the Municipal Utility District Expansion Act.

#### **CSHB 1006 - POINT OF ORDER**

Representative Dunnam raised a point of order against further consideration of **CSHB 1006** under Rule 4, Section 11(b) of the House Rules on the grounds that proper notice of the committee meeting was not given.

The speaker overruled the point of order.

#### **CSHB 1006 - POINT OF ORDER**

Representative Hill raised a point of order against further consideration of **CSHB 1006** under Rules 4, Section 32(c) of the House Rules and Article III, Section 37 of the Texas Constitution on the grounds that there is not a proper committee report.

The speaker overruled the point of order.

#### **Amendment No. 10 - Point of Order**

Representative Talton raised a point of order against further consideration of Amendment No. 10 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Representative Isett moved to table Amendment No. 10.

A record vote was requested.

The motion to table prevailed by (Record 367): 84 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Eissler; Elkins; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Hamilton; Hamric; Harper-Brown; Hartnett; Hegar; Hilderbran; Homer; Hope; Hopson; Howard; Hughes; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; McReynolds; Miller; Morrison; Nixon;

Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Reyna; Riddle; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, R.; Alonzo; Anchia; Bailey; Burnam; Casteel; Chavez; Coleman; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Haggerty; Hardcastle; Herrero; Hill; Hochberg; Hodge; Hunter; Jones, J.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro; Crownover; Olivo.

Absent — Allen, A.; King, T.; Mowery; Oliveira; Solis; Uresti.

### **Amendment No. 11**

Representatives Casteel, Hilderbran, Hardcastle, Homer, Campbell, Hopson, Truitt, Chisum, Harper-Brown, B. Cook, Rose, Strama, and Eiland offered the following amendment to **CSHB 1006**:

Amend **CSHB 1006** by adding the following section to the bill and renumbering existing sections accordingly:

SECTION: \_\_\_\_\_. Chapter 26, Tax Code, is amended by adding Section 26.046 to read as follows:

Sec. 26.046. ROLLBACK RELIEF FOR UNFUNDED STATE MANDATE. (a) In this section, "state mandate" means a statutory provision enacted by the legislature, or a rule or order implementing a state statute that is prescribed or issued by a state officer or state agency in the executive branch of state government and that requires a taxing unit to establish, expand, or change an activity in a way that requires an expenditure of revenue that would not have been required in the absence of the statutory provision, rule, or order.

(b) For purposes of this section, a state mandate is considered to be unfunded during any period for which the state has not provided, by legislative appropriation or otherwise, for the affected taxing unit to receive state or federal funds in an amount estimated to be sufficient to meet the cost of complying with or implementing the mandate. If the legislature provides for funds by authorizing or requiring an affected taxing unit to collect a regulatory or user fee that the state will impose or that a taxing unit is authorized to impose on persons who engage in an activity that is the subject of or is directly connected to the subject of the state mandate, the anticipated revenue from the fee is considered for purposes of this section to be funds provided by the state to pay for the costs of the state mandate.

(c) This section does not apply to:

(1) a state mandate the existence of which is necessary for compliance with a requirement of the Texas Constitution, a court order, or federal law, including a state mandate that is necessary for continued participation in a federal program;

(2) a state statute that creates a criminal offense or changes the elements of a criminal offense; or

(3) a decision or order by a state officer or state agency that requires a taxing unit to comply with, or that sanctions the taxing unit for failure to comply with, a law, rule, or order that is not an unfunded state mandate to which this section applies.

(d) Subject to Subsections (g) and (h), when a taxing unit adopts a tax rate, the effective tax rate, the rollback tax rate, and the super rollback tax rate for the taxing unit are increased by the rate that, if applied to current total value, would impose an amount of taxes equal to the amount the taxing unit is required to spend to comply with or implement the mandate in that year. If the taxing unit is a county or municipality, the rollback tax rate and the super rollback tax rate of the county or municipality shall also be adjusted by the percentage increase or decrease, as applicable, in the municipal cost index for the preceding tax year compared with the municipal cost index for the current tax year.

(e) In each subsequent year that the taxing unit adopts a tax rate, if the amount the taxing unit is required to spend to comply with or implement the unfunded state mandate is greater than the amount required to be spent for the mandate in the preceding year, the effective tax rate, the rollback tax rate, and the super rollback tax rate for the taxing unit are increased by the rate that, if applied to current total value, would impose an amount of taxes equal to the increase in the amount required to be spent to comply with or implement the mandate in that year.

(f) A taxing unit shall include a notice of an increase in the effective tax rate, the rollback tax rate, and the super rollback tax rate made as provided by this section, including a description of and the estimated amount of the unfunded state mandate in the information published under Sections 26.04 and 26.06 of this code, Section 44.004, Education Code, or Section 49.236, Water Code.

(g) On or before the September 1 following a regular session of the legislature and on or before the 90th day after the last day of a special session of the legislature, the comptroller shall publish a list of legislative mandates for which the legislature has not provided reimbursement as provided by Subsection (b) and that were enacted by the legislature during that legislative session. By that same date the comptroller shall:

(1) remove from the list of legislative mandates or a previous legislative session a legislative mandate:

(A) for which the legislature has provided reimbursement as provided by Subsection (b); or

(B) that is no longer in effect; and

(2) add to the list a legislative mandate from a previous legislative session for which reimbursement was provided as provided by Subsection (b) in the previous session but for which reimbursement was not provided in the most recent regular session or in any subsequent special session.

(h) The comptroller shall deliver the list prepared under Subsection (g) to the secretary of state for publication in the Texas Register.

(i) A taxing unit that believes it is subject to an unfunded state mandate that is not listed by the comptroller under Subsection (g) must apply in writing to the comptroller for a determination as to whether the taxing unit is subject to an unfunded state mandate. The comptroller shall make the determination as soon as practicable and send a copy of the determination to the chief executive officer of the taxing unit. If the comptroller determines that an unfunded mandate exists, the comptroller shall add the unfunded mandate to the list published under Subsection (g) as soon as practicable and deliver a notice of the addition to the secretary of state for publication in the Texas Register.

### 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. 5).

#### CSHB 1006 - (consideration continued)

Representative Jackson moved to table Amendment No. 11.

A record vote was requested.

The motion to table was lost by (Record 368): 56 Yeas, 88 Nays, 1 Present, not voting.

Yeas — Anderson; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Eissler; Elkins; Flynn; Gattis; Goolsby; Grusendorf; Hamilton; Hamric; Hartnett; Hegar; Howard; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; King, P.; Laubenberg; Madden; Miller; Nixon; Oliveira; Orr; Otto; Paxton; Pitts; Reyna; Riddle; Seaman; Smith, W.; Smithee; Straus; Swinford; Talton; Taylor; Van Arsdale; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Allen, R.; Alonzo; Anchia; Bailey; Blake; Bonnen; Burnam; Campbell; Casteel; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Griggs; Guillen; Haggerty; Hardcastle; Harper-Brown; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Jones, J.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Peña; Phillips; Pickett; Puente; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Solis; Solomons; Strama; Thompson; Truitt; Turner; Uresti; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro; Crownover; Olivo.

Absent — Keffer, J.; Quintanilla.

### STATEMENT OF VOTE

When Record No. 368 was taken, I was temporarily out of the house chamber. I would have voted no.

J. Keffer

#### Amendment No. 12

Representative Isett offered the following amendment to Amendment No. 11:

Amend the Carter-Casteel amendment to **CSHB 1006**, on page 2, by striking lines 8-11, and substituting "year."

Amendment No. 12 was withdrawn.

Amendment No. 11 was withdrawn.

#### Amendment No. 13

Representatives Madden and Isett offered the following amendment to **CSHB 1006**:

Amend **CSHB 1006** by striking page 13, lines 12 through 16, and substituting the following:

on the next uniform election [a] date prescribed by Section 41.001, Election Code, that is not less than 45 [30 or more than 90] days after the [last] day on which the governing body adopted the proposed tax rate and that affords enough time to hold the election in the manner provided by law [it could have acted to approve or disapprove the petition. A state law requiring local elections to be held on a specified date does not apply to the election unless a specified date falls within the time permitted by this section]. At the election, the ballots

Amendment No. 13 was adopted.

#### Amendment No. 14

Representative Villarreal offered the following amendment to **CSHB 1006**:

Amend **CSHB 1006** in SECTION 6 by adding the following new subsection (e) to Section 26.07, Tax Code, as amended by the bill:

(e) An election shall not be required for a taxing unit under this section if the state budget for the current biennium grows by more than three percent on a yearly basis.

Representative Isett moved to table Amendment No. 14.

A record vote was requested.

The motion to table prevailed by (Record 369): 81 Yeas, 58 Nays, 1 Present, not voting.

Yeas — Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Eiland; Eissler; Elkins; Farabee; Flynn; Gattis; Goodman; Goolsby; Grusendorf; Guillen; Hamilton; Hamric; Harper-Brown; Hartnett; Hegar; Hilderbran; Homer; Hopson; Howard; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Laney; Laubenberg; Madden; Miller; Morrison; Nixon; Oliveira; Orr; Otto; Paxton; Pickett; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Van Arsdale; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, R.; Alonzo; Bailey; Burnam; Casteel; Chavez; Coleman; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Escobar; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Griggs; Haggerty; Hardcastle; Herrero; Hill; Hochberg; Hodge; Hope; Hunter; Jones, J.; King, T.; Kuempel; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Mowery; Naishtat; Noriega, M.; Peña; Puente; Raymond; Rodriguez; Smith, T.; Thompson; Truitt; Turner; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro; Crownover; Olivo.

Absent — Allen, A.; Hughes; McCall; Phillips; Quintanilla; Solis; Uresti.

(Pitts in the chair)

### LEAVE OF ABSENCE GRANTED

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

F. Brown on motion of Solomons.

(Speaker in the chair)

### PARLIAMENTARY INQUIRY

REPRESENTATIVE DUNNAM: If notice is given for a formal meeting to take up a specific bill, can the committee take up any other non-pending bill at that meeting?

MR. SPEAKER: Yes, the committee can take up any bill that's in its possession.

DUNNAM: I have one more inquiry, Mr. Speaker.

MR. SPEAKER: Go ahead, Mr. Dunnam.

DUNNAM: Are all the announcements regarding which specific bills will be considered at a formal meeting given for courtesy only, meaning that there is no requirement that new business and new bills be specifically posted for a formal meeting under Rule 4, Section 11(b)?

MR. SPEAKER: That's correct, Mr. Dunnam. It's been house practice for years that we announce the hearings, but we don't post the bills for hearings.

DUNNAM: Thank you, Mr. Speaker.



**REMARKS ORDERED PRINTED**

Representative Dunnam moved to print his parliamentary inquiry.

The motion prevailed.

**Amendment No. 15**

Representatives Casteel, Hilderbran, Hardcastle, Homer, Hughes, Gonzalez Toureilles, Campbell, Hopson, Truitt, Chisum, Harper-Brown, B. Cook, Rose, Strama, and Eiland offered the following amendment to **CSHB 1006**:

Amend **CSHB 1006** by adding the following section to the bill and renumbering existing sections accordingly:

SECTION \_\_\_\_\_. Chapter 26, Tax Code, is amended by adding Section 26.046 to read as follows:

Sec. 26.046. ROLLBACK RELIEF FOR UNFUNDED STATE MANDATE. (a) In this section, "state mandate" means a statutory provision enacted by the legislature, or a rule or order implementing a state statute that is prescribed or issued by a state officer or state agency in the executive branch of state government and that requires a taxing unit to establish, expand, or change an activity in a way that requires an expenditure of revenue that would not have been required in the absence of the statutory provision, rule, or order.

(b) For purposes of this section, a state mandate is considered to be unfunded during any period for which the state has not provided, by legislative appropriation or otherwise, for the affected taxing unit to receive state or federal funds in an amount estimated to be sufficient to meet the cost of complying with or implementing the mandate. If the legislature provides for funds by authorizing or requiring an affected taxing unit to collect a regulatory or user fee that the state will impose or that a taxing unit is authorized to impose on persons who engage in an activity that is the subject of or is directly connected to the subject of the state mandate, the anticipated revenue from the fee is considered for purposes of this section to be funds provided by the state to pay for the costs of the state mandate.

(c) This section does not apply to:

(1) a state mandate the existence of which is necessary for compliance with a requirement of the Texas Constitution, a court order, or federal law, including a state mandate that is necessary for continued participation in a federal program;

(2) a state statute that creates a criminal offense or changes the elements of a criminal offense; or

(3) a decision or order by a state officer or state agency that requires a taxing unit to comply with, or that sanctions the taxing unit for failure to comply with, a law, rule, or order that is not an unfunded state mandate to which this section applies.

(d) Subject to Subsections (g) and (h), when a taxing unit adopts a tax rate, the effective tax rate, the rollback tax rate, and the super rollback tax rate for the taxing unit are increased by the rate that, if applied to current total value, would impose an amount of taxes equal to the amount the taxing unit is required to

spend to comply with or implement the mandate in that year. If the taxing unit is a county or municipality, the rollback tax rate and the super rollback tax rate of the county or municipality shall also be adjusted by the percentage increase or decrease, as applicable, in the municipal cost index for the preceding tax year compared with the municipal cost index for the current tax year.

(e) In each subsequent year that the taxing unit adopts a tax rate, if the amount the taxing unit is required to spend to comply with or implement the unfunded state mandate is greater than the amount required to be spent for the mandate in the preceding year, the effective tax rate, the rollback tax rate, and the super rollback tax rate for the taxing unit are increased by the rate that, if applied to current total value, would impose an amount of taxes equal to the increase in the amount required to be spent to comply with or implement the mandate in that year.

(f) A taxing unit shall include a notice of an increase in the effective tax rate, the rollback tax rate, and the super rollback tax rate made as provided by this section, including a description of and the estimated amount of the unfunded state mandate in the information published under Sections 26.04 and 26.06 of this code, Section 44.004, Education Code, or Section 49.236, Water Code.

(g) On or before the September 1 following a regular session of the legislature and on or before the 90th day after the last day of a special session of the legislature, the comptroller shall publish a list of legislative mandates for which the legislature has not provided reimbursement as provided by Subsection (b) and that were enacted by the legislature during that legislative session. By that same date the comptroller shall:

(1) remove from the list of legislative mandates or a previous legislative session a legislative mandate:

(A) for which the legislature has provided reimbursement as provided by Subsection (b); or

(B) that is no longer in effect; and

(2) add to the list a legislative mandate from a previous legislative session for which reimbursement was provided as provided by Subsection (b) in the previous session but for which reimbursement was not provided in the most recent regular session or in any subsequent special session.

(h) The comptroller shall deliver the list prepared under Subsection (g) to the secretary of state for publication in the Texas Register.

(i) A taxing unit that believes it is subject to an unfunded state mandate that is not listed by the comptroller under Subsection (g) must apply in writing to the comptroller for a determination as to whether the taxing unit is subject to an unfunded state mandate. The comptroller shall make the determination as soon as practicable and send a copy of the determination to the chief executive officer of the taxing unit. If the comptroller determines that an unfunded mandate exists, the comptroller shall add the unfunded mandate to the list published under Subsection (g) as soon as practicable and deliver a notice of the addition to the secretary of state for publication in the Texas Register.

**Amendment No. 16**

Representatives Villarreal and Casteel offered the following amendment to Amendment No. 15:

Amend the Carter-Casteel amendment to **CSHB 1006**, on page 2, line 10, between "index" and "for" by inserting "developed by the American City & County organization to show the effects of inflation on the cost of providing municipal services, not to exceed eight percent."

Amendment No. 16 was adopted.

**Amendment No. 17**

Representatives Hilderbran and Bonnen offered the following amendment to Amendment No. 15:

Amend **CSHB 1006** by adding the following section to the bill and renumbering existing sections accordingly:

SECTION \_\_. Chapter 26, Tax Code, is amended by adding Section 26.046 to read as follows:

Sec. 26.046. ROLLBACK RELIEF FOR UNFUNDED STATE MANDATE. (a) In this section, "state mandate" means a statutory provision enacted by the legislature, or a rule or order implementing a state statute that is prescribed or issued by a state officer or state agency in the executive branch of state government and that:

(1) takes effect on or after January 1, 2005; and

(2) requires a taxing unit to establish, expand, or change an activity in a way that requires an expenditure of revenue that would not have been required in the absence of the statutory provision, rule, or order.

(b) For purposes of this section, a state mandate is considered to be unfunded during any period for which the state has not provided, by legislative appropriation or otherwise, for the affected taxing unit to receive state or federal funds in an amount estimated to be sufficient to meet the cost of complying with or implementing the mandate. If the legislature provides for funds by authorizing or requiring an affected taxing unit to collect a regulatory or user fee that the state will impose or that a taxing unit is authorized to impose on persons who engage in an activity that is the subject of or is directly connected to the subject of the state mandate, the anticipated revenue from the fee is considered for purposes of this section to be funds provided by the state to pay for the costs of the state mandate.

(c) This section does not apply to:

(1) a state mandate the existence of which is necessary for compliance with the requirement of the Texas Constitution, a court order, or federal law, including state mandate that is necessary for continued participation in a federal program;

(2) a state statute that creates a criminal offense or changes the elements of a criminal offense;

(3) a decision or order by a state officer or state agency that requires a taxing unit to comply with, or that sanctions the taxing unit for failure to comply with, a law, rule, or order that is not an unfunded state mandate to which this section applies; or

(4) a state mandate regarding basic administrative matters of government, including matters affecting recordkeeping or public access to government meetings or government information and including matters related to notice or a hearing for a governmental action or related to other issues of administrative procedure.

(d) Subject to Subsections (g) and (h), in the first year in which a taxing unit adopts a tax rate after the year in which an unfunded state mandate first applies to the taxing unit, the effective tax rate, the rollback tax rate, and the super rollback tax rate for the taxing unit are increased by the rate that, if applied to current total value, would impose an amount of taxes equal to the amount the taxing unit is required to spend to comply with or implement the mandate in that year.

(e) In each subsequent year that the taxing unit adopts a tax rate, if the amount the taxing unit is required to spend to comply with or implement the unfunded state mandate is greater than the amount required to be spent for the mandate in the preceding year, the effective tax rate, the roll back tax rate, and the super rollback tax rate for the taxing unit are increased by the rate that, if applied to current total value, would impose an amount of taxes equal to the increase in the amount required to be spent to comply with or implement the mandate in that year.

(f) A taxing unit shall include a notice of an increase in the effective tax rate, the rollback tax rate, and the super rollback tax rate made as provided by this section, including a description of and the estimated amount of the unfunded state mandate in the information published under Sections 26.04 and 26.06 of this code, Section 44.004, Education Code, or Section 49.236, Water Code.

(g) On or before the September 1 following a regular session of the legislature and on or before the 90th day after the last day of a special session of the legislature, the comptroller shall publish a list of legislative mandates for which the legislature has not provided reimbursement as provided by Subsection (b) and that were enacted by the legislature during that legislative session. By that same date the comptroller shall:

(1) remove from the list of legislative mandates or a previous legislative session a legislative session a legislative mandate:

(A) for which the legislature has provided reimbursement as provided by Subsection (b); or

(B) that is no longer in effect; and

(2) add to the list a legislative mandate from a previous legislative session for which reimbursement was provided as provided by Subsection (b) in the previous session but for which reimbursement was not provided in the most recent regular session or in any subsequent special session.

(h) The comptroller shall deliver the list prepared under Subsection (g) to the secretary of state for publication in the Texas Register.

(i) A taxing unit that believes it is subject to an unfunded state mandate that is not listed by the comptroller under Subsection (g) must apply in writing to the comptroller for a determination as to whether the taxing unit is subject to an unfunded state mandate. The comptroller shall make the determination as soon as practicable and send a copy of the determination to the chief executive officer of the taxing unit. If the comptroller determines that an unfunded mandate exists, the comptroller shall add the unfunded mandate to the list published under Subsection (g) as soon as practicable and deliver a notice of the addition to the secretary of state for publication in the Texas Register.

Representative Casteel moved to table Amendment No. 17.

A record vote was requested.

The motion to table prevailed by (Record 370): 75 Yeas, 68 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Blake; Burnam; Casteel; Chavez; Coleman; Cook, B.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Griggs; Guillen; Haggerty; Hardcastle; Herrero; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Jones, J.; King, T.; Kuempel; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Mowery; Naishtat; Noriega, M.; Peña; Pickett; Puente; Quintanilla; Ritter; Rodriguez; Rose; Smith, T.; Solis; Strama; Thompson; Truitt; Turner; Uresti; Veasey; Villarreal.

Nays — Anderson; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Callegari; Campbell; Chisum; Cook, R.; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Eissler; Elkins; Flynn; Gattis; Goolsby; Grusendorf; Hamilton; Hamric; Harper-Brown; Hartnett; Hegar; Hilderbran; Howard; Hughes; Hupp; Isett; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Laubenberg; Madden; Miller; Morrison; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pitts; Raymond; Reyna; Riddle; Seaman; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Van Arsdale; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Brown, F.; Castro; Crownover; Olivo.

Absent — Bailey; Jackson.

### **Amendment No. 18**

Representative Bonnen offered the following amendment to Amendment No. 15:

Amend the Casteel amendment to **CSHB 1006** as follows:

(1) On page 1, line 2, strike "section" and substitute "sections".

(2) At the end of the amendment, add the following:

SECTION \_\_\_\_ . Section 26.09, Tax Code, is amended by adding Subsection (f) to read as follows:

(f) Notwithstanding Subsection (c), the amount of the tax imposed on a property calculated under that subsection shall be reduced by a percentage of that amount of tax equal to the percentage of the increase, if any, in the consumer price index for the preceding calendar year, rounded to the nearest one-hundredth of one percent. For purposes of this subsection, "consumer price index" means the average over a calendar year of the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, or its successor in function, published monthly by the United State Bureau of Labor Statistics.

Amendment No. 18 was withdrawn.

A record vote was requested.

Amendment No. 15, as amended, was adopted by (Record 371): 87 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Bailey; Blake; Burnam; Campbell; Casteel; Chavez; Coleman; Cook, B.; Cook, R.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Guillen; Haggerty; Hardcastle; Harper-Brown; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Hughes; Hunter; Jones, J.; King, T.; Kuempel; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Oliveira; Orr; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smithee; Solis; Strama; Swinford; Thompson; Truitt; Turner; Uresti; Veasey; Villarreal.

Nays — Anderson; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Callegari; Corte; Crabb; Davis, J.; Dawson; Denny; Eissler; Elkins; Flynn; Gattis; Grusendorf; Hamilton; Hamric; Hartnett; Hegar; Hope; Howard; Hupp; Isett; Jones, D.; Keel; Keffer, B.; King, P.; Kolkhorst; Krusee; Laubenberg; Madden; Miller; Nixon; Otto; Paxton; Pitts; Reyna; Riddle; Seaman; Smith, W.; Solomons; Straus; Talton; Taylor; Van Arsdale; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Brown, F.; Castro; Crownover; Olivo.

Absent — Chisum; Delisi; Jackson; Keffer, J.; Phillips.

#### **STATEMENT OF VOTE**

I was shown voting yes on Record No. 371. I intended to vote no.

Harper-Brown

#### **REASON FOR VOTE**

My vote was against the municipal index provision of the amendment. I oppose unfunded mandates on local governments.

Branch, Harper-Brown,  
Kolkhorst, Taylor, Zedler

(F. Brown now present)

Representative Isett moved to postpone consideration of **CSHB 1006** until 10 a.m. April 26.

The motion prevailed.

#### **FIVE DAY POSTING RULE SUSPENDED**

Representative Hughes moved to suspend the five day posting rule to allow the Committee on Elections, Subcommittee on Campaign Finance, to consider **HB 2937** and **HB 3462**.

The motion prevailed.

Representative Mowery moved to suspend the five day posting rule to allow the Committee on Land and Resource Management to consider **SB 574** upon final recess.

The motion prevailed.

#### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Elections, Subcommittee on Campaign Finance, upon final recess today, JHR 110, for a public hearing, to consider **HB 2937** and **HB 3462**.

Land and Resource Management, upon final recess today, E2.014, for a public hearing, to consider **SB 574** and pending business.

Law Enforcement, upon final recess today, Desk 56, for a formal meeting, to consider pending business.

Business and Industry, upon final recess today, Desk 103, for a formal meeting, to consider pending business.

Urban Affairs, upon final recess today, Desk 48, for a formal meeting, to consider pending business.

#### **FIVE DAY POSTING RULE SUSPENDED**

Representative Hartnett moved to suspend the five day posting rule to allow the Committee on Judiciary to consider **HB 1305** at 2 p.m. or upon adjournment April 25 in E2.028.

The motion prevailed.

#### **HB 1207 - RECOMMITTED**

Representative Puente moved to recommit **HB 1207** to the Committee on Natural Resources.

The motion prevailed.

#### **HR 808 - ADOPTED (by Veasey)**

Representative Veasey moved to suspend all necessary rules to take up and consider at this time **HR 808**.

The motion prevailed.

The following resolution was laid before the house:

**HR 808**, Congratulating the Dunbar High School girls basketball team on winning the 2005 Class 4A state championship.

**HR 808** was adopted.

### **PROVIDING FOR RECESS**

Representatives Nixon and M. Noriega moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 9 a.m. tomorrow in memory of Captain Sean Sims, Captain Todd Christmas, Captain Lyle Gordon, and all Texas A&M graduates killed in action last year.

The motion prevailed.

### **BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

### **RECESS**

In accordance with a previous motion, the house, at 5:41 p.m., recessed until 9 a.m. tomorrow.

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### **ADDENDUM**

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### **REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

#### **List No. 1**

**HB 3564** (By Chavez), Relating to elections, including the election of directors, in the El Paso County Water Improvement District No. 1.  
To Natural Resources.

**HB 3565** (By Puente), Relating to the administration, powers, and duties of the Bexar Metropolitan Water District.  
To Natural Resources.



**HB 3566** (By Flores), Relating to the creation, administration, powers, duties, functions, operations, and financing of the La Joya Special Utility District; providing authority to issue bonds.

To Natural Resources.

**HB 3567** (By Raymond), Relating to the compensation of official court reporters for statutory county courts in Webb County.

To Judiciary.

**HB 3568** (By Seaman), Relating to the creation of the San Patricio County Groundwater Conservation District; providing authority to impose a tax.

To Natural Resources.

**HB 3569** (By Guillen), Relating to the creation, administration, powers, duties, operation, and financing of the Zapata County Municipal Utility District No. 2.

To Natural Resources.

**HB 3570** (By Martinez, Peña, and Gonzales), Relating to the creation of an additional county court at law in Hidalgo County.

To Judiciary.

**SB 9** to Defense Affairs and State-Federal Relations.

**SB 126** to Public Education.

**SB 165** to Judiciary.

**SB 251** to Criminal Jurisprudence.

**SB 253** to Public Education.

**SB 286** to State Affairs.

**SB 517** to Land and Resource Management.

**SB 560** to Criminal Jurisprudence.

**SB 689** to Law Enforcement.

**SB 767** to Local Government Ways and Means.

**SB 815** to Public Health.

**SB 879** to Urban Affairs.

**SB 938** to Corrections.

**SB 1137** to Agriculture and Livestock.

**SB 1263** to Criminal Jurisprudence.

**SB 1297** to Environmental Regulation.

**SB 1298** to Environmental Regulation.

**SB 1299** to Environmental Regulation.

**SB 1345** to Defense Affairs and State-Federal Relations.

**SB 1525** to Public Health.

**SCR 20** to Rules and Resolutions.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**Senate List No. 6**

**SB 280**

**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

Thursday, April 21, 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:

**LOCAL AND UNCONTESTED CALENDAR**

**SB 14** Jackson, Mike  
Relating to disapproval by the commissioner of insurance of certain property and casualty insurance rates; providing penalties.

**SB 42** Nelson  
Relating to health education and physical activity in public primary and secondary schools.

**SB 122** Hinojosa  
Relating to the prevention and punishment of identity theft and the rights of certain victims of identity theft; providing penalties.

**SB 150** Wentworth  
Relating to authorizing measures to support efforts to attract major motor sports racing events to this state.

**SB 297** Wentworth  
Relating to the rates charged by a municipally owned utility to certain recreational vehicle parks for potable water or wastewater service.

**SB 304** Armbrister  
Relating to the prosecution of the offense of criminal trespass.

**SB 318** Staples  
Relating to creating a recognition day in remembrance of the Texian Navy.

- SB 325** Zaffirini  
Relating to the management of behavior of residents of certain facilities; providing an administrative penalty.
- SB 352** Madla  
Relating to the management of state-owned land, including the lease of the right to produce groundwater from certain state-owned land.
- SB 361** Carona  
Relating to the provision of information relating to the programs and services available for persons with mental retardation seeking residential services.
- SB 394** Seliger  
Relating to the definition of criminally injurious conduct for purposes of the Crime Victims' Compensation Act.
- SB 425** Hinojosa  
Relating to subdivision platting requirements and assistance for certain counties near an international border.
- SB 434** Duncan  
Relating to the powers and duties of the Lockney General Hospital District.
- SB 489** Estes  
Relating to the license requirements of marine dealers, distributors, and manufacturers.
- SB 526** Hinojosa  
Relating to a county's authority to impose a records archive fee.
- SB 565** Deuell  
Relating to the posting of a list of employees in certain child-care facilities and family homes.
- SB 578** Staples  
Relating to the authority of certain honorably retired peace officers to carry certain weapons.
- SB 588** Jackson, Mike  
Relating to the publication of notice of intent to obtain a permit from the Texas Commission on Environmental Quality for a facility located or proposed to be located in certain populous counties.
- SB 592** Jackson, Mike  
Relating to the creation of a Texas Gulf Coast Legislative Working Group and a Multistate Gulf Coast Legislative Working Group.
- SB 611** Nelson  
Relating to the electronic creation, transmission, and use of certain documents related to the prosecution of a criminal offense.
- SB 621** Janek  
Relating to the territory of certain 9-1-1 emergency communication districts.
- SB 665** Barrientos  
Relating to work-related exposure to a reportable disease.

- SB 679** Duncan  
Relating to the procedure for determining the incompetency of a defendant to stand trial.
- SB 738** Lucio  
Relating to emergency order authority of the Texas Commission on Environmental Quality.
- SB 739** Lucio  
Relating to the payment of certain administrative penalties assessed by the Texas Commission on Environmental Quality under an installment payment schedule.
- SB 756** Ogden  
Relating to providing notice to county law enforcement before a parole panel considers the release of an inmate to that county.
- SB 781** Fraser  
Relating to the prosecution of certain acts that constitute the unauthorized business of insurance.
- SB 782** Fraser  
Relating to abolition of certain fraud reporting requirements regarding motor vehicle insurance.
- SB 805** Averitt  
Relating to certain small and large employer health cooperatives.
- SB 840** Wentworth  
Relating to park and recreation districts.
- SB 854** Lucio  
Relating to the jurisdiction of certain home-rule municipalities on a barrier island in the Gulf of Mexico.
- SB 894** Carona  
Relating to certain procedures for filing documents and service of process.
- SB 895** Carona  
Relating to the processing of certain election ballots voted early.
- SB 909** Whitmire  
Relating to the maintenance and contents of certain computerized information systems relating to the criminal justice system.
- SB 919** Duncan  
Relating to the grounds and procedures for removal of a member of the board of directors of the Lynn County Hospital District.
- SB 925** Duncan  
Relating to competency to be executed in a capital case.
- SB 935** West, Royce  
Relating to the evaluation of applications for certain financial assistance administered by the Texas Department of Housing and Community Affairs.
- SB 959** Shapiro  
Relating to notice to educators of a public school student's misconduct and to placement of a student who has assaulted a teacher.

- SB 995** Averitt  
Relating to donees of anatomical gifts.
- SB 996** Averitt  
Relating to the use of personal leave by a public school employee.
- SB 1002** Madla  
Relating to creating a TexasOnline project concerning grant assistance provided by state agencies.
- SB 1017** Staples  
Relating to the creation of the Lower Trinity Groundwater Conservation District; providing authority to issue bonds.
- SB 1052** Van de Putte  
Relating to the disclosure of certain information from an early voting roster; providing a penalty.
- SB 1068** Madla  
Relating to an electronic requisition system for counties.
- SB 1091** Madla  
Relating to noxious and invasive plants; providing a criminal penalty.
- SB 1106** Madla  
Relating to continuing education courses for a county treasurer.
- SB 1112** Eltife  
Relating to debt management services; providing a penalty.
- SB 1116** Wentworth  
Relating to the authority of a water and sewer utility to acquire property by eminent domain.
- SB 1126** Hinojosa  
Relating to the confidentiality of records regarding sex offense victims.
- SB 1146** Shapiro  
Relating to an early college education program to provide at-risk and other students accelerated high school graduation and college credit.
- SB 1147** Harris  
Relating to the appointment of visiting associate judges.
- SB 1151** Harris  
Relating to the use of a voluntary acknowledgment of paternity under the Uniform Interstate Family Support Act.
- SB 1178** West, Royce  
Relating to the availability of genetic testing in the determination of parentage by the Title IV-D agency.
- SB 1202** Lucio  
Relating to the coordination of colonia initiatives and services to colonia residents.
- SB 1203** Madla  
Relating to the payment of certain ad valorem tax refunds.

- SB 1215** Eltife  
Relating to financial records and to audits or reviews of certain charitable nonprofit corporations; providing a penalty.
- SB 1224** Duncan  
Relating to a landowner's liability for injuries incurred during certain recreational activities.
- SB 1252** Janek  
Relating to the creation of an additional statutory county court in Brazoria County.
- SB 1257** Lindsay  
Relating to the operation of a motor vehicle by a person who holds a driver's license or a commercial driver's license.
- SB 1264** Whitmire  
Relating to authorizing a fee for certain inspections conducted by the Commission on Jail Standards.
- SB 1265** Whitmire  
Relating to establishing standards for analysis of tests for controlled substances required of defendants placed on community supervision.
- SB 1283** Armbrister  
Relating to the application of certain laws to certain insurance holding company systems.
- SB 1290** Wentworth  
Relating to the sale or use of certain refrigerants.
- SB 1305** Brimer  
Relating to the time a person may be detained in custody for a preliminary examination.
- SB 1307** Staples  
Relating to the authority of the Texas Juvenile Probation Commission to issue subpoenas, administer oaths, receive evidence, and gather information.
- SB 1329** Nelson  
Relating to the Interagency Council for Genetic Services and the provision of genetic counseling services.
- SB 1339** Madla  
Relating to the limitation on the sales and use tax rate of a political subdivision in an advanced transportation district.
- SB 1353** Williams  
Relating to the powers and duties of the Town Center Improvement District of Montgomery County, Texas, and of governmental entities and peace officers that interact with the district; providing a penalty.
- SB 1376** Staples  
Relating to the authority of a parent to designate a child-care facility or grandparent's residence for purposes of transportation provided by a public school transportation system.

- SB 1384** Shapiro  
Relating to regional tollway authorities.
- SB 1413** Shapleigh  
Relating to county brownfield cleanup and economic redevelopment programs.
- SB 1421** Gallegos  
Relating to eligibility for beginning positions in certain police and fire departments.
- SB 1424** Gallegos  
Relating to filing fees in a civil matter in a justice court or small claims court.
- SB 1426** Gallegos  
Relating to fees charged to persons applying for the expunction of certain offenses committed by minors.
- SB 1434** Madla  
Relating to use of money of an advanced transportation district to finance advanced transportation or mobility enhancement by a county, municipality, or local government corporation.
- SB 1436** Madla  
Relating to audits of emergency services districts.
- SB 1454** Wentworth  
Relating to the definition of professional surveying.
- SB 1455** Wentworth  
Relating to the establishment of regional habitat conservation plans by political subdivisions of this state.
- SB 1459** Wentworth  
Relating to the assignment of certain visiting judges.
- SB 1461** Seliger  
Relating to the offenses for which the use of wire, oral, or electronic interception devices may be authorized.
- SB 1465** Whitmire  
Relating to the use of certain electronically readable information on a driver's license or identification certificate to comply with certain alcohol and tobacco related laws; providing a penalty.
- SB 1473** Lindsay  
Relating to the provision of education and training programs for law enforcement officers regarding persons with mental impairments.
- SB 1518** Deuell  
Relating to validation of the creation of and certain acts taken by the Rockwall County Public Safety and Fire Assistance District.
- SB 1551** Estes  
Relating to the continuation of certain statutes authorizing the interception of certain communications for law enforcement purposes.

**SB 1552**

Estes

Relating to the continuation of criminal offenses involving the interception of certain communications for law enforcement purposes.

**SB 1558**

Lucio

Relating to the applicability of certain insurance laws to Lloyd's plans and reciprocal and interinsurance exchanges.

**SB 1573**

Williams

Relating to the state employee incentive program, including abolishing the Texas Incentive and Productivity Commission.

**SB 1591**

Carona

Relating to accountant practice requirements for certain audits of insurer financial reports.

**SB 1592**

Carona

Relating to special deposits required of certain insurers.

**SB 1604**

Staples

Relating to the administration, powers, duties, and operations of the Neches and Trinity Valleys Groundwater Conservation District.

**SB 1635**

Duncan

Relating to the Schleicher County Hospital District.

**SB 1668**

Estes

Relating to the consideration of payments to an affiliate in computing rates for electric utilities.

**SB 1707**

Staples

Relating to the regulation of poultry facilities.

**SB 1708**

Staples

Relating to assessments levied on certain owners of cattle and used for marketing, education, research, and promotion of Texas beef.

**SB 1709**

Staples

Relating to the regulation of a poultry operation that does not use a liquid waste handling system.

**SB 1747**

Fraser

Relating to the interest rate to be paid on utility deposits.

**SB 1754**

Duncan

Relating to the Childress County Hospital District.

**SCR 9**

Armbrister

Designating the cast iron Dutch oven as the official State Cooking Implement.

Respectfully,

Patsy Spaw

Secretary of the Senate



**Message No. 2**MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Thursday, April 21, 2005 - 2

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:

**HCR 151** Craddick SPONSOR: Seliger  
Honoring Jim M. Alsop of Midland for his lifelong commitment to philanthropy.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 3**MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Thursday, April 21, 2005 - 3

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:

**HCR 146** Craddick SPONSOR: Armbrister  
Honoring Pope Benedict XVI on his election to the papacy.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 581** (30 Yeas, 0 Nays)

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 4**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Thursday, April 21, 2005 - 4

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:

**SB 30** Zaffirini

Relating to a pilot project to award incentives to students contracting to graduate in a timely manner from public institutions of higher education.

**SB 579** Van de Putte

Relating to the eligibility of children of certain military personnel to receive Texas B-On-time loans.

**SB 740** Janek

Relating to the authority of certain political subdivisions to erect or maintain shore protection structures and the location of the line of vegetation in relation to those structures.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 5**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Thursday, April 21, 2005 - 5

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:

**SB 302** Ellis

Relating to reports regarding participation in higher education.

**SB 442** Hinojosa  
Relating to immunity from liability for certain civil actions and civil actions against sales agents.

**SB 729** Wentworth  
Relating to a weighted caseload study of the district courts.

**SB 1032** Ellis  
Relating to the elimination of certain alternative fuels programs of this state.

**SB 1069** Madla  
Relating to organizing certain data collected by the Department of State Health Services.

**SB 1309** Ellis  
Relating to member restrictions for commissioners of the Texas Workforce Commission.

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:

**April 20**

Agriculture and Livestock - **HB 3275**

Business and Industry - **HB 1146**

Civil Practices - **HB 616**

Corrections - **HB 43**

County Affairs - **HB 647, HB 664, HB 1165, HB 1444, HB 1468, HB 1584, HB 1610, HB 1915**

Criminal Jurisprudence - **HB 254, HB 1048, HB 1249, HB 1484, HB 2767, HB 3010**

Culture, Recreation, and Tourism - **HB 3269**

Defense Affairs and State-Federal Relations - **HB 2931, HB 3111, HB 3116, SB 101, SB 1342**

Elections - **HB 1706, HB 1942, HB 1945, HB 2059, HB 2068, HB 2069, HB 2202, HB 2322, HB 2405, HB 2511, HB 2783**

Financial Institutions - **HB 628, HB 2223**

Higher Education - **HB 1274, HB 2806, HB 3001**

House Administration - **HR 703, HR 704**

Human Services - **HB 669, HB 2579**

Judiciary - **HB 967, HB 2509, HB 3541**

Land and Resource Management - **SB 848**

Law Enforcement - **HB 2677**

Natural Resources - **HB 2707**

Pensions and Investments - **HB 1579**

Urban Affairs - **HB 2589**

Ways and Means - **HB 2636**

### **ENGROSSED**

**April 20 - HB 137, HB 167, HB 182, HB 409, HB 467, HB 549, HB 746, HB 809, HB 823, HB 854, HB 878, HB 941, HB 1056, HB 1239, HB 1324, HB 1371, HB 1614, HB 1642, HB 1686, HB 1913, HB 1982, HB 2197, HB 2474**