

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

FOURTEENTH DAY — WEDNESDAY, JULY 20, 2005

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

The roll of the house was called and a quorum was announced present (Record 81).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; 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, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; 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 — Driver.

The invocation was offered by Dr. J. Andrew Dearman, Austin Presbyterian Theological Seminary, as follows:

Gracious and eternal God, we give you thanks this day for the gift of life and the privileged responsibility granted this body for public service. We pray this day for wisdom and patience in the process of deliberation and for results that will serve the common good.

We think this morning of Texans and neighbors to the south who have endured gale force winds and driving rains with floods. We pray for their safety and for adequate assistance.

In this day of negotiations and compromise, sustain us all with civility and humility. And as regions elsewhere violently resist the democratic impulse of elected government, remind us all from whence we come and that we serve greater purposes than our own. We offer these prayers with grateful hearts and in confidence that you, O God, will hear. Amen.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Truitt who presented Dr. Justin Bartos of North Richland Hills as the "Doctor for the Day."

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

(Callegari in the chair)

RESOLUTIONS ADOPTED

Representative Edwards moved to suspend all necessary rules in order to take up and consider at this time **HR 403 - HR 405, HR 407, HR 408, HR 433, and HR 439 - HR 441.**

The motion prevailed.

The following resolutions were laid before the house:

HR 403 (by J. Jones), Honoring the Reverend Ralph Whitehead on being named pastor of Greater Mt. Olive Baptist Church.

HR 404 (by J. Jones), Congratulating Ellis Davis, Jr., of Dallas on the naming of the field house at the Jesse Owens Memorial Complex of the Dallas Independent School District in his honor.

HR 405 (by J. Jones), Honoring the work of U.S. Congressman John Lewis as he delivers the keynote speech at the 13th Annual C. A. W. Clark Scholarship Banquet.

HR 407 (by Taylor), Honoring Lauren Chandler Lanning of Houston on earning the title of Miss Texas USA 2006.

HR 408 (by Strama), Honoring Jacob "Jake" Herron of Austin on his receipt of a Boy Scouts of America Heroism Award.

HR 433 (by Castro), Honoring Jacob Wayne Mathews of San Antonio on attaining the rank of Eagle Scout.

HR 439 (by McClendon), Commemorating the inaugural African American Economic Roundtable in San Antonio on July 29, 2005.

HR 440 (by Harper-Brown), Honoring Captain Billy G. "Shakey" Holder on his 50th anniversary with the Irving Fire Department.

HR 441 (by Hamric), Honoring Barry Switzer for his achievements as a football coach.

The resolutions were adopted.

RESOLUTIONS ADOPTED

Representative Edwards moved to suspend all necessary rules in order to take up and consider at this time **HR 434**, **HR 438**, and **HCR 31**.

The motion prevailed.

The following resolutions were laid before the house:

HR 434 (by Hilderbran), In memory of Andrew Harrison Taylor of Llano.

HR 438 (by Luna), In memory of Manuel O. Narvaez of Corpus Christi.

HCR 31 (by Homer), In memory of Kristopher Dale Byers of Paris.

The resolutions were unanimously adopted by a rising vote.

HR 429 & HR 430 - MOTION TO ADD NAMES

On motion of Representative Gallego, the names of all the members of the house were added to **HR 429** and **HR 430** as signers thereof.

(Speaker in the chair)

RECESS

The speaker stated that the house would recess until 6 p.m. today.

The house accordingly, at 1:37 p.m. today, recessed until 6 p.m. today.

NIGHT SESSION

The house met at 6 p.m. and was called to order by the speaker.

HR 446 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 446**, suspending the limitations on the conferees for **HB 2**.

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, House List No. 5).

HB 1 - RULES SUSPENDED

Representative Pitts moved to suspend all necessary rules to take up **HB 1** with senate amendments at this time.

A record vote was requested.

The motion prevailed by (Record 82): 108 Yeas, 32 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Dukes; Dutton; Eissler; Elkins; Farrar; Flores; Flynn; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope;

Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laubenberg; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Rose; Smith, T.; Smith, W.; Smithee; Solis; Straus; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Dunnam; Eiland; Escobar; Farabee; Gallego; Gonzales; Gonzalez Toureilles; Hochberg; Hodge; Homer; Jones, J.; Laney; Leibowitz; Martinez Fischer; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Quintanilla; Rodriguez; Strama; Thompson; Veasey.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver.

Absent — Edwards; Frost; Herrero; Kolkhorst; Ritter; Seaman; Solomons.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 82. I intended to vote no.

Farrar

When Record No. 82 was taken, I was in the house but away from my desk. I would have voted no.

Herrero

When Record No. 82 was taken, I was temporarily out of the house chamber. I would have voted yes.

Kolkhorst

I was shown voting no on Record No. 82. I intended to vote yes.

Peña

HB 1 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Pitts called up with senate amendments for consideration at this time,

HB 1, A bill to be entitled An Act appropriating money for the support of state government.

HB 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GEREN: Mr. Pitts, will you explain Rider 96 to me? I think Rider 96 allows for public and private monies to be distributed by the TEA.

REPRESENTATIVE PITTS: Okay, yes, that is a program that is for capacity, and there are some after-school programs that—there are some individuals, some foundations that would like to give the money to TEA, which is allowed to increase the capacity of after-school programs.

GEREN: Is this in any way trying to set up a voucher program? Or monies to home schools?

PITTS: It is not intended to. It is the legislative intent, Charlie, that this is not a voucher program. The only thing it is—it is the Catholic charities, the United Way, and Big Brothers Big Sisters, whoever it is to—have programs that they would like to—that people would like to give grant money, foundation money to the TEA, and they will give it out to—

GEREN: Is public money also going to that fund?

PITTS: Yes.

GEREN: And so I just want to be clear on this, this is not in anyway setting up a voucher program for providing money to home schools? Is that correct?

PITTS: That is correct.

REMARKS ORDERED PRINTED

Representative Geren moved to print remarks between Representative Pitts and Representative Geren.

The motion prevailed.

Representative Pitts moved to concur in the senate amendments to **HB 1**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 83): 144 Yeas, 3 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; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; 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; Morrison; Mowery; Naishtat; Nixon; 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.

Nays — Moreno, P.; Noriega, M.; Olivo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver.

The speaker stated that **HB 1** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

STATEMENT OF VOTE

I was shown voting no on Record No. 83. I intended to vote yes.

Olivo

Senate Committee Substitute

CSHB 1, A bill to be entitled An Act appropriating money for the support of state government.

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

SECTION 1. (a) The several sums of money herein specified, or so much thereby as may be necessary, are appropriated out of any funds in the State Treasury not otherwise appropriated, or out of special funds as indicated, for the support, maintenance, or improvement of the designated agencies and institutions of education.

(b) Article III, **SB 1**, Acts of the 79th Legislature, Regular Session, 2005 (the General Appropriations Act), is amended by adding the following appropriations and riders, and to the extent necessary, by giving all riders under the bill pattern of the agency full force and effect:

TEXAS EDUCATION AGENCY

For the Years Ending
August 31, 2006

Method of Financing:

General Revenue Fund

General Revenue Fund	\$ 365,640,734
Available School Fund No. 002, estimated	1,271,000,000
State Textbook Fund No. 003, estimated	19,457,832
Foundation School Fund No. 193, estimated	8,556,398,505
Certification and Assessment Fees (General Revenue Fund)	18,359,121
GR MOE for Temporary Assistance for Needy Families	2,000,000
Lottery Proceeds, estimated	1,045,000,000
Subtotal, General Revenue Fund	<u>\$11,277,856,192</u>

General Revenue Fund - Dedicated

Telecommunications Infrastructure Fund No. 345	115,000,000
Read to Succeed Account No. 5027	42,960
Subtotal, General Revenue Fund - Dedicated	<u>\$ 115,042,960</u>

Federal Funds

Federal Funds	13,153,500
Federal Health, Education and Welfare Fund No. 148	2,939,024,866
Federal School Lunch Fund No. 171	1,058,000,000

Subtotal, Federal Funds	<u>\$4,010,178,366</u>
Other Funds	
Appropriated Receipts (Redistributed Local Revenue), estimated	1,133,000,000
State Highway Fund No. 006	50,000,000
Permanent School Fund	6,851,389
Interagency Contracts	451,636
Subtotal, Other Funds	<u>\$1,190,303,025</u>
Total, Method of Financing	<u><u>\$16,593,380,543</u></u>
Other Direct and Indirect Costs Appropriated Elsewhere in this Act	\$ 1,340,119

This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.

Number of Full-Time-Equivalents (FTE): 7970

Schedule of Exempt Positions:

Commissioner, Group 6	\$164,748
Executive Director, State Board for Educator Certification, Group 3	78,000

Items of Appropriation:

A. Goal: PROGRAM LEADERSHIP	
A.1.1. Strategy: FSP - EQUALIZED OPERATIONS	
Foundation School Program - Equalized Operations.	\$ 11,323,400,000
A.1.2. Strategy: FSP - EQUALIZED FACILITIES	
Foundation School Program - Equalized Facilities.	\$ 765,000,000
A.2.1. Strategy: STUDENT SUCCESS	
Statewide Initiatives to Further Student Achievement.	\$ 253,452,833
A.2.2. Strategy: ACHIEVEMENT OF STUDENTS AT RISK	
Resources for Low-income and Other At-risk Students.	\$ 1,317,068,251
A.2.3. Strategy: STUDENTS WITH DISABILITIES	
Resources for Mentally/Physically Disabled Students	\$ 961,715,519
A.2.4. Strategy: SCHOOL IMPROVEMENT & SUPPORT PGMS	
Grants for School and Program Improvement and Innovation.	\$ 159,084,132
A.2.5. Strategy: ADULT EDUCATION & FAMILY LITERACY	
	<u>\$ 74,894,091</u>
Total, Goal A: PROGRAM LEADERSHIP	<u><u>\$14,854,614,826</u></u>

B. Goal: OPERATIONAL EXCELLENCE

B.1.1. Strategy: ASSESSMENT & ACCOUNTABILITY SYSTEM	\$ 61,207,441
B.2.1. Strategy: EDUCATIONAL TECHNOLOGY	\$ 42,220,916
B.2.2. Strategy: SAFE SCHOOLS School Safety Programs and Education in Disciplinary Programs.	\$ 56,696,728
B.2.3. Strategy: CHILD NUTRITION PROGRAMS	\$ 1,072,400,000
B.2.4. Strategy: WINDHAM SCHOOL DISTRICT Educational Resources for Prison Inmates.	\$ 57,569,745
B.3.1. Strategy: IMPROVING TEACHER QUALITY Funds for Teacher Training and Education Service Centers.	\$ 372,311,979
B.3.2. Strategy: AGENCY OPERATIONS	\$ 31,552,314
B.3.3. Strategy: CENTRAL ADMINISTRATION	\$ 10,337,833
B.3.4. Strategy: INFORMATION SYSTEMS - TECHNOLOGY	\$ 16,025,761
Total, Goal B: OPERATIONAL EXCELLENCE	<u>\$ 1,720,322,717</u>

C. Goal: EDUCATOR CERTIFICATION

State Board for Educator Certification.

C.1.1. Strategy: EDUCATOR QUALITY AND CREDENTIALING Educator Credentialing and Educator Preparation Program Review.	\$ 4,165,093
C.1.2. Strategy: CERTIFICATION EXAM ADMINISTRATION Educator Certification Exam Services. Estimated and nontransferable.	\$ 10,381,994
C.1.3. Strategy: RETENTION, RECRUITMENT Retention, Recruitment, and Continuing Professional Development.	\$ 83,879
C.1.4. Strategy: EDUCATOR PROFESSIONAL CONDUCT	\$ 3,812,034
Total, Goal C: EDUCATOR CERTIFICATION	<u>\$ 18,443,000</u>

Grand Total, TEXAS EDUCATION AGENCY

\$16,593,380,543

Rider 95. Learning Through Listening Educational Outreach Program. Out of the funds appropriated above in Strategy A.2.3, Students with Disabilities, the Commissioner of Education shall expend \$1,000,000 in fiscal year 2006 and \$1,000,000 in fiscal year 2007 for the purpose of implementing an educational outreach program tied to digital audio textbooks which assists individuals with print disabilities affording reading accommodation by providing instruction and training using digitally recorded audiobooks, playback equipment, and other resources. The program shall target economically disadvantaged students in kindergarten through 12th grade with learning disabilities, dyslexia, vision impairment, and physical disabilities.

Rider 96. Renewing Our Communities. The Texas Education Agency is hereby appropriated all amounts deposited into the Renewing Our Communities Account, an account hereby established in the general revenue fund. The account

is eligible to receive gifts, grants, or donations from public or private sources and shall be administered by the Texas Education Agency. Funds deposited into this account are to be used to increase the organizational capacity of faith and community-based organizations to deliver charitable and social services to persons in this state.

Rider 97. Contingency Appropriation: HB 2 and HB 3. Contingent on passage and enactment of **HB 2** or similar legislation relating to public school finance, and **HB 3** or similar Legislation relating to the reduction of local school district property taxes and increasing state revenues by the 79th Legislature, First Called Session, 2005, there is hereby appropriated out of the General Revenue Fund \$1,787,800,000 for the 2006-08 biennium to implement the provisions of the bills increasing total revenue for the operation of local school districts. Included in the contingency amount specified is \$25 million in each year of the biennium to increase allocations to school districts in the Instructional Facilities Allotment. Also contingent on passage and enactment of **HB 3** or similar legislation by the 79th Legislature, First Called Session, 2005, all additional state revenue that is received during the 2006-07 biennium that as estimated by the comptroller is attributable to changes in law made by **HB 3** or by similar legislation and that may be spent for purposes of the Foundation School Program is appropriated to the Texas Education Agency for the 2006-07 biennium. The Legislative Budget Board is directed to make all necessary adjustments to public education agencies, strategies, methods of finance, measures and riders necessary to implement the legislation. The Texas Education Agency shall develop a plan subject to approval by the Legislative Budget Board and the Governor, as needed to implement the bill.

Rider 98. Necessary Adjustments. For the purposes of delineating the appropriation authority and expenditure requirements for the Texas Education Agency for the 2006-07 biennium, the Legislative Budget Board is hereby directed to make necessary adjustments to the provisions above and to rider provisions contained in **SB 1**, 79th Legislature, Regular Session, 2005.

(c) Texas Education Agency Rider 48 in Article III, **SB 1**, Acts of the 79th Legislature, Regular Session, 2005 (the General Appropriations Act), is amended to read as follows:

Rider 48. Student Success Initiative. Out of the funds appropriated above in Strategy A.2.1, Student Success, \$158,005,369 in General Revenue in fiscal year 2006 and \$158,005,369 in General Revenue in fiscal year 2007 are allocated for the Student Success Initiative. The Commissioner shall expend these funds for allocations to schools for the purpose of implementation of scientific, research-based programs for students who have been identified as unlikely to achieve the third grade TAKS reading standard by the end of the third grade, including those students with dyslexia and related disorders, students unlikely to achieve the TAKS reading or math standards by the end of the fifth grade, and/or students unlikely to achieve TAKS reading or math standards in the eighth grade assessments administered in 2008.

- a. From funds appropriated for the Student Success Initiative, the Commissioner may set aside \$15 million for intensive reading instruction programs for schools that have failed to improve student performance in reading and \$5 million for intensive ~~or~~ math instruction programs for schools that have failed to improve student performance in ~~reading or~~ math. The Commissioner shall determine which schools have achieved the least gains in reading or math performance, and shall require those schools to submit a reading or math improvement plan detailing proposed efforts to improve reading or math performance as a condition of receiving funding. The reading or math improvement plan must establish the performance outcome of literacy or numeracy among its student population and outline specific steps that will be taken to achieve that goal. The plan may include the use of technology to achieve reading or math goals. A school identified as in need of improvement in reading or math instruction shall implement only those assessments, progress monitoring instruments, reading or math strategies and programs approved by the Commissioner. Programs must demonstrate a record of proven success in improving student reading or math achievement.
- b. Adolescent Literacy Initiative. Out of any funds appropriated to the agency, the Commissioner shall set aside \$2 million for each year of the 2006-2007 biennium for the development of a supplemental diagnostic screening instrument and intensive reading instruction programs for students determined at risk to not perform at proficient levels on the 8th grade TAKS reading assessment. It is the intent of the legislature that the Texas Education Agency pursue federal funds to provide training in the use of the diagnostic instrument and distribution of the instrument to school districts and charter schools. Any balances as of August 31, 2006 are appropriated for fiscal year 2007 for the same purpose.
- c. Any balances as of August 31, 2006, are appropriated for fiscal year 2007 for the same purposes.

SECTION 2. APPROPRIATION REDUCTIONS. (a) If this Act takes effect immediately after it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution, then appropriations made in Article IX, Section 13.18 of **SB 1**, 79th Legislature, Regular Session, 2005, from the General Revenue Fund, General Revenue-Dedicated Accounts, and General Revenue related funds are reduced by:

(1) \$11,277,856,192 from the General Revenue Fund, which is the amount of appropriations made in Section 1 of this Act to the Texas Education Agency for the fiscal year ending August 31, 2006;

(2) \$11,035,684,165 from the General Revenue Fund, which is the amount of appropriation made in Section 1 of this Act to the Texas Education Agency for the fiscal year ending August 31, 2007;

(3) \$115,042,960 from the General Revenue Fund - Dedicated, which is the amount of the appropriation made in Section 1 of this Act to the Texas Education Agency for the fiscal year ending August 31, 2006; and

(4) \$115,042,960 from the General Revenue Fund - Dedicated, which is the amount of the appropriation made in Section 1 of this Act to the Texas Education Agency for the fiscal year ending August 31, 2007.

(b) If this Act does not receive the vote necessary for immediate effect and this Act takes effect on the 91st day after the last day of the legislative session, then:

(1) appropriations made in Section 1 of this Act from the General Revenue Fund to the Texas Education Agency for the fiscal year ending August 31, 2006, are reduced by \$5,530,000,000; and the appropriation reduction identified in Section 3(a)(1) above is lowered by an equal amount.

SECTION 3. EFFECTIVE DATE. 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.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 1** (Senate committee printing) as follows:

(1) In SECTION 1(b) of the bill, on page 3, line 36, Rider 97 is amended to read as follows:

Rider 97. Contingency Appropriation: HB 2 and HB 3. (a) Contingent on passage and enactment of **HB 2** or similar legislation relating to public school finance, and **HB 3** or similar Legislation relating to the reduction of local school district property taxes and increasing state revenues by the 79th Legislature, ~~First Called Session, 2005~~, there is hereby appropriated out of the General Revenue Fund \$1,787,800,000 for the 2006-07 biennium to implement the provisions of the bills increasing total revenue for the operation of local school districts and for the provision of textbooks. ~~Included in the contingency amount specified is \$25 million in each year of the biennium to increase allocations to school districts in the Instructional Facilities Allotment.~~ Also contingent on passage and enactment of **HB 3** or similar legislation by the 79th Legislature, ~~First Called Session, 2005~~, all additional state revenue that is received during the 2006-07 biennium that as estimated by the comptroller is attributable to changes in law made by **HB 3** or by similar legislation and that may be spent for purposes of the Foundation School Program is appropriated to the Texas Education Agency for the 2006-07 biennium; however, such appropriations shall not exceed amounts necessary to provide state aid to school districts in an amount commensurate, as determined by the Legislative Budget Board, with the loss in local revenue associated with tax rate reduction. The Legislative Budget Board is directed to make all necessary adjustments to public education agencies, strategies, methods of finance, measures and riders necessary to implement the legislation. The Texas Education Agency shall develop a plan subject to approval by the Legislative Budget Board and the Governor, as needed to implement the bill.

(b) Included in Strategy A.1.2 Equalized Facilities is \$50 million for the purpose of new issuances under the Instructional Facilities Allotment.

(2) In SECTION 1(b) of the bill, on page 3, line 61, Rider 98 is amended to read as follows:

Rider 98. Necessary Adjustments. For the purposes of delineating the appropriation authority and expenditure requirements for the Texas Education Agency for the 2006-07 biennium, the Legislative Budget Board is hereby directed to make necessary adjustments to the provisions above, such as allocation of appropriated funds among strategies and methods of finance, and to rider provisions contained in **SB 1**, 79th Legislature, Regular Session, 2005.

(3) In SECTION 1(b) of the bill, on page 3, after line 67, new Rider 99 is added to read as follows:

Rider 99. Funding for Technology Grants. The Texas Education Agency may expend funds on technology grants, pursuant to Texas Education Code § 32.008 as authorized by **HB 2**, or similar legislation by the 79th Legislature, only if additional funds are released to the corpus of the Permanent School Fund from the General Land Office and are made available to the Texas Education Agency for expenditure during the 2006-07 biennium. The amount of funds that may be spent on the technology grants in the 2006-07 biennium shall be limited to the lesser of the amount of funds made available by the increased General Land Office contribution or \$65 million.

(4) In SECTION 1 of the bill, on page 4, between lines 54 and 55, new subsections (d) and (e) are added to read as follows:

(d) Texas Education Agency Rider 69 in Article III, **SB 1**, Acts of the 79th Legislature, Regular Session, 2005 (the General Appropriations Act), is amended to read as follows:

Rider 69. ~~Guaranteed Yield and~~ Per Pupil Allotment. Funds allocated above in Strategy A.1.1, FSP - Equalized Operations, include funds sufficient to ensure the ~~[an increase to the Guaranteed Yield Program and]~~ maintenance~~], for districts not eligible for the Guaranteed Yield Program.]~~ of the \$110 per weighted student allocation authorized in Rider 82, page III-23, 2003 General Appropriations Act, as modified by **HB 3459**.

~~[a. Pursuant to Texas Education Code § 42.302, the Guaranteed Yield per weighted student per penny of tax effort is hereby set at \$29.12 in fiscal year 2006 and at \$29.85 in fiscal year 2007.]~~

~~[b. School districts not receiving state aid as provided in subsection (a) are hereby entitled to receive an allocation of General Revenue to maintain per pupil funding levels pursuant to the \$110 per WADA allocation authorized in Rider 82, page III-23, General Appropriations Act, 2003, as they received in the 2004-05 biennium.~~

~~e.]~~ The total amount of payment under this section is subject to reduction to the extent that districts not otherwise entitled to state aid from the Foundation School Fund receive a benefit from the change in the distributions from the Available School Fund caused by the adoption of amendments to the Texas Constitution, Article VII, § 5, at the election held September 13, 2003.

The Texas Education Agency shall develop and promulgate rules as necessary to carry out this provision. Such rules are subject to prior approval by the Legislative Budget Board and the Governor.

(e) Texas Education Agency Rider 69 in Article III, **SB 1**, Acts of the 79th Legislature, Regular Session, 2005 (the General Appropriations Act), is amended to read as follows:

Rider 78. Textbook Proclamations. It is the intent of the Legislature that the State Board of Education forego the issuance of all Proclamations of textbook purchases until such time as the Legislature has implemented reforms to the system by which the state and school districts procure and purchase textbooks.

Contingent upon passage and enactment of **HB 2**, or similar legislation relating to public school finance by the 79th Legislature, First Called Session, 2005, it is the intent of the Legislature that the State Board of Education rescind Proclamation 2004 and conduct activities related to instructional materials in accordance with the provisions of **HB 2**.

(5) On page 5 of the bill, Amend SECTION 2(b)(1) to make reference to Section 2(a)(1) instead of 3(a)(1).

(6) On page 5 of the bill, SECTION 3 is amended to read as follows:

SECTION 3. EFFECTIVE DATE. 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, and appropriations are available to meet funding needs of the Texas Education Agency in fiscal years 2005, 2006, and 2007 as determined by the Legislative Budget Board. 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.

RECESS

The speaker stated that the house would recess until 7:40 p.m.

The house accordingly, at 6:50 p.m., recessed until 7:40 p.m.

NIGHT SESSION

The house met at 7:40 p.m. and was called to order by the speaker.

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).

HR 446 - ADOPTED (by Grusendorf)

The following privileged resolution was laid before the house:

HR 446

BE IT RESOLVED by the House of Representatives of the State of Texas, 79th Legislature, 1st Called Session, 2005, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 2** (public education and public school finance matters; imposing criminal penalties) to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(4), is suspended to permit the committee to incorporate a new Subsection (e-1) to proposed Section 11.203, Education Code, to read as follows:

(e-1) For the state fiscal biennium beginning September 1, 2005, the amount set aside under Subsection (e) may not exceed \$3.6 million. This subsection expires August 31, 2007.

Explanation: The change is necessary to limit the amount that may be spent to pay the costs of administering the school leadership pilot program for principals for the state fiscal biennium beginning September 1, 2005.

(2) House Rule 13, Section 9(a)(4), is suspended to permit the committee to incorporate a new section in the bill, numbered as SECTION 2A.13, to read as follows:

SECTION 2A.13. Effective September 1, 2006, Subchapter I, Chapter 21, Education Code, is amended by adding Section 21.4031 to read as follows:

Sec. 21.4031. SALARY SUPPLEMENT FOR CERTAIN RETIREMENT-ELIGIBLE CLASSROOM TEACHERS. (a) The amounts specified by this section are in addition to amounts to which a classroom teacher is entitled under Section 21.402.

(b) A classroom teacher, other than an employed retiree, is entitled to an annual salary supplement equal to:

(1) \$1,000 for a year in which the sum of the teacher's age and years of service credit in the Teacher Retirement System of Texas equals at least 80 but less than 85;

(2) \$2,000 for a year in which the sum of the teacher's age and years of service credit in the Teacher Retirement System of Texas equals at least 85 but less than 90;

(3) \$3,000 for a year in which the sum of the teacher's age and years of service credit in the Teacher Retirement System of Texas equals at least 90 but less than 95; and

(4) \$4,000 for a year in which the sum of the teacher's age and years of service credit in the Teacher Retirement System of Texas equals at least 95.

(c) If a person is entitled to a salary supplement under a provision of Subsection (b) for only part of a year, the amount of the salary supplement shall be prorated accordingly.

(d) The Teacher Retirement System of Texas, at the request of the agency, may release information to the agency about a member of the retirement system or a retiree that the executive director of the retirement system finds is necessary to determine a person's eligibility for a salary supplement under this section. The information remains confidential after the information is released to the agency as authorized by this section. The agency may disclose whether an employee is entitled to a supplement and the amount of the supplement to which the employee is entitled but may not release other information provided by the retirement system.

(e) A school district is entitled to state funds in an amount equal to the sum of the salary supplements to which classroom teachers employed by the district are entitled under this section. Funding a school district receives under this

section is in addition to any funding the district receives under Chapter 42. The commissioner shall distribute funds under this section with the Foundation School Program payment to which the district is entitled as soon as practicable after the end of the school year as determined by the commissioner. A district to which Chapter 41 applies is entitled to funding under this section. The commissioner shall determine the timing of the distribution of funds to a district that does not receive Foundation School Program payments.

Explanation: The change is necessary to entitle a classroom teacher who is eligible for retirement, other than an employed retiree, to a salary supplement.

(3) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit "by negotiated rulemaking as provided by Chapter 2008, Government Code" added in proposed Section 21.458(c), Education Code.

Explanation: The change is necessary to permit the commissioner to adopt rules relating to teacher mentor qualifications in the manner provided by Chapter 2001, Government Code.

(4) House Rule 13, Section 9(a)(4), is suspended to permit the committee to incorporate a new section in the bill, numbered as SECTION 2B.095, to read as follows:

SECTION 2B.095. Subchapter C, Chapter 7, Education Code, is amended by adding Section 7.061 to read as follows:

Sec. 7.061. SUBPOENA. (a) The commissioner may issue a subpoena to compel the attendance and testimony of a witness or the production of materials relevant to an audit or investigation under this title.

(b) A subpoena may be issued throughout the state and may be served by any person designated by the commissioner.

(c) If a person fails to comply with a subpoena issued under this section, the commissioner, acting through the attorney general, may file suit to enforce the subpoena in a district court in Travis County or in the county in which the audit or investigation is conducted. The court shall order compliance with the subpoena if the court finds that good cause exists to issue the subpoena.

Explanation: The change is necessary to permit the commissioner to issue a subpoena to compel the attendance and testimony of a witness or the production of materials relevant to an audit or investigation under Title 2, Education Code.

(5) House Rule 13, Section 9(a)(4), is suspended to permit the committee to incorporate a new section in the bill, numbered as SECTION 2B.16, to read as follows:

SECTION 2B.16. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0022 to read as follows:

Sec. 28.0022. CURRICULUM REVIEW; ALIGNMENT WITH INSTRUCTIONAL MATERIALS AND ASSESSMENT PROGRAM. (a) The State Board of Education shall adopt a five-year cycle for reviewing the essential knowledge and skills of each subject of the required curriculum under Section 28.002.

(b) The State Board of Education may not modify the curriculum in a manner intended to benefit:

(1) a specific publisher of instructional materials, as those terms are defined by Section 31.002; or

(2) another vendor of educational products or technology.

(c) It is the intent of the legislature that the State Board of Education continue to align instructional materials approved under Chapter 31 with the required curriculum. The agency shall develop the state assessment program under Subchapter B, Chapter 39, in alignment with the required curriculum.

Explanation: The change is necessary to require the State Board of Education to adopt a five-year cycle for reviewing the essential knowledge and skills of each subject of the state-required curriculum and to align approved instructional materials with the state-required curriculum.

(6) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change the text of proposed Section 44.011(b), Education Code, to read as follows:

(b) For purposes of this section, whether an expenditure is an expenditure for direct instructional activities shall be determined in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education.

Explanation: The change is necessary to provide the method by which an expenditure is determined to be an expenditure for direct instructional activities.

(7) House Rule 13, Section 9(a)(4), is suspended to permit the committee to incorporate a new section in the bill, numbered as SECTION 2C.12, to read as follows:

SECTION 2C.12. Section 44.0071, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Each fiscal year, a school district shall compute and report to the commissioner:

(1) the percentage of the district's total available revenue [~~expenditures~~] for the preceding fiscal year that was [~~were~~] used to fund direct instructional activities; [~~and~~]

(2) the percentage of the district's total available revenue for the preceding fiscal year that was used to fund direct instructional activities related to courses that are subject to assessment under Subchapter B, Chapter 39; and

(3) the percentage of the district's full-time equivalent employees during the preceding fiscal year whose job function was to directly provide classroom instruction to students, determined by dividing the number of hours spent by employees in providing direct classroom instruction by the total number of hours worked by all district employees.

(a-1) The commissioner by rule shall determine the manner in which a district's total available revenue for purposes of this section is computed.

Explanation: The change is necessary to require each school district to report the percentage of total available revenue, rather than the district's total expenditures, used to fund direct instructional activities and report the percentage of total available revenue used to fund direct instructional activities related to courses assessed under the state assessment program.

(8) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit the text of proposed Section 44.0073, Education Code, as follows:

Sec. 44.0073. INSTRUCTIONAL COSTS. (a) For purposes of this section:

(1) "Direct instructional costs" includes a school district's expenses related to instruction, instructional resources and media services, curriculum development, instructional staff development, instructional leadership, school leadership, and evaluation and counseling services.

(2) "Indirect instructional costs" includes:

(A) a school district's expenses related to social work services, health services, student transportation, food services, facility maintenance and operations, security and monitoring services, and data processing services; and

(B) payments to another district under the public education grant program under Subchapter G, Chapter 29, payments to another district that is a member of a shared services arrangement, payments to a fiscal agent, and payments under Section 37.012 to a juvenile justice alternative education program.

(b) For purposes of school district financial accountability, the agency shall identify each district's direct and indirect instructional costs for the preceding fiscal year and make that information available to the public on the agency's Internet website.

Explanation: The change is necessary to remove the provision of the bill that requires the Texas Education Agency to make information relating to direct and indirect instructional costs, as defined by that provision, available to the public and permit the continuation of current law.

(9) House Rule 13, Section 9(a)(4), is suspended to permit the committee to incorporate a new section in the bill, numbered as SECTION 2E.391, to read as follows:

SECTION 2E.391. Subchapter A, Chapter 32, Education Code, is amended by adding Section 32.008 to read as follows:

Sec. 32.008. TECHNOLOGY GRANTS. (a) From amounts appropriated for the purpose, the commissioner shall make grants as provided by this section to school districts on behalf of eligible campuses and to eligible open-enrollment charter schools. A grant under this section must be in the amount of \$300 for each student enrolled at an eligible campus or eligible open-enrollment charter school.

(b) To be eligible for a grant under this section, a public school must:

(1) be identified by the agency as meeting the goals of the long-range plan for technology under Section 32.001; and

(2) certify to the commissioner that the school will commit to using, for a purpose specified by Subsection (c), other funds available to the school in an amount equal to \$50 for each student enrolled at the school.

(c) A grant under this section may be used only to:

(1) provide for the purchase by public schools of:

(A) wireless electronic mobile computing devices or other technology devices that convey instruction;

(B) productivity software and hardware, including writing, computation, presentation, printing, and communication tools;

(C) electronic learning software aligned with the essential knowledge and skills adopted by the State Board of Education under Section 28.002;

(D) library and other research tools;

(E) electronic assessment tools;

(F) electronic learning tools to improve communications among students, teachers, school administrators, parents, and the community; and

(G) classroom and school management systems;

(2) provide professional development for teachers to integrate the tools and solutions described by Subdivision (1); and

(3) acquire other infrastructure, components, and technologies necessary to support and enhance student performance.

(d) To receive a grant under this section, a school district or open-enrollment charter school must apply in the time and manner specified by commissioner rule. A grant under this section is for a period of two school years and may be renewed as provided by commissioner rule. The commissioner shall ensure that public schools that are awarded grants under this section reflect the demographic and geographic diversity of this state.

Explanation: The change is necessary to provide for technology grants for school districts on behalf of eligible campuses and to eligible open-enrollment charter schools.

(10) House Rule 13, Section 9(a)(4), is suspended to permit the committee to incorporate a new section in the bill, numbered as SECTION 3.24, to read as follows:

SECTION 3.24. Section 44.004, Education Code, is amended by amending Subsections (b), (e), and (i) and adding Subsections (b-1) and (b-2) to read as follows:

(b) Except as provided by Subsection (b-2), the [The] president shall provide for the publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or biweekly newspaper published in the district. If no daily, weekly, or biweekly newspaper is published in the district, the president shall provide for the publication of notice in at least one newspaper of general circulation in the county in which the district's central administrative office is located. Notice under this subsection shall be published not earlier than the 30th day or later than the 10th day before the date of the hearing.

(b-1) The notice of the public meeting to discuss and adopt the budget and the proposed tax rate 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.

(b-2) Instead of publishing notice in the manner prescribed by Subsection (b), a school district may publish the required notice on its Internet website not earlier than the 30th day or later than the 10th day before the date of the hearing. A school district that publishes notice under this subsection must have a link on its Internet website that is clearly identified as the link to the public notice for the budget and proposed tax rate meeting.

(e) A person who owns taxable property in a school district is entitled to an injunction restraining the collection of taxes by the district if the district has not complied with the requirements of Subsections (b), (b-1), and (b-2)~~[(e),]~~ and ~~[(d), and]~~, if applicable, Subsection (i), and the failure to comply was not in good faith. An action to enjoin the collection of taxes must be filed before the date the school district delivers substantially all of its tax bills.

(i) A school district that uses a certified estimate, as authorized by Subsection (h), may adopt a budget at the public meeting designated in the notice prepared using the estimate, but the district may not adopt a tax rate before the district receives the certified appraisal roll for the district required by Section 26.01(a), Tax Code. After receipt of the certified appraisal roll, the district must publish a revised notice and hold another public meeting before the district may adopt a tax rate that exceeds:

(1) the rate proposed in the notice prepared using the estimate; or

(2) the district's rollback rate determined under Section 26.08, Tax Code, if applicable, using the certified appraisal roll.

Explanation: This change is necessary to prescribe the requirements of the published notice of a school district's budget meeting and proposed tax rate.

(11) House Rule 13, Section 9(a)(4), is suspended to permit the committee to incorporate a new section in the bill, numbered as SECTION 7.125, to read as follows:

SECTION 7.125. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0461 to read as follows:

Sec. 21.0461. TEMPORARY CERTIFICATE FOR SUPERINTENDENT OR PRINCIPAL. (a) The commissioner may issue a temporary certificate under this section for:

(1) assistant principal;

(2) principal; or

(3) superintendent.

(b) A candidate for certification under this section must:

(1) hold a baccalaureate or advanced degree from an institution of higher education;

(2) have significant management and leadership experience, as determined by the board of trustees of the school district that will employ the person under the temporary certificate; and

(3) perform satisfactorily on the appropriate examination prescribed under Section 21.048.

(c) A school district may require that a person who is employed by the district and who holds a certificate issued under this section complete a training program.

(d) A certificate issued to a person under this section is valid only in the school district in which the person is initially employed after receiving the certificate.

(e) A certificate issued under this section:

(1) expires on the third anniversary of the date on which the certificate was issued; and

(2) is not renewable.

(f) The commissioner shall issue a standard certificate to a person who holds a temporary certificate issued under this section if the school district employing the person under the temporary certificate:

(1) has employed the person for at least three years in the capacity for which the person seeks a standard certificate; and

(2) has recommended the person to the commissioner and favorably reviewed, primarily using objective measures of student performance and improvement in the district, the person's performance.

(g) A school district employing a person who holds a temporary certificate issued under this section must provide the person with intensive support during the person's first year of employment with the district, including:

(1) mentoring; and

(2) intensive, high-quality professional development.

Explanation: The change is necessary to permit the commissioner of education to issue a limited temporary certificate for assistant principal, principal, or superintendent.

HR 446 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE THOMPSON: Are you telling the house that **HR 446** contains all of the information that is to go outside of the bounds?

REPRESENTATIVE GRUSENDORF: It contains all of the information that we believe is required by the house rules to go outside the bounds—yes, ma'am.

THOMPSON: And everything that is included in **HR 446** is to go outside the bounds of what has been negotiated between the house and the senate, right?

GRUSENDORF: Yes.

THOMPSON: And nothing else?

GRUSENDORF: Yes.

REMARKS ORDERED PRINTED

Representative Thompson moved to print remarks between Representative Grusendorf and Representative Thompson.

The motion prevailed.

A record vote was requested.

HR 446 was adopted by (Record 84): 78 Yeas, 62 Nays, 1 Present, not voting.

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

Oliveira; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver.

Absent — Allen, R.; Edwards; Flores; Goolsby; McClendon; Straus; Swinford.

STATEMENTS OF VOTE

When Record No. 84 was taken, I was temporarily out of the house chamber. I would have voted yes.

R. Allen

I was shown voting yes on Record No. 84. I intended to vote no.

Merritt

HOUSE AT EASE

At 8 p.m., the speaker announced that the house would stand at ease until 8:15 p.m. today.

The speaker called the house to order at 8:15 p.m.

(Driver now present)

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. 1).

HOUSE AT EASE

At 9:47 p.m., the speaker announced that the house would stand at ease.

The speaker called the house to order at 11:59 p.m.

**PROCLAMATION BY THE GOVERNOR
OF THE STATE OF TEXAS**

The chair laid before the house and had read the following proclamation by the governor:

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, education is the foundation for the economic and cultural future of the State of Texas and the constitutional responsibility for the development of an efficient system of public education rests with the legislature; and

WHEREAS, the current state of public school finance requires immediate action by the legislature to ensure the continued efficient and effective operation of Texas schools; and

WHEREAS, the people have placed the constitutional power to call and convene the legislature into special session in the hands of the Chief Executive Officer of the State;

NOW, THEREFORE, I, RICK PERRY, GOVERNOR OF THE STATE OF TEXAS, by the authority vested in me by Article IV, Section 8, of the Texas Constitution, do hereby call an extraordinary session of the 79th Legislature, to be convened in the city of Austin, commencing at 10 a.m. on Thursday the 21st day of July 2005, for the following purposes:

To consider legislation to limit the ad valorem tax appraisals and rates of certain taxing units.

To consider legislation that provides ad valorem tax relief and protects taxpayers.

To consider legislation to increase the homestead ad valorem tax exemption.

The Secretary of State will take notice of this action and will notify the members of the Legislature of my action.

IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 20th day of July, 2005.

Rick Perry
Governor of Texas

(SEAL)
Roger Williams
Secretary of State

PROVIDING FOR ADJOURNMENT SINE DIE

Representative Keel moved that, pending completion of administrative business, the house stand adjourned sine die in memory of Beth Driver of Garland.

The motion prevailed.

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, House List Nos. 6 and 7).

APPENDIX

ENROLLED

July 19 - HCR 15, HCR 16, HCR 17, HCR 20, HCR 24, HCR 27, HCR 28, HCR 29

July 20 - HB 1, HCR 19, HCR 23, HCR 30, HCR 31

SENT TO THE GOVERNOR

July 20 - HCR 13, HCR 15, HCR 16, HCR 17, HCR 20, HCR 24, HCR 25, HCR 27, HCR 28, HCR 29, HCR 19

July 21 - HCR 23, HCR 30

July 25 - HB 1, HCR 31

SENT TO THE COMPTROLLER

July 21 - HB 1

SIGNED BY THE GOVERNOR

August 2 - HCR 1, HCR 12, HCR 13, HCR 15, HCR 16, HCR 17, HCR 19, HCR 20, HCR 21, HCR 22, HCR 23, HCR 24, HCR 25, HCR 27, HCR 28, HCR 29, HCR 30, HCR 31

August 9 - HB 1