

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, SECOND CALLED SESSION

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## PROCEEDINGS

SEVENTH DAY — MONDAY, AUGUST 8, 2005

The house met at 2 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 23).

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, R.; 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; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hardcastle; Hartnett; Hegar; Herrero; 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.; 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 — Hamric; Harper-Brown; Oliveira.

Absent — Cook, B.; Corte; Hilderbran.

The invocation was offered by Representative Goolsby, as follows:

Thank you, God, for another day. We are grateful for the blessed gift of life.

We ask that you continue to watch over the women and men of the United States Armed Forces and their families who serve in the cause of freedom around the world. We know that you have received the fallen with open arms and our prayers remain with their loved ones. We also pray for President Bush and his family as they seek your guidance during these challenging times.

Your mercy is sought to ensure the safety of the homeless and downtrodden, for the meek are most in need of your works.

Please take care of our families and friends as they are the comfort that we all cherish in the face of adversity. Please see that this legislative body is able to do the practical work that the millions of Texas citizens require on this very day. We seek your guidance and give you praise. Amen.

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

### **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. 1).

### **LEAVES OF ABSENCE GRANTED**

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

Hamric on motion of Madden.

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

Oliveira on motion of Raymond.

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

Harper-Brown on motion of J. Keffer.

(Corte now present)

### **RESOLUTIONS ADOPTED**

Representative Edwards moved to suspend all necessary rules in order to take up and consider at this time **HR 134 - HR 139, HR 142, HR 143, and HR 145 - HR 148.**

The motion prevailed.

The following resolutions were laid before the house:

**HR 134** (by Vo), Congratulating the USA girls' soccer team from Houston on winning the Copa Coca-Cola International tournament.

**HR 135** (by Herrero), Congratulating the Lyondell Corpus Christi Complex on its 25th anniversary.

**HR 136** (by Rodriguez), Congratulating the Greater East Austin Hurricanes all-star baseball team on winning a state championship title.

**HR 137** (by Harper-Brown), Honoring the Case Management Society of America as it celebrates Case Management Week 2005.

**HR 138** (by Crownover), Honoring the Texas Academy of Mathematics and Science Class of 2005.

**HR 139** (by Crownover), Honoring Dr. Wilkes Berry on the occasion of his retirement as associate provost of Texas Woman's University in Denton in August 2005.

**HR 142** (by Martinez), Commending Dr. Rodolfo Guerrero of Weslaco for his positive contributions to the health and well-being of his fellow Texans.

**HR 143** (by Deshotel), Honoring the East Texas Choctaw Tribe.

**HR 145** (by Isett), Honoring the 507th Medical Company (Air Ambulance) for its heroic service in Iraq.

**HR 146** (by Jackson), Honoring Bob and Dee Phelps of Farmers Branch on their 50th wedding anniversary.

**HR 147** (by Zedler), Honoring the National Black Coalition of Federal Aviation Employees for its representation of minorities and women in the Federal Aviation Administration.

**HR 148** (by Hegar), Honoring Jerry Hoke on the occasion of his retirement from Wharton County Junior College.

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 140**, **HR 141**, **HR 144**, and **HR 149**.

The motion prevailed.

The following resolutions were laid before the house:

**HR 140** (by Crownover), In memory of U.S. Army Specialist Ernest Dallas, Jr., of Denton.

**HR 141** (by Crownover), In memory of U.S. Army Chief Warrant Officer 2 Christopher Chabot Martin.

**HR 144** (by Martinez Fischer), In memory of Philip Michael "PK" Kory IV of Boerne.

**HR 149** (by Goolsby), In memory of Lucille McLaughlin of Port Lavaca.

The resolutions were unanimously adopted by a rising vote.

(P. King in the chair)

### **LEAVES OF ABSENCE GRANTED**

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

B. Cook on motion of Flynn.

Hilderbran on motion of Corte.

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

Reyna on motion of Denny.

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

Eiland on motion of Kuempel.

**HR 157 - ADOPTED**  
**(by Hunter)**

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 157**.

The motion prevailed.

The following resolution was laid before the house:

**HR 157**, Recognizing February 12-19, 2006 as "The Great Texas Lincoln Penny Roundup Pledge Week."

**HR 157** was adopted.

**RESOLUTIONS ADOPTED**

Representative Edwards moved to suspend all necessary rules in order to take up and consider at this time **HR 150 - HR 156** and **HR 158 - HR 160**.

The motion prevailed.

The following resolutions were laid before the house:

**HR 150** (by Hughes), Commending the Mineola Fire Department for its role in the heroic rescue of Emily Strickland and Elizabeth Burge.

**HR 151** (by Hughes), Honoring Kenneth and Patricia Powell of Longview on their 50th wedding anniversary.

**HR 152** (by Hughes), Congratulating the East Texas Sluggers on winning the 18-under United States Specialty Sports Association state championship.

**HR 153** (by Hughes), Congratulating Dr. Orin Littlejohn of Marshall on his retirement from medical practice.

**HR 154** (by Hughes), Congratulating Ralph Draper of Marshall on being named the sole finalist for the post of Spring ISD superintendent.

**HR 155** (by Hughes), Honoring Smith Chapel United Methodist Church in Mineola on its 120th anniversary.

**HR 156** (by Dutton and Edwards), Honoring Rev. M. L. Jackson on his retirement as moderator of the South Texas District Association.

**HR 158** (by Giddings), Congratulating the Reverend Cecil R. Proctor of DeSoto on the occasion of his 60th birthday.

**HR 159** (by Giddings), Honoring Dr. H. B. Bell of Dallas on his retirement as associate superintendent of the Dallas Independent School District Alternative Programs Department in August 2005.

**HR 160** (by Dutton), Honoring the Reverend Leonard N. Barksdale of Houston for 11 years of service as pastor of Fifth Ward Missionary Baptist Church.

The resolutions were adopted.

**LEAVE OF ABSENCE GRANTED**

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

M. Noriega on motion of J. Davis.

**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.)

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Public Education Reform, Select, upon final recess today, E1.010, for a formal meeting.

**RESOLUTIONS ADOPTED**

Representative Edwards moved to suspend all necessary rules in order to take up and consider at this time **HR 161 - HR 166**.

The motion prevailed.

The following resolutions were laid before the house:

**HR 161** (by Flynn), Honoring Bob and Sue Younger of Greenville on their 60th wedding anniversary.

**HR 162** (by Flynn), Congratulating Lounita and L. C. Ayers of Caddo Mills on their 75th wedding anniversary.

**HR 163** (by Flynn), Honoring Emmitt and Sandra Sorrells of Greenville on the occasion of their 50th wedding anniversary.

**HR 164** (by Flynn), Honoring Harrold and Lovela Moore of Commerce on their 70th anniversary.

**HR 165** (by Flynn), Honoring Walter and Celesta Garrett of Greenville on their 70th wedding anniversary.

**HR 166** (by Flynn), Congratulating Dwayne and Jean Ann Patterson of Greenville on their 50th wedding anniversary.

(Speaker in the chair)

The resolutions were adopted.

**RECESS**

Representative Raymond moved that the house recess until 10 a.m. tomorrow in memory of Mario S. Guillen of Rio Grande City, grandfather of Representative Guillen.

The motion prevailed.

The house accordingly, at 3:14 p.m., recessed until 10 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 56** (By Madden), Relating to the operation of a system of community supervision.

To Corrections.

**HB 57** (By Peña), Relating to the salary paid to certain professional employees of public schools.

To Public Education Reform, Select.

**HB 58** (By Bonnen), Relating to making appropriations to fund certain new district courts.

To Appropriations.

**HB 59** (By Isett), Relating to the calculation and imposition of ad valorem taxes by certain taxing units and to certain limitations on the ad valorem tax rates of certain taxing units.

To Property Tax Relief, Select.

**HB 60** (By Coleman), Relating to the exercise of eminent domain authority or purchase of certain real property by certain nonprofit charitable corporations.

To Land and Resource Management.

**HB 61** (By Goodman), Relating to the property interests of spouses in connection with certain community property and to suits affecting the parent-child relationship, including proceedings for the establishment, modification, and enforcement of child support; providing a civil penalty.

To Juvenile Justice and Family Issues.

**HB 62** (By Grusendorf and Pitts), Relating to public school instructional materials and educational technology; making an appropriation.

To Public Education Reform, Select.

**HCR 15** (By Corte), Urging the 109th Congress to honor veterans' tremendous sacrifice for this country by supporting the American Veterans Home Ownership Act of 2005.

To Defense Affairs and State-Federal Relations.

**HJR 24** (By Merritt), Proposing a constitutional amendment increasing the amount of the school district residence homestead property tax exemption to \$22,500 and providing for a corresponding reduction of the limitation on school taxes on residence homesteads of elderly and disabled persons.

To Property Tax Relief, Select.

**SIGNED BY THE SPEAKER**

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

**House List No. 1**

**HCR 12, HCR 14**

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**APPENDIX**

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**ENROLLED**

**August 5 - HCR 12, HCR 14**

