

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, THIRD CALLED SESSION

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## PROCEEDINGS

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THIRD DAY — WEDNESDAY, APRIL 19, 2006

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 3).

Present — Mr. Speaker; Allen, A.; Alonzo; Anchia; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Brown, B.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Coleman; Cook, B.; Cook, R.; Corte, V.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; 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; Hernandez; Herrero; Hilderbran; Hill; Hodge; Homer; Hope; Hopson; Howard, C.; Howard, D.; Hughes; Hupp; Jackson; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Laney; Laubenberg; Leibowitz; Luna; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, R.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; 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.

Absent, Excused — Branch; Brown, F.; Chisum; Hochberg; Hunter; Isett, C.N.; Jones, D.; Krusee; Kuempel; Madden; Reyna; Talton.

The invocation was offered by Kerry Baker, rabbi, Congregation Kol Halev, Austin, as follows:

Only a few days after many Americans celebrated Easter, we meet today at the conclusion of the Passover holiday. Both holidays, in their own characteristic ways, celebrate the values of liberation and freedom and roles played by both God and man in their advent. And so I thought it fitting to call upon God, and upon our own best selves, by drawing a lesson from the biblical story of the Israelites' deliverance.

As the story goes, the Hebrews of old found themselves stuck between a seemingly impassible barrier, the Red Sea, which separated them from a new life of freedom and the approaching army of Pharaoh, who intended to return them to their old condition of slavery.

How was the Israelites' dilemma solved? Here is a possibility.

On St. Thomas Island, there is a mountain that dominates the beautiful landscape. One place which affords a breathtaking view of the land and the sea is called, appropriately, Lookout Point. A sign erected there by a real estate company carries this legend: "View courtesy of Scott Free Estates. With a little help from God." That sign echoes a rabbinic comment on the song of thanksgiving which my Jewish ancestors sang after they crossed in safety the sea which separated them from the Egyptian bondage which lay behind them and the beckoning freedom that lay ahead of them.

In their relief and exuberance they proclaimed: "This is my God and I will glorify Him." Our ancient sages probed this passage and asked how does one glorify God? Can a mere mortal add even one shred of glory to one whose glory already fills the whole world? A variety of answers were offered to this question. One sage took a single Hebrew word from the line I quoted which means "and I will glorify Him," "V'anveyhu," and broke it into two Hebrew words, "anee" "ve'hu," meaning "I" and "He." "I and He,"—a great partnership. Man and God are joined together in a wide variety of sacred enterprises, and they are intensely dependent upon each other.

An agricultural college in Iowa did a study on the production of 100 bushels of corn on one acre of land. The farmer contributed the labor. God contributed a few things, too:

4,000,000 pounds of water

6,800 pounds of oxygen

5,200 pounds of carbon

125 pounds of potassium

160 pounds of nitrogen

1,900 pounds of carbon dioxide

75 pounds of yellow sulphur

50 pounds of calcium

40 pounds of phosphorous

2 pounds of iron and smaller amounts of iodine, zinc, copper, and other minerals.

And, oh yes, there was the small matter of sunshine. All for 100 bushels of corn. Who made the corn? "I and He." "God," wrote Abraham Lincoln, "is the silent partner in all great enterprises." This, we should add, includes the moral, social, economic, and governmental in the human sphere, no less than the activities involving nature.

The other side of this coin involves a more daring truth. Just as we depend upon God, so does God depend upon us. "I and He." God can no more do without humans than humans can do without God. Even the Passover story was interpreted by our sages in such a way that the miracle of the parting of the sea was not a solo performance by the Almighty. The Israelites made their vital contribution. Thus our sages said: "The sea did not part for them until they entered the waters up to their nostrils." Without the courage and the faith of the Israelites who ventured into the menacing sea, there would have been no miracle. "I and He."

Perhaps it may sound blasphemous or irreverent, but a mature understanding of God must include an awareness of how much God needs us. There is not a single affliction from which we suffer—war, poverty, pollution, injustice, racial strife, or ignorance—that God can remove without our cooperation. There is not a single blessing we crave—world peace, food and shelter for all, clean air, a just society, a workable education system—that God can bring about without our cooperation.

God is not a mere magician like the magician of Pharaoh so many centuries ago. God does not wave a magic wand or speak some incantation in order to cure the ills of the world. Rather, God is the power who works through us to enable us to achieve those things that our faith assures us are capable of coming into being. "I and He." God helps the poor with the charity we give; God heals the sick with the skill and support we provide; God sheers the lonely with the visits we make; God comforts the bereaved with the words of solace we speak; God guides our children through the examples we set and the teachers and materials we provide; God ennobles our lives with the good deeds we perform. "We and God," wrote the great American philosopher William James, "have business with each other and in that business our highest destiny is fulfilled."

The speaker recognized Representative Naishtat 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 for today because of illness:

Reyna on motion of Hamric.

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

Hochberg on motion of Hamric.

D. Jones on motion of Hamric.

Madden on motion of Hamric.

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

Branch on motion of Anderson.

F. Brown on motion of Leibowitz.

C. N. Isett on motion of C. Howard.

Kuempel on motion of Elkins.

Talton on motion of Denny.

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

Krusee on motion of Goolsby.

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

Hunter on motion of Hopson.

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

Chisum on motion of Goolsby.

(Chisum now present)

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Ritter who presented Dr. Ronnie McMurphy of Jasper as the "Doctor for the Day."

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

### **REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative Denny and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

### **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).

### **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).

### **HCR 13 - ADOPTED**

(by Keel)

Representative Keel moved to suspend all necessary rules to take up and consider at this time **HCR 13**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 13**, Congratulating Coach Mack Brown and The University of Texas Longhorn football team on winning the 2005 National Championship.

**HCR 13** was adopted.

(P. King in the chair)

### **HR 31 - ADOPTED**

(by Woolley)

Representative Woolley moved to suspend all necessary rules to take up and consider at this time **HR 31**.

The motion prevailed.

The following resolution was laid before the house:

**HR 31**, In memory of Richard J. V. Johnson of Houston.

**HR 31** was unanimously adopted by a rising vote.

**HR 30 - ADOPTED**

**(by Woolley)**

Representative Woolley moved to suspend all necessary rules to take up and consider at this time **HR 30**.

The motion prevailed.

The following resolution was laid before the house:

**HR 30**, In memory of Ben Love of Houston.

**HR 30** was unanimously adopted by a rising vote.

**LEAVE OF ABSENCE GRANTED**

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

Hamilton on motion of Dawson.

**HR 67 - ADOPTED**

**(by Dunnam)**

Representative Dunnam moved to suspend all necessary rules to take up and consider at this time **HR 67**.

The motion prevailed.

The following resolution was laid before the house:

**HR 67**, Honoring Johnny Mankin of Woodway on his retirement as president of the Waco division of Time Warner Cable in April 2006.

**HR 67** was adopted.

**HR 60 - ADOPTED**

**(by Hardcastle)**

Representative Hardcastle moved to suspend all necessary rules to take up and consider at this time **HR 60**.

The motion prevailed.

The following resolution was laid before the house:

**HR 60**, Commemorating the 123rd Doans May Day Picnic on May 6, 2006.

**HR 60** was adopted.

(Speaker in the chair)

**PROVIDING FOR ADJOURNMENT**

Representative P. King moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

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.)

**ADJOURNMENT**

In accordance with a previous motion, the house, at 10:44 a.m., adjourned 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 58** (By Coleman), Relating to the examination for licensing as a physician.

To Public Health.

**HB 59** (By Coleman), Relating to the prosecution of the offense of improper photography or visual recording.

To Criminal Jurisprudence.

**HB 60** (By Otto), Relating to the margin of error to be used by the comptroller of public accounts in connection with the annual property value study to determine whether the local value for a school district is valid.

To Ways and Means.

**HB 61** (By Veasey), Relating to the designation of a portion of State Highway 287 as the Martin Luther King Expressway.

To Transportation.

**HB 62** (By Kolkhorst), Relating to the use of certain voting equipment in an election that does not involve a federal office.

To Elections.

**HB 63** (By Pitts and Ritter), Relating to appropriations to pay for damages and disruptions suffered by Lamar University and its related institutions caused by Hurricanes Katrina and Rita.

To Appropriations.

**HB 64** (By Burnam), Relating to the imposition of the motor vehicle sales and use tax on motor vehicles based on the amounts of emissions.

To Ways and Means.

**HCR 17** (By Truitt), Designating April 2006 as Child Safety Month in Texas.

To Rules and Resolutions.

**HCR 18** (By Callegari and Woolley), In memory of Walter Max Mischer of Houston.

To Rules and Resolutions.

**HCR 19** (By R. Cook), Designating Giddings and Lee County as the official Festival Capital of Texas.

To Rules and Resolutions.

**HCR 20** (By Truitt), Declaring May 6, 2006, Janie Casey Day in Keller.

To Rules and Resolutions.

**HJR 21** (By Guillen), Proposing a constitutional amendment requiring the state to provide for equitable funding for each student under the public school system.

To Ways and Means.

**HJR 22** (By Branch), Proposing a constitutional amendment requiring any increase in the rate of the franchise tax be approved by two-thirds of all the members elected to each house of the legislature.

To Ways and Means.

**HJR 23** (By Otto), Proposing a constitutional amendment dedicating certain state tax revenues to school district ad valorem tax rate reduction.

To Ways and Means.

**HR 51** (By T. Smith), Honoring Chief Leonard Carmack on his retirement from the Euless Police Department.

To Rules and Resolutions.

**HR 52** (By T. Smith), Honoring Basil McDaniel of Bedford on his 80th birthday.

To Rules and Resolutions.

**HR 53** (By T. Smith), Honoring the Fort Worth Star-Telegram on the 100th anniversary of its founding.

To Rules and Resolutions.

**HR 54** (By Morrison), Congratulating the Victoria Memorial High School cheerleaders on earning the Universal Cheerleaders Association 2006 National Championship title.

To Rules and Resolutions.

**HR 59** (By Solis), Honoring Joe Hernandez for his service to the San Benito community.

To Rules and Resolutions.

**HR 61** (By Veasey), Honoring Great Commission Baptist Church of Fort Worth on the dedication of its new facility.

To Rules and Resolutions.

**HR 62** (By Naishtat), Recognizing May 8, 2006, as Texas Children's Mental Health Awareness Day in Central Texas.

To Rules and Resolutions.

**HR 63** (By Kolkhorst), Honoring the Cat Spring Agricultural Society on its 150th anniversary in June 2006.

To Rules and Resolutions.

**HR 64** (By Veasey), In memory of the Honorable Garfield Thompson of Fort Worth.

To Rules and Resolutions.

**HR 65** (By Veasey), Honoring Fort Woof Dog Park in Fort Worth for being named the number one dog park in the U.S. by the readers of Dog Fancy magazine and recognizing April 29, 2006, as Fort Woof Dog Park Day.

To Rules and Resolutions.

**HR 66** (By Y. Davis), Honoring Warren L. Rutherford on his receipt of a 2006 Good Samaritan Award from Dallas Baptist University-Oak Cliff Partnership.

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:

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

#### **HCR 11**

#### **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

Wednesday, April 19, 2006

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 16**

Naishtat

SPONSOR: Barrientos

Honoring the faculty, staff, and students of Technische Universiteit Eindhoven on their 50th Dies Natalis on April 27, 2006.

**SCR 2**

Estes

In memory of Eleanor Goode Brune.

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**ENROLLED****April 18 - HCR 11**

