

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FOURTH DAY — MONDAY, JANUARY 24, 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 13).

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; 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; 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; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Delisi; Olivo.

The invocation was offered by Reverend Richard A. Young, pastor, First United Methodist Church, Uvalde, as follows:

Gracious and loving Lord, we come to you today as servants of you and the people of the great State of Texas. As representatives of the young and old, rich and poor we ask for your guidance and direction in the business of governing with justice and mercy.

We recognize that this body of leaders comes with many different concerns and ideas; we ask that your Holy Spirit bring a spirit of unity and purpose to this legislative session. May persons see the actions of this body and be able to say with the Psalmist, "How good and pleasant it is to see brothers and sisters dwell together in unity!" O loving savior, pour out your wisdom to all these legislators so that they may make decisions that lift up the fallen and give hope to the hopeless. Thank you, O God for your grace that guides us and fills us all with your love. In Christ's name we pray and make our prayer. Amen.

The speaker recognized Representative Uresti who lead 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:

Olivo on motion of R. Cook.

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

Delisi on motion of Woolley.

CAPITOL PHYSICIAN

The speaker recognized Representative Corte who presented Dr. Michael J. Dominguez of San Antonio as the "Doctor for the Day."

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

(Keel in the chair)

MESSAGE FROM THE SENATE

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

(Speaker in the chair)

HCR 33 - ADOPTED

(by Phillips)

Representative Phillips moved to suspend all necessary rules to take up and consider at this time **HCR 33**.

The motion prevailed.

The following resolution was laid before the house:

HCR 33, Inviting the chief justice of the Supreme Court of Texas to address a joint session of the legislature on February 23, 2005.

HCR 33 was adopted.

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 THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
SEVENTY-NINTH TEXAS LEGISLATURE, REGULAR SESSION:**

There is no greater priority than protecting those who cannot help themselves, especially those who are in the dawn of their lives or the twilight of their years and who are at risk of abuse, neglect and manipulation. During the

past year, the Health and Human Services Commission has conducted a systemic review of how the state cares for these citizens in need. I issued an executive order creating a new Division of Investigations to focus investigators' time on the critical job of receiving, reviewing, and investigating reports of abuse and neglect. I have called upon you to appropriate \$253 million in new general revenue for Child Protective Services during the next biennium to hire more than 800 new investigators and other clerical and support staff, to provide \$5,000 retention bonuses for investigators, and to provide a 5 percent across-the-board pay raise to other workers. Likewise, I have called upon you to hire 144 new caseworkers for Adult Protective Services and to institute comprehensive reforms including transferring guardianship services to the Department of Aging and Disability Services.

THEREFORE, I, RICK PERRY, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by means of this special message, do hereby submit the following emergency matter for immediate consideration to the 79th Legislature, now convened:

Legislation that provides for comprehensive reform and additional funding for Child Protective Services and Adult Protective Services.

Respectfully submitted,

Rick Perry
Governor of Texas

Austin, Texas
January 14, 2005

LEAVE OF ABSENCE GRANTED

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

Solis on motion of Uresti.

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 THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
SEVENTY-NINTH TEXAS LEGISLATURE, REGULAR SESSION:**

Education is the foundation for the economic and cultural future of the State of Texas. We must maintain an equitable system of school finance that ensures student performance and accountability are the primary goals. Educational excellence requires that the state provide resources to reward higher levels of student performance. Likewise, the state's system of accountability must include new measures of financial accountability and transparency in budgeting. Any changes in revenue structures must stimulate job creation and provide a healthy

climate in which business can operate and expand. Local property taxes must be cut and controlled to ensure that Texans are not burdened by excessive property tax rates without a vote.

THEREFORE, I, RICK PERRY, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by means of this special message, do hereby submit the following emergency matter for immediate consideration to the 79th Legislature, now convened:

Legislation that provides for comprehensive reform of the public education system by creating incentives to improve student performance and teacher compensation, by affirming greater accountability and transparency in school budgeting, and by supporting these goals with a finance system that encourages and stimulates a healthy job creation climate.

Respectfully submitted,
Rick Perry
Governor of Texas

Austin, Texas
January 14, 2005

HR 59 - ADOPTED
(by Y. Davis, et al.)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 59**.

The motion prevailed.

The following resolution was laid before the house:

HR 59, Honoring Dionne Phillips Bagsby of Fort Worth on the occasion of her retirement from the Tarrant County Commissioners Court.

HR 59 was adopted.

HR 62 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 62**.

The motion prevailed.

The following resolution was laid before the house:

HR 62, Honoring Texas bikers on the occasion of their legislative day at the State Capitol, January 24, 2005.

HR 62 was adopted.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 62** as signers thereof.

ADJOURNMENT

Representatives Flynn and Berman moved that the house adjourn until 10 a.m. tomorrow in memory of J. O. Daughtry of Tyler.

The motion prevailed.

The house accordingly, at 10:39 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

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, January 13, 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:

HCR 25

Geren

SPONSOR: Whitmire

Granting permission to adjourn for more than three days during the period beginning on Thursday, January 13, 2005, and ending on Monday, January 24, 2005.

HCR 26

Hamilton

SPONSOR: Whitmire

Inviting the governor to address a joint session of the legislature on Wednesday, January 26, 2005.

Respectfully,

Patsy Spaw

Secretary of the Senate

