

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, FIRST CALLED SESSION

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## PROCEEDINGS

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FIRST DAY — TUESDAY, JUNE 21, 2005

In obedience of the proclamation of His Excellency, Rick Perry, Governor of the State of Texas, convening the 79th Legislature, First Called Session, to meet in special session at Austin, Texas, the seat of government, on this the 21st day of June 2005, the members of the House of Representatives assembled in the hall of the House of Representatives, and at 12 noon the house was called to order by the Honorable Tom Craddick, speaker.

The roll of the house was called and a quorum was announced present (Record 1).

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

Absent, Excused — Olivo; Riddle.

The invocation was offered by Andrew Dennis, bishop, Church of the Holy Spirit, Austin, as follows:

Almighty and everlasting God, from whom comes wisdom and understanding; be present, we humbly beseech you, in this meeting of the legislature of the State of Texas here assembled; that they may be guided in all their consultations, and work to perceive the more excellent way, and may have

grace and strength to follow the same. Save these your servants from all error, ignorance, pride, and prejudice; endue them with wisdom, patience, and courage. We pray that you would be pleased to direct and prosper all their consultations to the good of the State of Texas. We beseech you so to guide and bless the legislature of this state that it may ordain for our governance only such things as please you, to the glory of your name and the welfare of the people. Amen.

The speaker recognized Representative Chisum 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 important business:

Olivo on motion of Mowery.

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

Riddle on motion of Berman.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Baxter who presented Tim Flynn, RN, FNP of Austin as the "Nurse Practitioner for the Day."

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

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

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

### **PROCLAMATIONS BY THE GOVERNOR OF THE STATE OF TEXAS**

The chair laid before the house and had read the following proclamations 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

WHEREAS, the constitutional responsibility for the development of an efficient system of public education rests with the legislature; and

WHEREAS, Texas must maintain a system of school finance that ensures student performance and accountability are the primary goals; and

WHEREAS, educational excellence requires that the state provide resources to reward higher levels of student performance; and

WHEREAS, the state's system of accountability must include new measures of financial accountability and transparency in budgeting; 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 noon on Tuesday the 21st day of June 2005, for the following purposes:

To consider legislation that addresses educator compensation, benefits and certification.

To consider legislation that provides for public school financial accountability and that increases transparency in school district financial reporting.

To consider legislation that provides for performance-based incentives to educators and schools that attain higher levels of student achievement.

To consider legislation that funds textbooks and that creates the instructional materials allotment for public schools.

To consider legislation that provides for charter school funding and reform.

To consider legislation that provides for modifications to the recapture provisions of the public school finance system.

To consider legislation that provides for November elections for public school boards of trustees.

To consider legislation providing funding for the public school finance system and the continuation of the Texas Education Agency.

To consider legislation providing for end-of-course examinations to be used in public schools.

To consider legislation that provides for increased accountability and intervention for schools failing to meet state standards.

To consider legislation that provides for local property tax rate compression and voter approval of local property tax rates.

To consider legislation that establishes indicators of college readiness and higher levels of student achievement in the public school accountability system.

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 18th day of June, 2005.

Rick Perry  
Governor of Texas

(SEAL)  
Roger Williams  
Secretary of State

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE SEVENTY-NINTH TEXAS LEGISLATURE, FIRST CALLED SESSION:

WHEREAS, the people of Texas through their state constitution have placed the power to call the legislature into special session in the hands of the chief executive officer of the state; and

WHEREAS, the members of the Seventy-Ninth Texas Legislature, First Called Session, have now convened to consider items presented to them by the governor;

NOW, THEREFORE, I, RICK PERRY, Governor of the State of Texas, by the authority vested in me by Article IV, Section 8 and Article III, Section 40 of the Texas Constitution, do hereby present the following subject matter to the Seventy-Ninth Texas Legislature, First Called Session for consideration:

Legislation to limit the ad valorem tax rates of certain taxing units.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 21st day of June, 2005.

Rick Perry  
Governor of Texas

(SEAL)  
Roger Williams  
Secretary of State

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

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

Hope on motion of Hardcastle.

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

Frost on motion of Blake.

**HCR 11 - ADOPTED**  
**(by Eiland)**

Representative Eiland moved to suspend all necessary rules to take up and consider at this time **HCR 11**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 11**

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without consent of the other house; now, therefore, be it

RESOLVED, by the 79th Legislature, First Called Session, that each house grant the other permission to adjourn for more than three days during the period beginning on Tuesday, June 21, 2005, and ending on Monday, June 27, 2005.

**HCR 11** was adopted.

**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).

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

**ADJOURNMENT**

Representatives Baxter, Dukes, Keel, Naishtat, and Rodriguez moved that the house adjourn until 12 p.m. Monday, June 27 in memory of the Honorable Jake Pickle of Austin.

The motion prevailed.

The house accordingly, at 12:47 p.m., adjourned until 12 p.m. Monday, June 27.

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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 2** (By Grusendorf), Relating to public education and public school finance matters; imposing criminal penalties.

To Public Education.

**HB 3** (By J. Keffer), Relating to property tax relief and protection of taxpayers, taxes and fees, and other matters relating to the financing of public schools; providing civil and criminal penalties.

To Ways and Means.

**HB 4** (By Isett and Bohac), Relating to certain limitations on the ad valorem tax rates of certain taxing units.

To Ways and Means.

**HB 5** (By Pitts), Relating to certain fiscal matters affecting governmental entities.

To Appropriations.

**HB 11** (By Hartnett and Luna), Relating to the compensation of state judges and county judges, to the computation of retirement benefits for state judges and for members of the elected class of the Employees Retirement System of Texas, and to providing funds for court-related purposes.

To Judiciary.

**HB 12** (By Hartnett and Luna), Relating to the compensation of state judges and county judges, to the computation of retirement benefits for state judges and for members of the elected class of the Employees Retirement System of Texas, and to providing funds for court-related purposes.

To Judiciary.

**HB 13** (By Seaman), Relating to funding for public school career and technology programs.

To Public Education.

**HB 14** (By Seaman), Relating to the dissolution of the Aransas County Conservation and Reclamation District.

To Natural Resources.

**HB 15** (By Hochberg, et al.), Relating to public education and public school finance matters.

To Public Education.

**HB 16** (By Casteel and Dawson), Relating to the salary paid to certain professional employees of public schools.

To Public Education.

**HB 17** (By Madden), Relating to the creation and operation of a state virtual school network to provide education to students through electronic means.

To Public Education.

**HB 18** (By Peña, Gonzales, Escobar, Leibowitz, and Martinez), Relating to the salary paid to certain professional employees of public schools.

To Public Education.

**HB 19** (By Keel), Relating to the qualifications and appointment of counsel for indigent defendants in capital cases.

To Criminal Jurisprudence.

**HB 20** (By Hochberg), Relating to adjustments in charter school funding.

To Public Education.

**HB 21** (By Hochberg), Relating to the receipt of financial benefits by school district superintendents for services performed for business entities.

To Public Education.

**HB 22** (By Hochberg), Relating to authorizing a flexible school day program for certain public secondary school students.

To Public Education.

**HB 23** (By J. Keffer), Relating to state and certain local fiscal matters; providing civil and criminal penalties.

To Ways and Means.

**HB 24** (By Hochberg), Relating to the setting of performance levels on assessment instruments used in the public school accountability system.

To Public Education.

**HB 25** (By Hochberg), Relating to limits on the assignment of public school students to teachers.

To Public Education.

**HB 26** (By Hochberg), Relating to the certification of and training for school district financial officers.

To Public Education.

**HB 27** (By Hochberg), Relating to certain questions that may be included on statewide assessment instruments administered to public school students.

To Public Education.

**HB 28** (By Hochberg), Relating to the use of credits for textbooks or other instructional materials in public schools.

To Public Education.

**HJR 11** (By Hopson, R. Cook, Raymond, Farabee, and Rose), Proposing a constitutional amendment increasing the amount of the school district residence homestead property tax exemption to \$45,000 and providing for a corresponding adjustment of the limitation on school taxes on residence homesteads of elderly and disabled persons.

To Ways and Means.

**HJR 12** (By Guillen), Proposing a constitutional amendment requiring the state to provide for equitable funding for each student under the public school system.

To Public Education.

**List No. 2**

**HB 1** (By Pitts), Relating to appropriating money for the support of state government.

To Appropriations.

**HB 6** (By Morrison), Relating to authorizing the issuance of revenue bonds or other obligations to fund capital projects at public institutions of higher education.

To Higher Education.

**HB 29** (By Phillips), Relating to the procedure for rendering certain property for ad valorem taxation if the information contained in the most recently filed rendition statement continues to be accurate.

To Ways and Means.

**HB 30** (By Miller), Relating to professional liability insurance for public school classroom teachers.

To Public Education.

**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

Tuesday, June 21, 2005

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HCR 11** Eiland SPONSOR: Armbrister  
Granting permission for the legislature to adjourn for more than three days during the period beginning on Tuesday, June 21, 2005, and ending on Monday, June 27, 2005.

Respectfully,

Patsy Spaw

Secretary of the Senate