

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

SECOND DAY — MONDAY, JUNE 27, 2005

The house met at 12 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 2).

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; 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.

The invocation was offered by Representative Swinford.

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

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.

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 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 provide ad valorem tax relief and protect taxpayers.

Legislation and a constitutional amendment to increase the homestead ad valorem tax exemption.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 27th day of June, 2005.

Rick Perry
Governor of Texas

(SEAL)
Roger Williams
Secretary of State

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).

HB 2 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to House Rule 3, Section 5(2), and House Rule 6, Section 16(f), Representative Woolley moved to adopt the following rule governing floor consideration for **HB 2**:

(a) All original amendments that will be offered during second reading consideration of **HB 2** must be filed with the chief clerk not later than 5 p.m. on Monday, June 27, 2005.

(b) Any amendment is not in order unless any cost of an amendment added to **HB 2** is offset by an equal dollar reduction in the cost of **HB 2**.

(c) This rule does not apply to an amendment that makes an adjustment solely to correct a technical or clerical error.

The motion prevailed.

PROVIDING FOR ADJOURNMENT

Representative West 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**

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.)

ADJOURNMENT

In accordance with a previous motion, the house, at 12:42 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

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 31 (By Eissler), Relating to the ability of public school employees to communicate with members of a school district board of trustees.

To Public Education.

HB 32 (By Luna), Relating to the reenrollment of a student in a bilingual education or special language program in a public school.

To Public Education.

HB 33 (By Rodriguez), Relating to state taxes and financing schools through those taxes; providing penalties.

To Ways and Means.

HB 34 (By B. Brown), Relating to the appointment of a magistrate in the district courts in Henderson County.

To Judiciary.

HB 35 (By Herrero), Relating to social security coverage for employees of public school districts.

To Public Education.

HB 36 (By Peña), Relating to authorizing the issuance of revenue bonds for The University of Texas–Pan American.

To Higher Education.

HB 37 (By Bonnen), Relating to limiting the maximum average annual increase in the appraised value of real property for ad valorem tax purposes to three percent.

To Ways and Means.

HB 38 (By Naishtat), Relating to the adoption of public school textbooks.
To Public Education.

HB 39 (By W. Smith), Relating to compliance histories for and incentives to reward compliance performance by entities regulated by the Texas Commission on Environmental Quality.

To Environmental Regulation.

HB 40 (By Puente), Relating to the management of the water resources of the state, including the protection of instream flows and freshwater inflows.
To Natural Resources.

HB 41 (By Puente), Relating to the maximum permitted withdrawals and critical period management of groundwater in the area regulated by the Edwards Aquifer Authority and to the operations and oversight of the Edwards Aquifer Authority.

To Natural Resources.

HB 42 (By Menendez), Relating to compensation supplementation for certain education employees.
To Public Education.

HB 43 (By Wong), Relating to authorizing the issuance of revenue bonds for The University of Texas Health Science Center at Houston.
To Higher Education.

HB 44 (By Wong), Relating to authorizing the issuance of revenue bonds for The University of Texas M.D. Anderson Cancer Center facilities and infrastructure.

To Higher Education.

HB 45 (By Edwards), Relating to the addition of certain territory to the Greater Southeast Management District.
To Urban Affairs.

HB 46 (By Alonzo), Relating to a program to assist certain persons to become certified to teach in bilingual education programs and to teach in public schools with a shortage of certified bilingual education teachers.

To Public Education.

HB 47 (By Alonzo), Relating to the absence of a student from school for activities in connection with obtaining United States citizenship.

To Public Education.

HB 48 (By Alonzo), Relating to Mexican American studies programs and course work at certain public junior colleges.

To Higher Education.

HB 49 (By Alonzo), Relating to public use of computers in certain local public libraries.

To Urban Affairs.

HB 50 (By Alonzo), Relating to the exemptions from compulsory school attendance.

To Public Education.

HB 51 (By Alonzo), Relating to a study and report concerning predicted faculty retirement at general academic teaching institutions.

To Higher Education.

HB 52 (By Anderson), Relating to site-based public school discipline policy committees.

To Public Education.

HB 53 (By Anderson), Relating to the exemption of counties from the diesel fuel tax.

To Ways and Means.

HB 54 (By Rose), Relating to exempting books purchased by university and college students from the sales tax for a limited period.

To Ways and Means.

HJR 13 (By Rodriguez), Proposing a constitutional amendment that provides for the approval of an income tax adopted by the legislature, requires that a deduction or exemption to the tax that redistributes the combined tax liability be approved in a statewide referendum, and allows revenue from the tax to be spent on education and any other purpose.

To Ways and Means.

HJR 14 (By Howard), Proposing a constitutional amendment to abolish the office of county treasurer of Fort Bend County.

To County Affairs.

HJR 15 (By Raymond), Proposing a constitutional amendment prohibiting the authorization or funding of an elementary or secondary education voucher program.

To Public Education.

HJR 16 (By Bonnen), Proposing a constitutional amendment authorizing the legislature to limit the maximum average annual increase in the appraised value of real property for ad valorem tax purposes to three percent or more.

To Ways and Means.

HJR 17 (By Vo), Proposing a constitutional amendment prohibiting the taxation of the sale or use of certain food, drinks, and medicine.

To Ways and Means.

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

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

June 23

Judiciary - **HB 11, HB 12**

June 24

Public Education - **HB 2**

ENROLLED

June 22 - HCR 11