

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, SECOND CALLED SESSION

PROCEEDINGS

FIRST DAY — THURSDAY, JULY 21, 2005

In obedience of the proclamation of His Excellency, Rick Perry, Governor of the State of Texas, convening the 79th Legislature, Second Called Session, to meet in special session at Austin, Texas, the seat of government, on this the 21st day of July 2005, the members of the House of Representatives assembled in the hall of the House of Representatives, and at 10 a.m. 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; 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.

Absent, Excused — Driver.

The invocation was offered by Representative West.

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

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today and the remainder of the week because of a death in the family:

Driver on motion of McCall.

**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 THE SENATE AND HOUSE OF REPRESENTATIVES OF THE SEVENTY-NINTH TEXAS LEGISLATURE, SECOND 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, Second 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, Second Called Session for consideration:

Legislation that addresses educator compensation, benefits, and certification.

Legislation that provides for public school financial accountability and that increases transparency in school district financial reporting.

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

Legislation that funds textbooks and that creates the instructional materials allotment for public schools.

Legislation that provides for charter school funding and reform.

Legislation that provides for modifications to the recapture provisions of the public school finance system.

Legislation that provides for November elections for public school boards of trustees.

Legislation providing funding for the public school finance system and the continuation of the Texas Education Agency.

Legislation providing for end-of-course examinations to be used in public schools.

Legislation that provides for increased accountability and intervention for schools failing to meet state standards.

Legislation that provides for local property tax rate compression and voter approval of local property tax rates.

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

Legislation relating to the authorization, issuance, and funding of tuition revenue bonds.

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 July, 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, SECOND CALLED SESSION:

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WHEREAS, the members of the Seventy-Ninth Texas Legislature, Second 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, Second Called Session for consideration:

Legislation related to further competition in the telecommunications market.

Legislation related to the provision of broadband over powerlines.

Legislation related to the issuance of state-issued certificate of franchise authority for cable and video services.

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 July, 2005.

Rick Perry
Governor of Texas

(SEAL)
Roger Williams
Secretary of State

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WHEREAS, the members of the Seventy-Ninth Texas Legislature, Second 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, Second Called Session for consideration:

Legislation relating to an increase in the compensation of judges, including salary and retirement benefits.

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 July, 2005.

Rick Perry
Governor of Texas

(SEAL)
Roger Williams
Secretary of State

SELECT COMMITTEE ON PROPERTY TAX RELIEF APPOINTED

Speaker Craddick appointed the following select committee of the house:

J. Keffer, chair; Chisum, vice-chair; Geren; Otto; and Swinford.

(Denny in the chair)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a funeral:

Hope on motion of B. Cook.

HR 12 - ADOPTED (by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 12**.

The motion prevailed.

The following resolution was laid before the house:

HR 12, Commending the First National Bank of Baird for celebrating 120 years of operation.

HR 12 was adopted.

HR 11 - ADOPTED
(by Hughes and Flynn)

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

The motion prevailed.

The following resolution was laid before the house:

HR 11, Honoring former State Representative Bill G. Hollowell of Grand Saline on his 77th birthday.

HR 11 was read and was adopted.

On motion of Representative Berman, the names of all the members of the house were added to **HR 11** as signers thereof.

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.)

SELECT COMMITTEE ON
PUBLIC EDUCATION REFORM APPOINTED

Speaker Craddick appointed the following select committee of the house:

Grusendorf, chair; Eissler, vice-chair; Branch; Delisi; and B. Keffer.

(Speaker in the chair)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Higher Education, upon adjournment today, Desk 86, for a formal meeting.

Judiciary, upon adjournment today, Desk 70, for a formal meeting.

Property Tax Relief, Select, upon adjournment today, Desk 108, for a formal meeting.

Regulated Industries, upon adjournment today, Desk 82, for a formal meeting, to consider **HB 13**.

CORRECTIONS IN REFERRAL

Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

ADJOURNMENT

Representative Reyna moved that the house adjourn until 10 a.m. Monday, July 25.

The motion prevailed.

The house accordingly, at 11:21 a.m., adjourned until 10 a.m. Monday, July 25.

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 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, certain taxes, fees, and property, and other matters relating to the financing of public schools; providing civil and criminal penalties; making an appropriation.

To Property Tax Relief, Select.

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; making an appropriation.

To Higher Education.

HB 11 (By Hartnett), Relating to the compensation of state judges and county judges, to retirement benefits for state judges, and to providing funds for court-related purposes; making an appropriation.

To Judiciary.

HB 12 (By Corte), Relating to limiting the use of eminent domain to take private property for private parties or economic development purposes and to certain eminent domain procedures.

To Land and Resource Management.

HB 13 (By P. King), Relating to furthering competition in the communications industry.

To Regulated Industries.

HB 14 (By Hopson, Farabee, Bonnen, R. Cook, and Hughes), Relating to increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes to \$45,000, providing for an adjustment of the limitation on the total amount of ad valorem taxes that may be imposed for those purposes on the homesteads of the elderly or disabled to reflect the increased exemption amount and changes in school district ad valorem tax rates, and protecting school districts against the resulting loss in local revenue.

To Property Tax Relief, Select.

HJR 11 (By Corte and Peña), Proposing a constitutional amendment to prohibit the state or a political subdivision from taking private property for the primary purpose of economic development or to benefit a particular class of identifiable individuals.

To Land and Resource Management.

HJR 12 (By J. Keffer and Edwards), Proposing a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes and providing for an adjustment of the limitation on the total amount of ad valorem taxes that may be imposed for those purposes on the homesteads of the elderly or disabled to reflect the increased exemption amount and changes in school district ad valorem tax rates.

To Property Tax Relief, Select.

HJR 13 (By Berman, Flynn, Zedler, Edwards, and et al.), Proposing a constitutional amendment to increase or reduce, as applicable, the amount of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the residence homestead of an elderly or disabled person in proportion to any increase or reduction in the tax rate of the school district.

To Property Tax Relief, Select.

HJR 14 (By Hopson, Farabee, Bonnen, R. Cook, and Hughes), Proposing a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes to \$45,000 and providing for an adjustment of the limitation on the total amount of taxes that may be imposed for those purposes on the homesteads of the elderly or disabled to reflect the increased exemption amount and changes in school district ad valorem tax rates.

To Property Tax Relief, Select.

List No. 2

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

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

To Public Education Reform, Select.

