

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, SECOND CALLED SESSION

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## PROCEEDINGS

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SECOND DAY — MONDAY, JULY 25, 2005

The house met at 10 a.m. and was called to order by the speaker pro tempore.

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.; 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 — King, T.

The invocation was offered by David Bird, Trinity Valley Church, Carrollton, as follows:

Heavenly Father, we come before you with a unique mixture of boldness and humility. In boldness because we are desperate for your help and really need to hear from you. In humility because we know the solution is beyond the grasp of any one legislator. So we pause now to refocus and to seek your face in unity this morning.

Father, I sense today that you are looking for the ones who will be the advocates for every child in Texas, neither anything nor anyone else—just the children. May they alone be our focus. In the spirit of the Old Testament prophet Isaiah, I pray for the ones whose heart might be stirred by these scriptures: "The spirit of the Lord God is upon me, because the Lord has anointed me to bring good news to the afflicted; he has sent me to bind up the brokenhearted, to

proclaim liberty to captives and freedom to prisoners; to proclaim the favorable year of the Lord." (Isaiah 61:1-2) Education brings freedom and without it our children will be held captive all their lives.

Right now I pray there are stirrings in the hearts of those who want to find a way out of this wilderness of school finance reform. Surely, Lord, there is someone here whom you will give the clarity to see beyond the fog and point the way to the light. Father, you are telling us this morning, "If any of you lacks wisdom, let him ask of God, who gives to all generously and without reproach, and it will be given to him." (James 1:5)

So Father, we are asking and eagerly waiting to see whom you will raise up this day to deliver the children of Texas in their time of educational need. It may be one or two or a dozen or more who will lead the way. We wait to see whom you will touch and who will respond with boldness and humility. And now in respect for persons of all parties and all faiths, I humbly submit this prayer in the name of Jesus Christ. Amen.

The chair recognized Representative Denny 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 because of important business in the district:

T. King on motion of Flynn.

#### **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.)

#### **HR 13 - ADOPTED (by McCall)**

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

The motion prevailed.

The following resolution was laid before the house:

**HR 13**, Recognizing the birthdays of State Representatives Peggy Hamric and Beverly Woolley.

**HR 13** was read and was adopted.

On motion of Representatives Hill and Callegari, the names of all the members of the house were added to **HR 13** as signers thereof.

#### **HR 14 - ADOPTED (by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 14**.

The motion prevailed.

The following resolution was laid before the house:

**HR 14**, Honoring the Reverend Steve W. Hall, Sr., on his 20th anniversary as pastor of Bethany Baptist Church in Houston.

**HR 14** was adopted.

**HR 15 - ADOPTED  
(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 15**.

The motion prevailed.

The following resolution was laid before the house:

**HR 15**, Recognizing the St. Mary of the Purification Montessori School Founders Day Celebration on September 10, 2005.

**HR 15** was adopted.

**LEAVES OF ABSENCE GRANTED**

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

B. Keffer on motion of Eissler.

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

Escobar on motion of P. Moreno.

(Speaker in the chair)

**HR 16 - ADOPTED  
(by Dutton and Edwards)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 16**.

The motion prevailed.

The following resolution was laid before the house:

**HR 16**, Commemorating the 50th reunion of Houston's Phillis Wheatley High School Class of 1955.

**HR 16** was adopted.

**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** (or **SB 2**, as substituted, if the speaker, not later than the time of the adoption of the calendar rule by the house, indicates that the house will consider **SB 2**, as substituted, in the place of **HB 2**) must be filed with the chief clerk not later than 5 p.m. on Monday, July 25, 2005.

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

(c) This rule does not apply to an amendment that makes an adjustment solely to correct a technical or clerical error. If the original amendment offered during second reading is originally drafted to **HB 2** and the house considers **SB 2** instead, the line and page numbers of the original amendment as drafted to **HB 2** may be altered to reflect the correct line and page number in **SB 2**.

The motion prevailed. (Burnam, Coleman, and Y. Davis recorded voting no.)

### **HB 3 - 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 of **HB 3**:

(a) All original amendments that will be offered during second reading consideration of **HB 3** must be filed with the chief clerk not later than 5 p.m. on Monday, July 25, 2005.

(b) Any amendment to **HB 3** is not in order unless it is revenue neutral.

(c) For purposes of this rule, the fiscal impact of an amendment will be determined based on estimates provided by the Legislative Budget Board with assistance from the Office of the Comptroller.

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

The motion prevailed. (Burnam, Coleman, and Y. Davis recorded voting no.)

### **GENERAL STATE CALENDAR HOUSE BILLS SECOND READING**

The following bills were laid before the house and read second time:

#### **HB 6 ON SECOND READING (by Morrison, et al.)**

**HB 6**, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds or other obligations to fund capital projects at public institutions of higher education; making an appropriation.

(Howard in the chair)

### LEAVES OF ABSENCE GRANTED

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

Driver on motion of Denny.

(Speaker in the chair)

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

Bailey on motion of Keel.

### HB 6 - (consideration continued)

#### Amendment No. 1

Representative Turner offered the following amendment to **HB 6**:

Amend **HB 6** by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill appropriately:

SECTION \_\_. This Act does not affect any authority or restriction regarding the activities that a public institution of higher education may conduct in connection with a facility financed by bonds authorized by this Act.

#### AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HOWARD: Currently, our state institutions are doing current research on some existing stem cell lines of research. What your amendment says, is that they can continue to do that research on those existing lines—it does not prevent them from using that current research, but it does not allow them to expand that research into other lines? Is that correct?

REPRESENTATIVE TURNER: Let me respond to you this way, Representative Howard, because this is not my area. When you start talking about existing lines, that goes beyond me. What the intent of the amendment is, is whatever state colleges and universities can presently do with state dollars, they continue to do under this bill. This bill is not intended to expand what state colleges and universities can do presently. It maintains the status quo in terms of how state dollars can be used at state universities. Whatever they can do now, they will also be allowed to do under this bill. No more, no less.

#### REMARKS ORDERED PRINTED

Representative Howard moved to print remarks between Representative Turner and Representative Howard.

The motion prevailed.

Amendment No. 1 was adopted.

**HB 6**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 6 ON THIRD READING**  
**(by Morrison, et al.)**  
**CONSTITUTIONAL RULE SUSPENDED**

Representative Morrison moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 6** on its third reading and final passage.

The motion prevailed by (Record 3): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Anchia; Anderson; 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; Farabee; Farrar; Flores; Flynn; Frost; 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; Hopson; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Driver; Escobar; Keffer, B.; King, T.

Absent — Alonzo; Gallego; Hope; Hughes; Morrison; Riddle.

**STATEMENTS OF VOTE**

When Record No. 3 was taken, I was in the house but away from my desk. I would have voted yes.

Alonzo

When Record No. 3 was taken, I was in the house but away from my desk. I would have voted yes.

Hope

The speaker laid **HB 6** before the house on its third reading and final passage.

**HB 6** was read third time.

**Amendment No. 1**

Representative Morrison offered the following amendment to **HB 6**:

Amend **HB 6** on third reading by striking added Subdivision (4), Subsection (a), Section 55.1752, Education Code (page \_\_, lines \_\_ - \_\_), and substituting the following:

(4) The University of Texas at Dallas:

(A) \$85 million for a new natural science and engineering research building and technology accelerator as part of the Erik Jonsson School of Engineering and Computer Science; and

(B) \$55 million for educational and related facilities, including an administration building and renovation of Green Hall and Jonsson Hall;

Amendment No. 1 was adopted.

A record vote was requested.

**HB 6**, as amended, was passed by (Record 4): 138 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; 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; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, J.; 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; 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.

Nays — Brown, B.; King, P.; Riddle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Driver; Escobar; Keffer, B.; King, T.

Absent — Hughes; Peña.

The speaker stated that **HB 6** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

#### STATEMENT OF VOTE

When Record No. 4 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

**HB 11 ON SECOND READING**  
**(by Hartnett, Luna, Alonzo, and Gonzales)**

**HB 11**, A bill to be entitled An Act 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.

A record vote was requested.

**HB 11** was passed to engrossment by (Record 5): 103 Yeas, 20 Nays, 15 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Berman; Blake; Bohac; Brown, F.; Campbell; Casteel; Castro; Chisum; Coleman; Cook, B.; Crownover; Davis, J.; Davis, Y.; Dawson; Denny; Deshotel; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Farrar; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hill; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Keffer, J.; King, P.; Krusee; Kuempel; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miller; Morrison; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Rodriguez; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Strama; Swinford; Taylor; Turner; Uresti; Van Arsdale; Vo; West; Wong; Woolley; Zedler.

Nays — Anderson; Baxter; Branch; Burnam; Chavez; Cook, R.; Corte; Crabb; Dukes; Gallego; Hochberg; Homer; Kolkhorst; Merritt; Riddle; Ritter; Rose; Thompson; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C); Bonnen; Brown, B.; Delisi; Farabee; Hilderbran; Hodge; Keel; Laney; McCall; Moreno, P.; Mowery; Reyna; Talton; Truitt.

Absent, Excused — Bailey; Driver; Escobar; Keffer, B.; King, T.

Absent — Callegari; Hughes; Jones, J.; Peña; Solomons; Straus.

**STATEMENTS OF VOTE**

When Record No. 5 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

I was shown voting yes on Record No. 5. I intended to vote no.

Hopson

I was shown voting yes on Record No. 5. I intended to vote no.

Menendez

When Record No. 5 was taken, I was in the house but away from my desk. I would have voted no.

Peña



When Record No. 5 was taken, I was in the house but away from my desk. I would have voted no.

Solomons

**HB 11 ON THIRD READING**  
**(by Hartnett, Luna, Alonzo, and Gonzales)**  
**CONSTITUTIONAL RULE SUSPENDED**

Representative Hartnett moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 11** on its third reading and final passage.

The motion prevailed by (Record 6): 115 Yeas, 17 Nays, 8 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Berman; Blake; Bohac; Branch; Brown, F.; Callegari; Campbell; Casteel; Castro; Chisum; Coleman; Cook, B.; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dunnam; Dutton; Edwards; Eiland; Eissler; Farabee; Farrar; Flynn; Frost; Gattis; Geren; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Rodriguez; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, R.; Anderson; Baxter; Burnam; Cook, R.; Crabb; Dukes; Elkins; Gallego; Homer; Hopson; Merritt; Peña; Ritter; Rose; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C); Brown, B.; Corte; Giddings; Hodge; Keel; Laney; McCall.

Absent, Excused — Bailey; Driver; Escobar; Keffer, B.; King, T.

Absent — Bonnen; Chavez; Flores; Riddle.

The speaker laid **HB 11** before the house on its third reading and final passage.

A record vote was requested.

**HB 11** was read third time and was passed by (Record 7): 105 Yeas, 26 Nays, 13 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Berman; Blake; Bohac; Brown, F.; Callegari; Campbell; Casteel; Castro; Chisum; Coleman; Cook, B.; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dunnam; Dutton; Edwards; Eiland; Eissler; Farrar; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs;

Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, J.; King, P.; Krusee; Kuempel; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miller; Morrison; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Rodriguez; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Strama; Swinford; Taylor; Turner; Uresti; Van Arsdale; Vo; West; Wong; Woolley; Zedler.

Nays — Anderson; Baxter; Branch; Burnam; Chavez; Cook, R.; Corte; Crabb; Dukes; Elkins; Gallego; Hilderbran; Hochberg; Homer; Hopson; Kolkhorst; Merritt; Peña; Riddle; Ritter; Rose; Solomons; Thompson; Truitt; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C); Bonnen; Brown, B.; Farabee; Hodge; Keel; Laney; McCall; Moreno, P.; Mowery; Reyna; Straus; Talton.

Absent, Excused — Bailey; Driver; Escobar; Keffer, B.; King, T.

The speaker stated that **HB 11** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

#### STATEMENT OF VOTE

I was shown voting yes on Record No. 7. I intended to vote no.

Menendez

#### REASONS FOR VOTE

I favor a judicial compensation increase, but I do not favor linking that increase with an increase in legislative pensions.

Branch  
Flynn

I voted for **HB 11** because of the importance of increasing compensation for state judges. However, I would prefer that legislative retirement not be linked.

B. Cook

This being the third time that the house of representatives has voted on this legislation (I opposed by voting no the first two times), I felt it necessary to vote affirmatively on **HB 11** as attrition levels of members of the judiciary due to low pay has become a clear problem. Although it affects the pensions of other judges and state officials, I feel that fair compensation is necessary to improve judicial retention levels.

Goolsby

Although I do not agree with linking judicial pay raises to increases in legislative pensions, I am in favor of a judicial pay raise because it will help attract the best and most experienced candidates to the bench. I look forward to the day when the legislature severs the link between judicial salaries and legislative pensions.

Herrero

My vote against **HB 11** should not be interpreted as a vote against the concept of increasing salaries of our judges. My vote is against the current standard of linking judicial pay with the pensions of the legislature.

Kolkhorst

Judges in this state are often paid less than a first-year lawyer at large law firms and deserve a raise. Judges are responsible for making important and often life and death decisions, but many experienced, highly-qualified judges are leaving the bench because of the lack of compensation. I believe that a pay raise for judges is justified, and that is why I voted for **HB 11**.

If the Texas Legislature believes it is important to raise judicial compensation to keep quality judges, then the Texas Legislature should also be raising compensation for educators to keep quality teachers. With the Texas House of Representatives failing to provide money for a teacher pay raise and failing to increase the multiplier for retired teachers during this education special session, I feel it is inappropriate for legislators to be increasing their own pension benefits.

Unfortunately, a decision was made in the 1970s to tie the future retirement pay of state legislators to the current salaries of district judges. I did not run for public office to get a retirement check. I knew the job paid \$7,200 per year, and I am not interested in any pension increase that might result from this bill if I serve long enough to even qualify for a legislative pension. Should I qualify for a pension from the state at a future point in time, I will not accept the increased pension benefits that result from **HB 11** and will ask that the money be redirected to the Teachers' Retirement System.

Leibowitz

I voted for the judicial pay raise because of the many under-paid and talented jurists in Bexar County who are among the lowest paid judges in the United States. Unfortunately, the judicial pay raise was tethered to an indirect increase in the Legislative Pension Fund. Had there been a motion to separate the two, I would have vehemently supported that amendment. On a personal note, I think that it is unseemly that the governor has expanded this special session to include many proposals that have little or no correlation to public school finance. At this critical moment in time, these meanderings have cost this legislature time and money that would have been better spent focusing on the public schools and tax reform. Special sessions are for extraordinary times and with school about to begin there can be nothing quite as extraordinary as making sure our public schools have the money they need to open their doors next month.

Martinez Fischer

I support the pay raise for judges. It is past due. I elected to vote "Present Not Voting" since the pay-raise given to judges would have boosted my own pension at a time when we are seeking to pay teachers better, with (so far) no result.

McCall

I favor reasonable pay increases for our judges, however, my retirement is linked to this increase. I could not vote to increase my retirement pension while not adequately paying our teachers and funding the school systems. I favor separating legislative retirement with judicial pay.

Merritt

Although I strongly agree that members of the judiciary are paid below what the market allows and support the argument that their pay should be increased, because an increase in my legislative pension may be tied to this vote, I enter a nay vote.

Peña

Although I favor increasing the salaries of Texas judges, I do not believe we should pass **HB 11** until such time that the legislature has properly funded our public schools, increased teachers' salaries, and lowered the property tax burden on Texas homeowners.

Solomons

During the first called session, the judicial compensation legislation had reference to the elected class in its caption and would have raised the statutory multiplier to determine standard service retirement annuity for elected officials from 2 percent of the state salary of a district judge for each year of service credit to 2.3 percent. I voted no on that legislation. **HB 11** of this called session removes all references to the elected class and only deals with state judges and county judges. With these changes complete, I voted yes on this matter.

Swinford

### **HB 13 ON SECOND READING** **(by P. King)**

**HB 13**, A bill to be entitled An Act relating to furthering competition in the communications industry.

Representative P. King moved to postpone consideration of **HB 13** until 9 a.m. tomorrow.

The motion prevailed.

### **COMMITTEES GRANTED PERMISSION TO MEET**

Representative P. King requested permission for the Committee on Regulated Industries to meet while the house is in session at 5 p.m. today in E2.020 for a formal meeting.

Permission to meet was granted.

Representative Grusendorf requested permission for the Committee on Public Education Reform, Select, to meet while the house is in session.

Permission to meet was granted.

Representative Delisi requested permission for the Committee on Public Health to meet while the house is in session at 12:20 p.m. today in 3W.9 for a formal meeting.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Regulated Industries, 5 p.m. today, E2.020, for a formal meeting.

Public Education Reform, Select, 5 p.m. today, E1.010, for a formal meeting.

Public Health, 12:20 p.m. today, 3W.9, for a formal meeting.

### **PROVIDING FOR ADJOURNMENT**

Representative Keel moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees and receipt of messages from the senate, the house adjourn until 11 a.m. tomorrow in memory of Mary Compeau of Austin.

The motion prevailed.

(Miller in the chair)

### **ADJOURNMENT**

In accordance with a previous motion, the house, at 2:44 p.m., adjourned until 11 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 15** (By Peña), Relating to the use of the power of eminent domain by a political subdivision.

To Land and Resource Management.

**HB 16** (By Woolley), Relating to limits on the use of the power of eminent domain.

To Land and Resource Management.

**HB 17** (By Delisi), Relating to the appropriation to the Department of State Health Services for trauma facility and emergency medical services activities.

To Appropriations.

**HB 18** (By Delisi), Relating to the expansion of faith- and community-based health and human services initiatives.

To Public Health.

**HB 19** (By Riddle), Relating to the authorization of a local option election in a county to set a limit of less than 10 percent but not less than three percent on the maximum average annual increase in the appraised value of residence homesteads for ad valorem tax purposes.

To Property Tax Relief, Select.

**HB 20** (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 Property Tax Relief, Select.

**HB 21** (By Rodriguez), Relating to state taxes and financing schools through those taxes; providing penalties.

To Property Tax Relief, Select.

**HB 22** (By Flores), Relating to an exception for certain employees of the Texas Lottery Commission from the application of the employment-at-will doctrine.

To State Affairs.

**HB 23** (By Howard), Relating to prohibiting discrimination based on a student's secondary school in awarding certain financial aid for higher education.

To Higher Education.

**HB 24** (By McCall), Relating to the regulation of drivers education and driving safety programs by the Texas Department of Licensing and Regulation.

To Public Education.

**HB 25** (By Bonnen), Relating to the authority of the Sweeny Hospital District to borrow money.

To County Affairs.

**HB 26** (By Bonnen), Relating to responsibilities of certain state agencies concerning radioactive substances; imposing fees and surcharges.

To Environmental Regulation.

**HB 27** (By B. Brown), Relating to the appointment of a magistrate in the district courts in Henderson County.

To Judiciary.

**HJR 15** (By Riddle), Proposing a constitutional amendment authorizing the legislature to provide for a local option election in a county to set a limit of less than 10 percent but not less than three percent on the maximum average annual increase in the appraised value of residence homesteads for ad valorem tax purposes.

To Property Tax Relief, Select.

**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 Property Tax Relief, Select.

**HJR 17** (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 Property Tax Relief, Select.

**HJR 18** (By Bonnen), Proposing a constitutional amendment relating to the creation of a judicial compensation commission.

To Judiciary.

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**July 21**

Higher Education - **HB 6**

Judiciary - **HB 11**

Property Tax Relief, Select - **HB 3, HJR 12**

Regulated Industries - **HB 13**

**July 22**

Public Education Reform, Select - **HB 2**

