

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, SECOND CALLED SESSION

PROCEEDINGS

EIGHTH DAY — TUESDAY, AUGUST 9, 2005

The house met at 7:40 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 29).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; 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; 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; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Anderson; Driver; Escobar; Solis.

MAJOR STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 62 ON THIRD READING **(by Grusendorf, Pitts, et al.)**

HB 62, A bill to be entitled An Act relating to public school instructional materials and instructional technology; making an appropriation.

A record vote was requested.

HB 62 was passed by (Record 30): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; 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; 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; 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; 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; 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 — Anderson; Driver; Escobar; Solis.

Absent — Moreno, P.

The speaker stated that **HB 62** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

REASONS FOR VOTE

I voted for **HB 62** because it is important to provide funds for our children's textbooks. However, I am seriously disappointed that we were forced to pass a textbook bill that gives priority only to technology funding while leaving over \$1 billion in available funds unspent that could have been used to help our children's schools this year. I am extremely disappointed that the **HB 62** process did not allow members an opportunity to keep our promise to restore health insurance funds for teachers and educational personnel, provide funds for school facilities, increase teacher pay, and provide adequate funding for other programs that would improve our neighborhood schools.

Coleman

There are many issues important to schools and teachers before us. We all believe that it is important for money to be appropriated for the delivery of textbooks and instructional technology to Texas schools and for teachers to receive a fair pay raise. At the moment we are working to guarantee that the funding will be available for the textbooks and instructional technology. Funding textbooks and technology right now ensures that all needed materials are available as students arrive for the first day of school. While we are not able to

fund a teacher pay raise right now, this in no way means that this issue is not important. We will continue to work toward achieving a proper pay raise for teachers. Handling textbooks now narrows the issues that remain.

McClendon

HB 62 - RULES SUSPENDED

Representative Hilderbran moved to suspend House Rule 2, Section 1(a)(9) so that **HB 62** may be sent to the senate in the form of engrossed riders in lieu of a full engrossment.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Corte requested permission for the Committee on Defense Affairs and State-Federal Relations to meet while the house is in session upon the motion for second/final adjournment in 3W.9 for a formal meeting.

Permission to meet was granted.

Representative Mowery requested permission for the Committee on Land and Resource Management to meet while the house is in session at 9:15 p.m. today in 3W.9 for a formal meeting.

Permission to meet was granted.

Representative Woolley requested permission for the Committee on Calendars to meet while the house is in session at 9:30 p.m. today in 3W.9 for a formal meeting.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Defense Affairs and State-Federal Relations, upon the motion for second/final adjournment today, 3W.9, for a formal meeting.

Land and Resource Management, 9:15 p.m. today, 3W.9, for a formal meeting.

Calendars, 9:30 p.m. today, 3W.9, for a formal meeting.

PROVIDING FOR RECESS

Representative Hunter moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees and the receipt of messages from the senate, the house recess until 9 a.m. tomorrow in memory of Emma Perry of Abilene.

The motion prevailed.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1, 2, and 3).

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 3.)

LEAVES OF ABSENCE GRANTED

On motion of Representative Gattis and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RECESS

In accordance with a previous motion, the house, at 8:59 a.m., Wednesday, August 10, recessed until 9 a.m. today.

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. 3

SB 5 to Regulated Industries.

SB 7 to Land and Resource Management.

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, August 9, 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:

SB 8

Shapiro

Relating to public education and public school finance matters; imposing criminal penalties.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, August 9, 2005 - 2

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:

HB 11

Hartnett

SPONSOR: Duncan

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.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, August 9, 2005 - 3

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:

SB 5

Fraser

SPONSOR: King, Phil

Relating to furthering competition in the communications industry.

SB 7

Janek

SPONSOR: Corte

Relating to limits on the use of the power of eminent domain.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

August 8Public Education Reform, Select - **HB 62**