

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, SECOND CALLED SESSION

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## PROCEEDINGS

NINTH DAY — THURSDAY, AUGUST 11, 2005

The house met at 11 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 37).

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; 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; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — McCall; Talton.

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.

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leave of absence for today because of important business in the district:

McCall on motion of Truitt.

Talton on motion of Truitt.

### **HR 186 - ADOPTED (by Strama)**

Representative Strama moved to suspend all necessary rules to take up and consider at this time **HR 186**.

The motion prevailed.

The following resolution was laid before the house:

**HR 186**, Honoring Mike Davis of Pflugerville for 25 years in education.

**HR 186** was read and was adopted.

On motion of Representative Swinford, the names of all the members of the house were added to **HR 186** as signers thereof.

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

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Eiland on motion of Gonzalez Toureilles.

Harper-Brown on motion of Gonzalez Toureilles.

#### **HCR 16 - ADOPTED (by Homer)**

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

The motion prevailed.

The following resolution was laid before the house:

**HCR 16**, Commending Dereck Hatley of Sulphur Springs for his heroic actions during a vicious dog attack on July 16, 2005.

**HCR 16** was adopted.

#### **HR 182 - ADOPTED (by Bohac)**

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 182**.

The motion prevailed.

The following resolution was laid before the house:

**HR 182**, Congratulating Joel Glenn Paulk, Jr., of Houston on earning the rank of Eagle Scout.

**HR 182** was adopted.

#### **HR 183 - ADOPTED (by Deshotel)**

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 183**.

The following resolution was laid before the house:

**HR 183**, Congratulating Antioch Baptist Church of Beaumont on its new facility.

**HR 183** was adopted.

**HR 184 - ADOPTED****(by Frost)**

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 184**.

The motion prevailed.

The following resolution was laid before the house:

**HR 184**, In memory of Mabel Carol Young of Linden.

**HR 184** was unanimously adopted by a rising vote.

**HR 185 - ADOPTED****(by Frost)**

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 185**.

The motion prevailed.

The following resolution was laid before the house:

**HR 185**, In memory of Doris Faye Knight Fitts of Linden.

**HR 185** was unanimously adopted by a rising vote.

**HR 187 - ADOPTED****(by Alonzo)**

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 187**.

The motion prevailed.

The following resolution was laid before the house:

**HR 187**, Commemorating the 40th anniversary of the Voting Rights Act of 1965.

**HR 187** was adopted.

**HR 189 - ADOPTED****(by Martinez)**

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 189**.

The motion prevailed.

The following resolution was laid before the house:

**HR 189**, Honoring Sergeant Robert Trevino, Jr., for his courageous service in Iraq.

**HR 189** was adopted.

**HR 190 - ADOPTED****(by Quintanilla)**

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 190**.

The motion prevailed.

The following resolution was laid before the house:

**HR 190**, Honoring Cornelia Sanchez Borrego of San Elizario for her contributions to the community.

**HR 190** was adopted.

**HR 191 - ADOPTED****(by Quintanilla)**

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 191**.

The motion prevailed.

The following resolution was laid before the house:

**HR 191**, Honoring Manuela S. Munoz of San Elizario for her contributions to the community.

**HR 191** was adopted.

**HR 192 - ADOPTED****(by Quintanilla)**

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 192**.

The motion prevailed.

The following resolution was laid before the house:

**HR 192**, In memory of F.M. "Roe" Miller of Fort Davis.

**HR 192** was unanimously adopted by a rising vote.

**HR 193 - ADOPTED****(by Chisum)**

Representative Driver moved to suspend all necessary rules to take up and consider at this time **HR 193**.

The motion prevailed.

The following resolution was laid before the house:

**HR 193**, Congratulating Jack and Dorothy Chisum of Pampa on their 50th wedding anniversary.

**HR 193** was adopted.

**LEAVE OF ABSENCE GRANTED**

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

Rose on motion of Ritter.

**PROCLAMATION BY THE SPEAKER**

The speaker laid out and had read the following proclamation:

Pursuant to the Rule 1, Section 16, of the Rules of the House, 79th Legislature, I, Tom Craddick, speaker of the house, make the following changes to the jurisdiction of the Select Committee on Public Education Reform:

In addition to the jurisdiction previously given to the Select Committee on Public Education Reform, the Select Committee on Public Education Reform shall also have concurrent jurisdiction with the Select Committee on Property Tax Relief over all matters pertaining to legislation, including constitutional amendments, to provide ad valorem tax relief and protect taxpayers, to increase the homestead ad valorem tax exemption, and to limit the ad valorem tax appraisals and rates of certain taxing units, and any other legislation proposing to raise state revenue or levying state taxes to finance the public schools of Texas.

August 11, 2005

Tom Craddick  
Speaker of the House

**HCR 17 - ADOPTED  
(by Swinford)**

Representative Swinford moved to suspend all necessary rules to take up and consider at this time **HCR 17**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 17**

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, 2nd Called Session, That each house grant the other permission to adjourn for more than three days during the period beginning on Thursday, August 11, 2005, and ending on Tuesday, August 16, 2005.

**HCR 17** was adopted.

**HR 194 - ADOPTED  
(by Dutton)**

Representative Grusendorf moved to suspend all necessary rules to take up and consider at this time **HR 194**.

The motion prevailed.

The following resolution was laid before the house:

**HR 194**, Honoring Canaan Baptist Church in Houston on its 99th anniversary.

**HR 194** was adopted.

**HR 195 - ADOPTED**  
**(by Dutton)**

Representative Grusendorf moved to suspend all necessary rules to take up and consider at this time **HR 195**.

The motion prevailed.

The following resolution was laid before the house:

**HR 195**, In memory of Julia B. Washington of Houston.

**HR 195** was unanimously adopted by a rising vote.

**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**

Representative Hunter moved that the house adjourn until 2 p.m. Tuesday, August 16.

The motion prevailed.

The house accordingly, at 12:02 p.m., adjourned until 2 p.m. Tuesday, August 16.

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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 8** (By Swinford), 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 Public Education Reform, Select.

**HB 70** (By Madden), Relating to the election of and terms served by trustees of an independent school district.

To Public Education Reform, Select.

**HB 71** (By Grusendorf), Relating to public education and public school finance matters.

To Public Education Reform, Select.

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**August 10**

Land and Resource Management - **SB 7**

### ENROLLED

**August 10 - HB 11, HCR 13**

