

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, THIRD CALLED SESSION

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## PROCEEDINGS

SECOND DAY — TUESDAY, APRIL 18, 2006

The house met at 10 a.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.; Alonzo; Anchia; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte, V.; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hardcastle; Harper-Brown; Hartnett; Hegar; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Hupp; Isett, C.N.; Jackson; Jones, D.; 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, R.; 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 — Crabb.

Absent — Brown, F.; Hamric; Jones, J.

The invocation was offered by Tom Kesselring, pastor, Immanuel Lutheran Church, Pflugerville, as follows:

Gracious Heavenly Father, you have blessed this great State of Texas beyond measure. May we, your servants, always remember your generosity and strive to do your will. Continue to bless us, Lord, with honest industry, truthful education, and an honorable way of life. Save us from violence, discord, and confusion; from pride and arrogance; and from every evil course of action.

Merciful God, we call to mind before you all those whom it would be easy to forget: the homeless, the destitute, the sick, the aged, and all who have none to care for them. Make us instruments of your grace and healing.

We pray for those who suffer want and anxiety from lack of work. Guide us to use our wealth and resources wisely, that all persons may find suitable employment and receive just payment for their labor.

We pray for our schools, colleges, and universities, that they may be safe places for sound learning and new discovery. Bless those who teach and those who learn.

Finally, gracious God, bless the members of this legislative body and all who hold public office in this great state, that they may do their work in a spirit of wisdom, kindness, and integrity. Help them use their authority to serve faithfully and promote the general welfare. Heavenly Father, make them instruments of your divine will, called to serve your people as lovers of truth and justice. Hear and answer our prayer, for the sake of your steadfast love which endures forever. Amen.

The speaker recognized Representative Strama 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 illness:

Crabb on motion of Kuempel.

(J. Jones now present)

#### **CAPITOL PHYSICIAN**

The speaker recognized Representative Kolkhorst who presented Dr. Henry Boehm of Brenham as the "Doctor for the Day."

The house welcomed Dr. Boehm and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(F. Brown and Hamric now present)

#### **REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative Hamric and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

#### **HR 58 - ADOPTED**

**(by Goolsby)**

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 58**.

The motion prevailed.

The following resolution was laid before the house:

**HR 58**, In memory of the Reverend Amado Hinojosa of Dallas.

**HR 58** was unanimously adopted by a rising vote.

**HCR 12 - ADOPTED**  
**(by Flores)**

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

The motion prevailed.

The following resolution was laid before the house:

**HCR 12**, Approving the use of all types of public funding to complete the construction of a statue, monument, or exhibit on the Capitol grounds honoring contributions of Tejanos.

**HCR 12** was adopted.

**HR 40 - ADOPTED**  
**(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 40**.

The motion prevailed.

The following resolution was laid before the house:

**HR 40**, Honoring Mindy Ann Eiermann and James Henderson Collins II on their engagement and forthcoming marriage.

**HR 40** was adopted.

**HCR 16 - ADOPTED**  
**(by Naishtat)**

Representative Naishtat 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**, Honoring the faculty, staff, and students of Technische Universiteit Eindhoven on their 50th Dies Natalis on April 27, 2006.

**HCR 16** was adopted.

**LEAVES OF ABSENCE GRANTED**

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

Hamilton on motion of Hegar.

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

Escobar on motion of Gonzalez Toureilles.

**MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

**HR 57 - ADOPTED**  
**(by Merritt)**

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 57**.

The motion prevailed.

The following resolution was laid before the house:

**HR 57**, Commemorating the 75th anniversary of the incorporation of Gladewater.

**HR 57** was adopted.

On motion of Representative Hughes, the names of all the members of the house were added to **HR 57** as signers thereof.

**HCR 15 - ADOPTED**  
**(by Berman)**

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

The motion prevailed.

The following resolution was laid before the house:

**HCR 15**, Congratulating the Arp High School 2005-2006 boys' basketball team for winning the UIL 2A State Championship.

**HCR 15** was adopted.

**HR 56 - ADOPTED**  
**(by Rodriguez)**

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 56**.

The motion prevailed.

The following resolution was laid before the house:

**HR 56**, Congratulating former Austin resident Leo Anchondo on his receipt of the Ed Wendler Award for Service to the Immigrant Community from Casa Marianella.

**HR 56** was adopted.

**HR 55 - ADOPTED**  
**(by Dawson)**

Representative Dawson moved to suspend all necessary rules to take up and consider at this time **HR 55**.

The motion prevailed.

The following resolution was laid before the house:

**HR 55**, Honoring Mary Belle Ingram of Bay City on her 90th birthday and commending her for her outstanding contributions as a historian.

**HR 55** was adopted.

### **LEAVE OF ABSENCE GRANTED**

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

J. Keffer on motion of Chisum.

### **INTRODUCTION OF GUEST**

The speaker introduced U. S. Senator John Cornyn who briefly addressed the house.

### **PROVIDING FOR ADJOURNMENT**

Representative McReynolds 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 in memory of Arthur Temple of Lufkin.

The motion prevailed.

### **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. 1.)

### **ADJOURNMENT**

In accordance with a previous motion, the house, at 10:44 a.m., adjourned until 10 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 41** (By Hopson), Relating to increasing the amount of the residence homestead exemption from ad valorem taxation by a school district to \$22,500, providing for an adjustment of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the homesteads of the elderly or disabled to reflect the increased exemption amount and changes in the school district's ad valorem tax rate, and protecting school districts against the resulting loss in local revenue.

To Ways and Means.

**HB 45** (By Miller), Relating to the ad valorem taxation of certain property that is part of a rail facility owned by certain rural rail transportation districts.

To Ways and Means.

**HB 46** (By Seaman), Relating to the first day of instruction at a public school.

To Public Education.

**HB 47** (By Hughes), Relating to prohibiting mandatory participation in an animal identification system.

To Agriculture and Livestock.

**HB 48** (By Phillips), Relating to voter approval of certain school district property tax increases.

To Ways and Means.

**HB 49** (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 50** (By Seaman), Relating to funding for public school career and technology programs.

To Public Education.

**HB 51** (By Leibowitz), Relating to restrictions on the prices of certain consumer goods and services during an abnormal disruption of the market.

To Business and Industry.

**HB 52** (By Leibowitz), Relating to the salary paid to certain professional employees of public schools.

To Public Education.

**HB 53** (By Leibowitz), Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.

To Ways and Means.

**HB 54** (By Eissler), Relating to the compensation and benefits of and programs for public school employees.

To Public Education.

**HB 55** (By Eissler), Relating to the academic and fiscal accountability of public schools and the improvement of public schools.

To Public Education.

**HB 56** (By Grusendorf), Relating to the compensation and benefits of public school employees, the academic and fiscal accountability of public schools, and the improvement of public schools.

To Public Education.

**HB 57** (By Branch), Relating to high school programs and the advancement of college-readiness in secondary schools and institutions of higher education.

To Public Education.

**HCR 14** (By Hughes), Honoring D. H. Abernathy on his retirement as mayor of Pittsburg.

To Rules and Resolutions.

**HJR 19** (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 20** (By Leibowitz), Proposing a constitutional amendment to authorize the legislature to limit the maximum average annual increase in the appraised value of a residence homestead for ad valorem tax purposes to five percent or more.

To Ways and Means.

**HR 37** (By Raymond, Homer, and Hopson), Amending the Housekeeping Resolution to provide for display of the motto "In God We Trust" in the House chamber.

To House Administration.

**HR 39** (By Madden), Recognizing the cooperative agreement between the Probation Officer's Association of Wielkopolska, Poland, and the Texas Probation Association and encouraging the development of similar agreements with other countries.

To Rules and Resolutions.

**HR 41** (By Hilderbran), In memory of James Layton Snyder of Kerrville.

To Rules and Resolutions.

**HR 42** (By Hilderbran), In memory of Edward Julius Lange of Comfort.

To Rules and Resolutions.

**HR 43** (By Hilderbran), In memory of Marvin Livingston Stone of Kerrville.

To Rules and Resolutions.

**HR 44** (By Hilderbran), In memory of R. Floyd Price of Kerrville.

To Rules and Resolutions.

**HR 45** (By Hilderbran), In memory of Anna Elisabeth "Betty" Strohacker of Kerrville.

To Rules and Resolutions.

**HR 46** (By Hilderbran), In memory of Rose Sturges of Kerrville.

To Rules and Resolutions.

**HR 47** (By Hilderbran), Recognizing Leona Williams as an honorary Texan.

To Rules and Resolutions.

**HR 48** (By Hilderbran), In memory of Lieutenant Colonel (Ret.) Paul Bruce Montague of Bandera.

To Rules and Resolutions.

**HR 49** (By Hilderbran), In memory of John D. Mullins of Kerrville.

To Rules and Resolutions.

**HR 50** (By Hilderbran), In memory of Shirley Grace Edge of Kerrville.

To Rules and Resolutions.

### 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, April 18, 2006

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:

**HCR 11** Craddick SPONSOR: Seliger  
Honoring Jo and Fred Nayfa of Sweetwater on their 60th wedding anniversary.

Respectfully,

Patsy Spaw

Secretary of the Senate