

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, THIRD CALLED SESSION

PROCEEDINGS

FIFTH DAY — FRIDAY, APRIL 21, 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 5).

Present — Mr. Speaker; Allen, A.; Alonzo; Anchia; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte, V.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; 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.; 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, R.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; 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; Griggs; Reyna.

The invocation was offered by C. G. "Jabo" Green, bishop, Spring Tabernacle, Spring, as follows:

Dear Lord in heaven, we thank you for this day. May we all realize that every day we live is a gift from you.

As these political leaders of our great state gather here today, making choices and considering legislation that will affect each and every citizen, we ask that your presence be with them and direct them to make right decisions. We read in the Bible that great men, who were called and anointed by your presence, sought you in making life's decisions. The scripture also says that "in the multitude of council there is safety." We all know that you still lead men today, so lead us I pray.

We pray for our governor, Rick Perry, that you give him good health, strength, and wisdom to lead the people of Texas. I now pray for every man and woman that is in this chamber serving their district and this state. We join together as we also ask you to bless, lead, and guide the leadership of our nation, especially our president, George Bush.

Thank you for this privilege given to me, to stand in this chamber and call on your name, Jesus. We ask these blessings in the wonderful name of the Lord Jesus Christ. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Griggs on motion of Casteel.

The following member was granted leave of absence for today because of illness:

Reyna on motion of Denny.

The following member was granted leave of absence for today because of legislative business:

Driver on motion of Denny.

CAPITOL PHYSICIAN

The speaker recognized Representative P. King who presented Dr. Nilon Tallant of Fort Worth as the "Doctor for the Day."

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

(Strama in the chair)

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).

REGULAR ORDER OF BUSINESS SUSPENDED

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

(Speaker in the chair)

HR 105 - ADOPTED (by Craddick)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 105**.

The motion prevailed.

The following resolution was laid before the house:

HR 105, Congratulating the Honorable G. E. "Buddy" West and Shirley West of Odessa on their 50th wedding anniversary.

HR 105 was read and was adopted.

On motion of Representative Swinford, the names of all the members of the house were added to **HR 105** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Hunter who introduced Shirley West. The house congratulated Representative and Mrs. West on the occasion of their 50th wedding anniversary.

HR 162 - ADOPTED

(by D. Howard)

Representative D. Howard moved to suspend all necessary rules to take up and consider at this time **HR 162**.

The motion prevailed.

The following resolution was laid before the house:

HR 162, In memory of Kenneth Rodger Hinckley of Austin.

HR 162 was read and was unanimously adopted by a rising vote.

HR 66 - ADOPTED

(by Y. Davis)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 66**.

The motion prevailed.

The following resolution was laid before the house:

HR 66, Honoring Warren L. Rutherford on his receipt of a 2006 Good Samaritan Award from Dallas Baptist University-Oak Cliff Partnership.

HR 66 was adopted.

HR 71 - ADOPTED

(by Y. Davis)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 71**.

The motion prevailed.

The following resolution was laid before the house:

HR 71, Honoring Hollis Brashear for his service on the Dallas Independent School District Board of Trustees.

HR 71 was adopted.

RESOLUTIONS ADOPTED

Representative Burnam moved to suspend all necessary rules in order to take up and consider at this time **HR 61**, **HR 65**, **HR 73**, **HR 155**, **HR 156**, **HR 159**, and **HR 160**.

The motion prevailed.

The following resolutions were laid before the house:

HR 61 (by Veasey), Honoring Great Commission Baptist Church of Fort Worth on the dedication of its new facility.

HR 65 (by Veasey), Honoring Fort Woof Dog Park in Fort Worth for being named the number one dog park in the U.S. by the readers of Dog Fancy magazine and recognizing April 29, 2006, as Fort Woof Dog Park Day.

HR 73 (by Veasey), Commemorating the 50th reunion of the I. M. Terrell High School Class of 1955 and congratulating its members on their achievements.

HR 155 (by Veasey), Congratulating Truevine Missionary Baptist Church of Fort Worth, Inc., on its new facility.

HR 156 (by Veasey), Honoring Bishop J. W. Macklin of Hayward, California, for his pastoral achievements.

HR 159 (by Veasey), Honoring the Reverend R. L. Taylor on his 40 years of service as pastor of the Pentecostal Church of God in Christ in Fort Worth.

HR 160 (by Veasey), Honoring Love Sanctuary Church of God In Christ of Fort Worth.

The resolutions were adopted.

**HR 64 - ADOPTED
(by Veasey)**

Representative Burnam moved to suspend all necessary rules to take up and consider at this time **HR 64**.

The motion prevailed.

The following resolution was laid before the house:

HR 64, In memory of the Honorable Garfield Thompson of Fort Worth.

HR 64 was unanimously adopted by a rising vote.

HB 1 - 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 1**:

(a) All original amendments that will be offered during second reading consideration of **HB 1** must be filed with the chief clerk not later than 5 p.m. on Saturday, April 22, 2006.

(b) Any amendment to **HB 1** is not in order unless the amendment is revenue neutral. For purposes of this rule, revenue neutral means that the total cost of the bill may not exceed \$2,385,800,000 in this biennium and that there are no other additional costs in any other biennium.

(c) Any amendment is not in order if the effect of the amendment is to decrease the amount of the \$0.17 property tax relief rate in **HB 1**.

(d) 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.

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

A record vote was requested.

The motion prevailed by (Record 6): 79 Yeas, 66 Nays, 1 Present, not voting.

Yeas — Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Corte, V.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Eissler; Elkins; England; Flynn; Gattis; Geren; Goodman; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard, C.; Hughes; Hunter; Hupp; Isett, C.N.; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Riddle; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Casteel; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hamilton; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones, D.; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, P.; Naishtat; Noriega, R.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Griggs; Reyna.

Absent — Seaman.

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 for **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 Saturday, April 22, 2006.

(b) An amendment is not in order unless the Legislative Budget Board, with the assistance from the Office of the Comptroller, has determined the fiscal impact of the amendment.

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

A record vote was requested.

The motion prevailed by (Record 7): 137 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Anderson; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte, V.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Howard, C.; Howard, D.; Hughes; Hunter; Hupp; Isett, C.N.; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; 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.

Nays — Bailey; Hopson; Jones, J.; King, T.; Laney; Luna.

Present, not voting — Mr. Speaker(C); Noriega, R.

Absent, Excused — Driver; Griggs; Reyna.

Absent — Guillen; Hodge.

STATEMENTS OF VOTE

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

Bailey

When Record No. 7 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 7 was taken, my vote failed to register. I would have voted yes.

Hodge

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

Hopson

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

T. King

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

Luna

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** must be filed with the chief clerk not later than 5 p.m. on Saturday, April 22, 2006.

(b) An amendment is not in order:

(1) if it seeks to remove or alter the dedication of revenue described in this bill to any purpose other than the reduction of school district maintenance and operations tax rates to rates that are less than the rates in effect on January 1, 2006.

(2) if the revenue proposed to be added by an amendment to this bill is dedicated to any purpose other than the reduction of school district maintenance and operations tax rates to rates that are less than the rates in effect on January 1, 2006.

(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.

A record vote was requested.

The vote of the house was taken on the motion to adopt the Committee on Calendars rule and the vote was announced yeas 73, nays 70.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 8): 75 Yeas, 67 Nays, 1 Present, not voting.

Yeas — Anderson; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Corte, V.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Eissler; Elkins; England; Flynn; Gattis; Geren; Goodman; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard, C.; Hughes; Hupp; Isett, C.N.; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Riddle; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Alonzo; Anchia; Bailey; Burnam; Casteel; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Jones, D.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, P.; Naishtat; Noriega, R.; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Griggs; Reyna.

Absent — Allen, A.; Jones, J.; Pickett; Seaman.

The speaker stated that the motion prevailed by the above vote.

LEAVES OF ABSENCE GRANTED

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

A. Allen on motion of Veasey.

Pickett on motion of Guillen.

Seaman on motion of Berman.

HR 11 - ADOPTED (by Chavez)

Representative Chavez 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, Paying tribute to the life of Cesar Chavez on the occasion of the thirteenth anniversary of his death.

HR 11 was unanimously adopted by a rising vote. (C. Howard recorded voting no.)

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

ADJOURNMENT

Representative Harper-Brown moved that the house adjourn until 10 a.m. Monday, April 24 in memory of Linda Harper of Bedford, grandmother of Representative Harper-Brown's children.

The motion prevailed.

The house accordingly, at 12:19 p.m., adjourned until 10 a.m. Monday, April 24.

ADDENDUM

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

Friday, April 21, 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 15**

Berman

SPONSOR: Eltife

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

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 20

Ways and Means - **HB 1, HB 2, HB 3, HB 4, HB 5**

SENT TO THE GOVERNOR

April 20 - HCR 11, HCR 16

