

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, THIRD CALLED SESSION

PROCEEDINGS

EIGHTH DAY — MONDAY, MAY 1, 2006

The house met at 2 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 47).

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.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; 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; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; 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 — Brown, F.; Eiland; Kuempel; Noriega, R.; Oliveira; Talton.

Absent — Geren; Isett, C.N.

The invocation was offered by Reverend Emilee Whitehurst, Austin Area Interreligious Ministries, as follows:

Holy, holy, holy, God of power and might. God of compassion and God of hope. We gather here before you as people of different religions, different ethnicities, diverse beliefs, and at times, opposing agendas. Nevertheless, we stand here before you as servants of your people, assembled to work for the common good.

We humbly invite you to move through us as we strive to discern what is best for all the people of this great State of Texas. Help us to trust in your presence and your guidance as we deliberate on the needs of our fellow citizens. Help us to have faith that in your infinite wisdom and grace you are able to work

through all people, in all places, and at all times, whether they be Christian, Muslim, Jewish, Hindu, Buddhist, or people of no religious tradition, for your love for this world is boundless and your love for us is infinite. In your many names we give you thanks and praise. Amen.

The speaker recognized Representative D. Howard 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 leaves of absence for today because of important business in the district:

F. Brown on motion of Denny.

Kuempel on motion of Denny.

R. Noriega on motion of Martinez Fischer.

Oliveira on motion of Martinez Fischer.

Talton on motion of Denny.

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

Eiland on motion of McCall.

REGULAR ORDER OF BUSINESS SUSPENDED

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

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 4).

HCR 14 - READ (by Hughes)

The chair laid out and had read the following previously adopted resolution:

HCR 14, Honoring D. H. Abernathy on his retirement as mayor of Pittsburg.

INTRODUCTION OF GUESTS

The speaker recognized Representative Hughes who introduced D. H. Abernathy, his wife Laverne, and other family members.

(Edwards in the chair)

HR 221 - ADOPTED (by Y. Davis and Hodge)

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HR 221**.

The motion prevailed.

The following resolution was laid before the house:

HR 221, Commemorating the third annual Women And Girls Conference of the Missionary Baptist General Convention of Texas.

HR 221 was adopted.

HR 270 - ADOPTED
(by Hardcastle)

Representative Hardcastle moved to suspend all necessary rules to take up and consider at this time **HR 270**.

The motion prevailed.

The following resolution was laid before the house:

HR 270, Commemorating Western Trail Days in Ogallala, Nebraska, and the presentation of a trail marker by the Vernon Rotary Club.

HR 270 was adopted.

(Speaker in the chair)

LEAVES OF ABSENCE GRANTED

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

C. N. Isett on motion of Denny.

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

Olivo on motion of Naishtat.

HR 312 - ADOPTED
(by Eiland)

Representative McCall moved to suspend all necessary rules to take up and consider at this time **HR 312**.

The motion prevailed.

The following resolution was laid before the house:

HR 312, Honoring Izola Collins of Galveston on her receipt of the 2006 Steel Oleander Award.

HR 312 was adopted.

HR 224 - ADOPTED
(by Goodman)

Representative Goodman moved to suspend all necessary rules to take up and consider at this time **HR 224**.

The motion prevailed.

The following resolution was laid before the house:

HR 224, Honoring Texas game wardens for their search and rescue operations in response to Hurricane Katrina in the summer of 2005.

HR 224 was read and was adopted.

On motion of Representative R. Cook, the names of all the members of the house were added to **HR 224** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Goodman who introduced Texas Parks and Wildlife Executive Director Bob Cook and representatives of the Texas game wardens.

HR 150 - ADOPTED (by Seaman)

Representative Seaman moved to suspend all necessary rules to take up and consider at this time **HR 150**.

The motion prevailed.

The following resolution was laid before the house:

HR 150, Honoring The University of Texas Marine Science Institute on the occasion of its 60th anniversary.

HR 150 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Seaman who introduced representatives of The University of Texas Marine Science Institute and the city of Port Aransas.

SCR 1 - ADOPTED (Keel and Naishtat - House Sponsors)

Representative Keel moved to suspend all necessary rules to take up and consider at this time **SCR 1**.

The motion prevailed.

The following resolution was laid before the house:

SCR 1, Honoring the University of Texas Longhorn football team.

SCR 1 was read and was adopted.

On motion of Representative Naishtat, the names of all the members of the house were added to **SCR 1** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Keel who introduced Coach Mack Brown, Limas Sweed, and representatives of The University of Texas. Coach Brown briefly addressed the house.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 1).

**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.)

**HR 313 - ADOPTED
(by Rose)**

Representative Rose moved to suspend all necessary rules to take up and consider at this time **HR 313**.

The motion prevailed.

The following resolution was laid before the house:

HR 313, Recognizing Texas student regents.

HR 313 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representatives Rose and Morrison who introduced Texas student regents.

ADJOURNMENT

Representative Dunnam moved that the house adjourn until 10 a.m. tomorrow in memory of Mary Jane Siemoneit of Dallas, aunt of Representative Dunnam.

The motion prevailed.

The house accordingly, at 3:21 p.m., adjourned until 10 a.m. tomorrow.

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. 1

HB 108 (By Gattis), Relating to dog attacks on persons; creating an offense.
To State Affairs.

HB 109 (By Frost), Relating to the authority of school districts to enter into property tax abatement agreements in connection with closed or realigned military facilities.

To Ways and Means.

HB 110 (By Villarreal, Strama, et al.), Relating to limits on political contributions and direct campaign expenditures by individuals; providing civil and criminal penalties.

To Elections.

HB 120 (By Martinez Fischer, et al.), Relating to a temporary reduction in the rate imposed on the sale of gasoline.

To Ways and Means.

HB 121 (By Taylor), Relating to authorizing the issuance of revenue bonds for The University of Texas Medical Branch at Galveston for National Biocontainment Laboratory facilities and infrastructure.

To Higher Education.

HB 122 (By Edwards), Relating to the benefits of, and participation as a retiree in, the Teacher Retirement System of Texas.

To Pensions and Investments.

HB 123 (By Edwards), Relating to the salary paid to certain professional employees of public schools.

To Public Education.

HB 124 (By Edwards), Relating to authorizing an increase in the minimum amount of the local option residence homestead exemption from ad valorem taxation for the elderly and disabled and increasing the amount of the residence homestead exemption from school district taxation for the elderly and disabled.

To Ways and Means.

HB 125 (By West), Relating to the ad valorem tax situs of certain portable drilling rigs.

To Ways and Means.

HB 126 (By Flores), Relating to the eligibility of students enrolled in joint credit or concurrent enrollment programs for extracurricular activities and University Interscholastic League competitions.

To Public Education.

HB 127 (By Flores), Relating to the transportation allotment provided under the public school finance system.

To Public Education.

HB 128 (By Callegari), Relating to the election of the board of directors of an appraisal district.

To Ways and Means.

HB 129 (By Madden), Relating to the eligibility of juvenile correctional officers for the fire fighter and law enforcement or security officer home loan program.

To Corrections.

HB 130 (By Wong), Relating to authorizing the issuance of revenue bonds for The University of Texas M. D. Anderson Cancer Center.

To Higher Education.

HB 131 (By J. Keffer), Relating to authority of certain enterprise projects to receive franchise tax credits for job creation and capital investment.

To Ways and Means.

HB 132 (By Callegari), Relating to appeals to justice courts of certain ad valorem tax determinations.

To Ways and Means.

HB 133 (By Bohac), Relating to limiting the maximum average annual increase in the appraised value of residence homesteads for purposes of ad valorem taxation by a school district to five percent.

To Ways and Means.

HB 134 (By C. Howard), Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.

To Ways and Means.

HB 135 (By Pitts), Relating to an appropriation to the Department of Aging and Disability Services for funding an increased personal needs allowance for certain residents of nursing or intermediate care facilities.

To Appropriations.

HB 136 (By Pitts), Relating to an appropriation to the Department of Aging and Disability Services for supporting an increased nursing facility reimbursement rate.

To Appropriations.

HB 137 (By Pitts), Relating to an appropriation to the Department of State Health Services for increasing state mental health hospital capacity.

To Appropriations.

HB 138 (By Pitts), Relating to an appropriation to the Department of Assistive and Rehabilitative Services for providing vocational rehabilitation.

To Appropriations.

HB 139 (By Pitts), Relating to making an appropriation to the Department of State Health Services in connection with trauma care and emergency medical services.

To Appropriations.

HB 140 (By Pitts), Relating to making an appropriation to the Texas Education Agency to pay certain costs connected with educating students displaced by Hurricane Katrina.

To Appropriations.

HCR 28 (By Y. Davis), Expressing support for a bill of rights for the poor.
To State Affairs.

HCR 29 (By Hughes), In memory of Glenn Canfield, Jr., of Longview.
To Rules and Resolutions.

HJR 31 (By Paxton, Taylor, Crabb, B. Keffer, and Harper-Brown), Proposing a constitutional amendment requiring any increase in a franchise tax rate to be approved by two-thirds of all the members elected to each house of the legislature.

To Ways and Means.

HJR 32 (By Edwards), Proposing a constitutional amendment to authorize an increase in the minimum amount of the local option residence homestead exemption from ad valorem taxation for the elderly and disabled and an increase in the maximum amount of the residence homestead exemption from school district taxation for the elderly and disabled.

To Ways and Means.

HJR 33 (By Bohac), Proposing a constitutional amendment authorizing the legislature to establish for purposes of ad valorem taxation by a school district a limit on the annual increase in the appraised value of residence homesteads of five percent or more.

To Ways and Means.

HJR 34 (By C. Howard), 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 three percent or more.

To Ways and Means.

HR 230 (By Hegar), In memory of Mary Meyers Rosenfield of El Campo.
To Rules and Resolutions.

HR 231 (By D. Howard), Congratulating the boys' swimming and diving team of Westlake High School in Austin on winning the UIL Class 5A State Championship.

To Rules and Resolutions.

HR 232 (By Dawson), Commending Shanna Ann Lane of Rosharon for her selfless donations of bone marrow and stem cells to help others in need.

To Rules and Resolutions.

HR 233 (By Dawson), Recognizing April 2006 as Child Abuse Prevention Month.

To Rules and Resolutions.

HR 235 (By Gattis), Congratulating Williamson County Justice of the Peace Edna Staudt on being named 2005 Judge of the Year by the Central Texas Justices of the Peace and Constables Association.

To Rules and Resolutions.

HR 236 (By Gattis), In memory of Zelma Smizer Dockery of Cameron.
To Rules and Resolutions.

HR 237 (By Gattis), Honoring Paul, Linda and Carol Luckey, co-owners of Rockdale Memorial Company, for their efforts to honor fallen DPS officers.
To Rules and Resolutions.

HR 238 (By Gattis), In memory of Williamson County Commissioner S. Thomas McDaniel of Georgetown.
To Rules and Resolutions.

HR 239 (By Gattis), In memory of Dr. Jo Ann Cravens Ford of Georgetown.
To Rules and Resolutions.

HR 240 (By Gattis), In memory of W. T. "Bill" Eckert, Jr., of Rockdale.
To Rules and Resolutions.

HR 241 (By Gattis), In memory of Sharon Dean Allen Hooser of Georgetown.
To Rules and Resolutions.

HR 242 (By Uresti), Honoring the Heart Gallery of San Antonio for its efforts to facilitate the adoption of children.
To Rules and Resolutions.

HR 243 (By Uresti), In memory of Leticia Rivera of San Antonio.
To Rules and Resolutions.

HR 244 (By Hilderbran), Honoring the outstanding teaching efforts of Debra Mudge, Blinda Wright, and MaryLinn Brawley.
To Rules and Resolutions.

HR 245 (By Hilderbran), Congratulating the residents of Brady on the 100th anniversary of the town's incorporation.
To Rules and Resolutions.

HR 246 (By Hilderbran), Commending Clemon L. Montgomery of Fredricksburg for his contributions to agriculture in the State of Texas.
To Rules and Resolutions.

HR 247 (By Hilderbran), Honoring A. E. "Bud" Martens of Kerrville on his receipt of a 2005 Ronald Reagan Republican Gold Medal.
To Rules and Resolutions.

HR 248 (By Delisi), In memory of Carol Beth Pittman of Belton.
To Rules and Resolutions.

HR 251 (By Phillips), In memory of Michael Edward Snyder of Sherman.
To Rules and Resolutions.

HR 252 (By Phillips), In memory of David Bayless, Sr., of Denison.
To Rules and Resolutions.

HR 253 (By Phillips), In memory of Fonda Lynette Gregg Gray of Whitesboro.
To Rules and Resolutions.

HR 254 (By Naishtat), Commemorating the 2006 Memorial Day observance being sponsored by the Travis County Council of the Veterans of Foreign Wars.

To Rules and Resolutions.

HR 255 (By Casteel), Honoring the Boerne High School boys' soccer team on winning the 2006 4A State Championship.

To Rules and Resolutions.

HR 262 (By Orr), In memory of Staff Sergeant Johnnie V. Mason of Rio Vista.

To Rules and Resolutions.

HR 263 (By Hughes), Honoring Emmett and Claudette Dixon of Mineola on their 50th wedding anniversary.

To Rules and Resolutions.

HR 265 (By Hughes), Honoring Charles and Jo Ann Minshew of Hawkins on their 60th anniversary.

To Rules and Resolutions.

HR 266 (By Hughes), Honoring Jack and Colleen Nolen of Yantis on their 50th wedding anniversary.

To Rules and Resolutions.

HR 267 (By Hughes), In memory of Bertha Ellen Cramer of Mineola.

To Rules and Resolutions.

HR 269 (By Edwards), Honoring Carmen Gutierrez on her retirement from the field of education.

To Rules and Resolutions.

HR 271 (By Hunter), Honoring Charlene Ricketts of Abilene for her many achievements.

To Rules and Resolutions.

HR 272 (By Flores), In memory of Ignacia Salinas Cantu of Weslaco.

To Rules and Resolutions.

HR 273 (By Flores), Honoring Esther Franz Rodriguez for her contributions to the citizens of the Rio Grande Valley.

To Rules and Resolutions.

HR 274 (By J. Jones), Honoring Goree Johnson on the naming of the concourse at the Jesse Owens Memorial Complex of the Dallas Independent School District in his honor.

To Rules and Resolutions.

HR 275 (By McClendon), Honoring Bishop Brent M. Bryant, Sr., for his dedication to Redeeming Grace Baptist Church and the San Antonio community.

To Rules and Resolutions.

HR 276 (By McClendon), Honoring Linda E. Holmes for her contributions to Zeta Amicae.

To Rules and Resolutions.

HR 277 (By McClendon), In memory of Bennye Carol Frazier of San Antonio.

To Rules and Resolutions.

HR 278 (By McClendon), Recognizing the Miss San Antonio USA and Miss San Antonio Teen USA pageants.

To Rules and Resolutions.

HR 279 (By McClendon), Recognizing the 10th anniversary of the National Coalition of 100 Black Women of San Antonio.

To Rules and Resolutions.

HR 280 (By McClendon), Commending Gary V. Lett for his contributions to the youth and arts of San Antonio.

To Rules and Resolutions.

HR 281 (By McClendon), Recognizing Dr. Julianne Malveaux for her many achievements as an economist, author, and commentator.

To Rules and Resolutions.

HR 282 (By McClendon), Congratulating Janet Holliday of San Antonio on earning the 2005 Hershey's STRIVE Award from the National Council of Youth Sports.

To Rules and Resolutions.

HR 283 (By McClendon), Congratulating Gloria Lynn Ray on being named Woman of the Year by St. Paul United Methodist Church in San Antonio.

To Rules and Resolutions.

HR 284 (By McClendon), Honoring the first graduating class of St. Philip's College Early Childhood Studies program.

To Rules and Resolutions.

HR 285 (By McClendon), Honoring the Servants in Praise Gospel Ensemble of San Antonio for hosting the 13th Annual Black Heritage Celebration.

To Rules and Resolutions.

HR 286 (By McClendon), In Memory of Bonita Annacelia Terry of San Antonio.

To Rules and Resolutions.

HR 287 (By McClendon), Honoring the PALS Social Club in San Antonio on its 80th anniversary.

To Rules and Resolutions.

HR 288 (By McClendon), Honoring St. Joseph African Methodist Episcopal Church in San Antonio on its 55th anniversary.

To Rules and Resolutions.

HR 289 (By McClendon), Congratulating Vernice Warner of San Antonio on her 90th birthday.

To Rules and Resolutions.

HR 290 (By McClendon), Commending Kappa Alpha Psi Fraternity, Inc., and its San Antonio Alumni Chapter.

To Rules and Resolutions.

HR 291 (By McClendon), Congratulating Clyde and Jean Parker on their 35th wedding anniversary.

To Rules and Resolutions.

HR 292 (By McClendon), Congratulating Chaplain Edward K. Maney on his retirement from the military.

To Rules and Resolutions.

HR 293 (By McClendon), In memory of William D. Smedler of San Antonio.

To Rules and Resolutions.

HR 294 (By McClendon), Congratulating Patricia J. Wright-Williams for being named the 2005 Woman of the Year by the Bowden Chapter of Business and Professional Women.

To Rules and Resolutions.

HR 295 (By McClendon), Commemorating the Third Annual African American Citywide Senior's Conference.

To Rules and Resolutions.

HR 296 (By McClendon), Honoring the members of the Alpha Tau Omega chapter of Alpha Kappa Alpha Sorority, Inc., for the organization's 75 years of service to the community.

To Rules and Resolutions.

HR 297 (By McClendon), In memory of Cora Faye Dixon Clayton of San Antonio.

To Rules and Resolutions.

HR 298 (By McClendon), Honoring the Reverend Stephen John Thurston for his service as president of the National Baptist Convention of America, Inc.

To Rules and Resolutions.

HR 299 (By McClendon), Commending Nevil "The Shadow" Shed for his achievements as an athlete and inspiring role model.

To Rules and Resolutions.

HR 300 (By McClendon), Commemorating the 2006 Women's Day program hosted by St. Paul United Methodist Church in San Antonio.

To Rules and Resolutions.

HR 301 (By McClendon), In memory of Joseph J. Pedraza of San Antonio.

To Rules and Resolutions.

HR 302 (By McClendon), Honoring the Texas Association of Ministers' Wives and Ministers' Widows on its contributions to the people of Texas.

To Rules and Resolutions.

HR 303 (By McClendon), Honoring Alice M. Allen of San Antonio on her service to New Mount Pleasant Baptist Church.

To Rules and Resolutions.

HR 304 (By McClendon), Honoring Gloria T. Kennedy of San Antonio on being recognized by Zeta Amicae for her service to the organization.

To Rules and Resolutions.

HR 305 (By McClendon), Honoring the Artists-in-the-Making program for its contributions to the Youth of San Antonio's Eastside.

To Rules and Resolutions.

HR 306 (By McClendon), Honoring Milton B. Lee for his contributions to the Texas energy industry.

To Rules and Resolutions.

HR 307 (By McClendon), Commending the Ella Austin Community Center for its contributions to the citizens of San Antonio.

To Rules and Resolutions.

HR 308 (By McClendon), Commemorating the celebration of Dr. Martin Luther King, Jr., Day by the United States Army Medical Command, Fort Sam Houston.

To Rules and Resolutions.

HR 309 (By McClendon), In memory of Arma Lee Woods Cooper.

To Rules and Resolutions.

HR 310 (By McClendon), Honoring the Delta Kappa Chapter of Eta Phi Beta Sorority, Inc., on its service to the community.

To Rules and Resolutions.

HR 311 (By McClendon), Commending Chi White of San Antonio for her contributions to her profession and community.

To Rules and Resolutions.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 4

HCR 17, HCR 20

Senate List No. 1

SCR 2

APPENDIX

ENGROSSED

April 27 - HB 5

ENROLLED

April 28 - HCR 17, HCR 20

