

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, THIRD CALLED SESSION

PROCEEDINGS

NINTH DAY — TUESDAY, MAY 2, 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 48).

Present — Mr. Speaker; Allen, A.; Alonzo; Anchia; 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; 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; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hernandez; Herrero; 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; 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 — Anderson; Noriega, R.; Talton.

Absent — Hilderbran.

The invocation was offered by Brent M. Bryant, bishop, Redeeming Grace Baptist Church, San Antonio, as follows:

Almighty God, we come before you today asking that you hear us as we pray for our governor, our lieutenant governor, state senators, and representatives. As they consider the needs and welfare of the people of this great state, we ask you to give them wisdom. Guide them in such ways that your will might be done.

Bless our state with industry, business, and education, that your people might prosper. Guard our freedom and be our hedge of protection. Help us as we strive to become a united people in this state with one voice, and may we also become beacons for our country. We ask you for justice and peace in this world. Please bless and protect our military men and women who are stationed all over the world.

Father, you have given us this good land, the State of Texas, and we are thankful and praise your name. Help us to be mindful of your presence, kindness, and grace. Fill our hearts with your love, and help us to keep our trust in you. In all that we ask of you, we ask it in his mighty name. Amen.

The speaker recognized Representative McClendon 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:

Anderson on motion of Otto.

Talton on motion of Denny.

The following member was granted leave of absence for today, tomorrow, and Thursday, May 4 because of military duty with the Texas National Guard:

R. Noriega on motion of T. King.

CAPITOL PHYSICIAN

The speaker recognized Representative Wong who presented Dr. Stephen Spann of Houston as the "Doctor for the Day."

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

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.

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 275 - ADOPTED (by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 275**.

The motion prevailed.

The following resolution was laid before the house:

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

(Hernandez in the chair)

HR 275 was read and 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:

C. N. Isett on motion of Hamric.

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.)

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, upon adjournment today, Desk 133, for a formal meeting, to consider the calendar.

HR 337 - ADOPTED (by Chisum)

Representative Chisum moved to suspend all necessary rules to take up and consider at this time **HR 337**.

The motion prevailed.

The following resolution was laid before the house:

HR 337, In memory of Clyde Calvin Edmondson of Brady.

HR 337 was read and was unanimously adopted by a rising vote.

On motion of Representative Merritt, the names of all the members of the house were added to **HR 337** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Chisum who introduced Ramie Nuncio and Bart Edmondson, children of Clyde Calvin Edmondson.

(D. Howard in the chair)

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative Edwards moved to set a congratulatory and memorial calendar for 10 a.m. Thursday, May 4.

The motion prevailed.

HR 336 - ADOPTED (by Branch)

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HR 336**.

The motion prevailed.

The following resolution was laid before the house:

HR 336, Commemorating the 150th anniversary of the Dallas city charter.

HR 336 was read and was adopted.

On motion of Representative Madden, the names of all the members of the house were added to **HR 336** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Branch who introduced Mayor Laura Miller and other representatives of the city of Dallas.

(Speaker in the chair)

HR 340 - ADOPTED (by Peña)

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 340**.

The motion prevailed.

The following resolution was laid before the house:

HR 340, Commending Nilda Segura on her retirement from the Edinburg Consolidated Independent School District.

HR 340 was adopted.

HR 269 - ADOPTED (by Edwards)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 269**.

The motion prevailed.

The following resolution was laid before the house:

HR 269, Honoring Carmen Gutierrez on her retirement from the field of education.

HR 269 was adopted.

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. 2.)

HCR 18 - ADOPTED (by Callegari and Woolley)

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HCR 18**.

The motion prevailed.

The following resolution was laid before the house:

HCR 18, In memory of Walter Max Mischer of Houston.

HCR 18 was unanimously adopted by a rising vote.

On motion of Representative Woolley, the names of all the members of the house were added to **HCR 18** as signers thereof.

24 HOUR POSTING RULE SUSPENDED

Representative Luna moved to suspend the 24 hour posting rule to allow the Committee on Appropriations to consider **HB 146** at the Wednesday, May 3 previously posted meeting.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, 8 a.m. tomorrow, E1.030, for a public hearing, to consider **HB 146** and previously posted bills.

Higher Education, upon adjournment today, JHR 120.

HR 344 - ADOPTED

(by Bonnen)

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 344**.

The motion prevailed.

The following resolution was laid before the house:

HR 344, Recognizing May 10, 2006, as Texas Environmental Excellence Awards Day at the Capitol.

HR 344 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Edwards requested permission for all committees to meet while the house is adjourned pending bill referral and the receipt of messages from the senate.

Permission to meet was granted.

PROVIDING FOR ADJOURNMENT

Representative Uresti 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 adjourn until 10 a.m. tomorrow in memory of Leticia Rivera of San Antonio.

The motion prevailed.

**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. 3.)

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. 2).

(Hunter in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 9:59 a.m., May 3, adjourned until 10 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. 1

HB 146 (By Hopson), Relating to making an appropriation to the Parks and Wildlife Department for the operation and maintenance of the Texas State Railroad.

To Appropriations.

List No. 2

HB 141 (By Delisi), Relating to the computation of franchise tax total revenue by a health care provider.

To Ways and Means.

HB 142 (By Pickett), Relating to authorizing the issuance of revenue bonds for The University of Texas at El Paso.

To Higher Education.

HB 143 (By Eiland), Relating to the operation of the Texas Windstorm Insurance Association.

To Insurance.

HB 144 (By R. Cook), Relating to the renewable energy credits trading program.

To Regulated Industries.

HB 145 (By Villarreal), Relating to limits on political contributions and direct campaign expenditures by individuals, partnerships, partners, and limited liability companies; providing civil and criminal penalties.

To Elections.

HJR 35 (By Van Arsdale), Proposing a constitutional amendment requiring the governing body of a school district to establish for purposes of ad valorem taxation by the district a lower limit on the maximum average annual percentage increase in the appraised value of residence homesteads in the district.

To Ways and Means.

HR 315 (By McCall), In memory of Dr. Erwin G. Pink of Frisco.

To Rules and Resolutions.

HR 316 (By McCall), In memory of Donna Belle Harrington of Plano.

To Rules and Resolutions.

HR 317 (By McCall), Congratulating Larry Bartek, Chris Pyryt, Jeff Rich, and Steve Young of the Plano Police Department on being invited to compete at the 8th International Police Sniper Championship in the Czech Republic.

To Rules and Resolutions.

HR 318 (By B. Brown), Honoring Vester and Wynona "Tootsie" Turner of Terrell on their 50th wedding anniversary.

To Rules and Resolutions.

HR 319 (By B. Brown), Honoring Major General (Ret.) William A. Becker and his family for their contributions to this country.

To Rules and Resolutions.

HR 320 (By Naishtat), Honoring the Texas School for the Deaf on its sesquicentennial.

To Rules and Resolutions.

HR 321 (By Phillips), In memory of Andrea Ellen McKnight of Sherman.

To Rules and Resolutions.

HR 322 (By Phillips), In memory of Murray Nance, Jr., of Sherman.

To Rules and Resolutions.

HR 323 (By Gonzalez Toureilles), Commemorating the sesquicentennial of Atascosa County.

To Rules and Resolutions.

HR 324 (By Gonzalez Toureilles), In memory of U.S. Army Reserve Staff Sergeant Clint Newman of Pleasanton.

To Rules and Resolutions.

HR 325 (By Gonzalez Toureilles), Commemorating the dedication of Aristeo Ponce Park in Three Rivers.

To Rules and Resolutions.

HR 326 (By Gonzalez Toureilles), Honoring U.S. Army Staff Sergeant Elvis Rubio of Alice for his service in Iraq.

To Rules and Resolutions.

HR 327 (By Woolley), In memory of Bessie W. Pye of Houston.
To Rules and Resolutions.

HR 328 (By Gattis), Commending Shawna Walsh for saving her student from choking.
To Rules and Resolutions.

HR 329 (By Gattis), Congratulating Shalee Hindes of Round Rock for selling the most boxes of Girl Scout cookies in the Austin area.
To Rules and Resolutions.

HR 330 (By England), In memory of Rebecca Eddlemon of Grand Prairie.
To Rules and Resolutions.

HR 331 (By Delisi), Honoring Ashley Karen Wood of Houston on her graduation from The University of Texas.
To Rules and Resolutions.

HR 332 (By A. Allen), Honoring Colonel Glenn E. Ballard on the occasion of his retirement from the United States Army.
To Rules and Resolutions.

HR 333 (By Nixon), Honoring Allyson Nixon of Houston for her dedication to her family and to the State of Texas.
To Rules and Resolutions.

HR 334 (By Chavez), Congratulating the Ysleta Independent School District in El Paso for receiving a 2005 Project CHANGE Jacob K. Javits Gifted and Talented Grant from the U.S. Department of Education.
To Rules and Resolutions.

HR 335 (By T. King), Congratulating Mitchell W. Graff of Hondo on his high school graduation and his academic and extracurricular accomplishments.
To Rules and Resolutions.

HR 338 (By Crownover), Honoring the management and staff of the Quality Inn of Denton for the assistance they provided to evacuees of Hurricanes Katrina and Rita.
To Rules and Resolutions.

HR 339 (By Crownover), Honoring Camp Copass in Denton for its role in assisting the victims of Hurricane Katrina in 2005.
To Rules and Resolutions.

List No. 3

HB 148 (By J. Keffer), Relating to the limitation of ad valorem tax rates of school districts and other taxing units.
To Ways and Means.

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, May 2, 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 14 Hughes SPONSOR: Eltife
Honoring D. H. Abernathy on his retirement as mayor of Pittsburg.

HCR 21 Taylor SPONSOR: Jackson
Honoring the Distinguished Graduates of La Marque High School of 2006.

HCR 22 Guillen SPONSOR: Zaffirini
Welcoming director Melissa Reyna and the young men and women of the Cantare Community Youth Choir to the State Capitol.

HCR 23 Guillen SPONSOR: Zaffirini
Honoring Hector Trevino on the occasion of his retirement from the U.S. Border Patrol.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, May 2, 2006 - 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 3 Keffer, Jim SPONSOR: Ogden
Relating to certain taxes affecting businesses; making an appropriation; providing penalties.

HB 4 Swinford SPONSOR: Janek

Relating to motor vehicle sales and use taxes.
(COMMITTEE SUBSTITUTE/AMENDED)

HCR 12

Flores

SPONSOR: Gallegos

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.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

SENT TO THE GOVERNOR**May 1 - HCR 17, HCR 20**