

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, THIRD CALLED SESSION

PROCEEDINGS

ELEVENTH DAY — THURSDAY, MAY 4, 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 50).

Present — Mr. Speaker; Allen, A.; Alonzo; Anchia; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Crabb; 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; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hegar; Hernandez; Herrero; Hill; Hochberg; Homer; Hope; Hopson; Howard, D.; Hughes; Hunter; Hupp; Isett, C.N.; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Kuempel; Laubenberg; Leibowitz; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Noriega, R.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; 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 — Hilderbran.

Absent — Branch; Corte, V.; Crownover; Geren; Hartnett; Hodge; Howard, C.; Krusee; Laney; Martinez Fischer; Moreno, P.; Puente.

The invocation was offered by Bob Long, pastor, Rally Call Apostolic Center, San Marcos, as follows:

Lord God Almighty, the father of our Lord Jesus Christ, we acknowledge today that you do govern the affairs of men. We acknowledge, Lord, that as leaders we are accountable to you for our every decision. We acknowledge that unless you build the house of this country and of this state, we labor in vain. We acknowledge that unless you guard the nation, we have no protection from our enemies. We acknowledge our ongoing need for your wisdom to legislate righteously, justly, and accurately.

Based on our great need of you, and our great dependence upon you Lord, we individually and personally determine afresh today to seek your face publicly and privately. We determine anew to keep our consciences clear and never to

harden our hearts against you or your laws. We ask you today for your wisdom. We ask for your supernatural protection over our country, our cities, our people, and our borders. Lord, we specifically ask you to protect our house members on military deployment. Bring them home safe, we pray. Pour out your strength and peace upon their families and staff. We ask you to strengthen our resolve to make government the servant of the people and never the reverse. We ask you for supernatural creativity, wise strategy, and heartfelt unity in addressing the needs of our state.

Lord, we give you thanks for hearing us and answering our petitions today. We thank you so much for the Christian foundation and heritage our nation has. Thank you for your ongoing grace upon America. Thank you for freedom. Thank you for your holy call upon our lives to serve the people of this state. Thank you Lord that as we continually acknowledge you in all our ways, you will make our paths straight.

We have asked and now we thank you so very much Lord, in the name above all names, the name of your son, Jesus Christ. Amen.

The speaker recognized Representative Chisum 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 important business in the district:

Hilderbran on motion of Mowery.

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.

CAPITOL PHYSICIAN

The speaker recognized Representative Rose who presented Dr. Jay Gruhlkey of San Marcos as the "Doctor for the Day."

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

(Geren and Laney now present)

HR 407 - ADOPTED (by Hamric)

Representative Hamric moved to suspend all necessary rules to take up and consider at this time **HR 407**.

The motion prevailed.

The following resolution was laid before the house:

HR 407

WHEREAS, It has long been the custom of the House of Representatives of the State of Texas to honor the children of its members by electing them to the office of mascot; and

WHEREAS, Since 1983, this chamber has also bestowed special recognition on the grandchildren of its members by naming them as honorary mascots of the House of Representatives; and

WHEREAS, A roster of members' grandchildren to be awarded this special designation has been compiled; now, therefore, be it

RESOLVED, That the House of Representatives of the 79th Texas Legislature, 3rd Called Session, hereby designate the following grandchildren of house members as honorary mascots: Thomas Russell "Tripp" Craddick III, grandson of Speaker Tom Craddick; William Harrison Brown, grandson of Representative Linda Harper-Brown; Dino Sebastian Hunter, grandson of Representative Bob Hunter; Isaiah Stephen Holt, grandson of Representative Phil King; Clayton Jack Laney, grandson of Representative James E. "Pete" Laney; Ella Simone Perry, granddaughter of Representative Geanie Morrison; Aaron Austin Pena, grandson of Representative Aaron Pena; and Cody "Scott" Seaman, grandson of Representative Gene Seaman; and, be it further

RESOLVED, That the names of the honorary mascots and their grandparents be placed on the picture panel of the House of Representatives of the 79th Texas Legislature; and, be it further

RESOLVED, That an official copy of this resolution be prepared for each honorary mascot as a memento of this honor.

HR 407 was adopted.

**HR 408 - ADOPTED
(by Hamric)**

Representative Hamric moved to suspend all necessary rules to take up and consider at this time **HR 408**.

The motion prevailed.

The following resolution was laid before the house:

HR 408

WHEREAS, It has long been the custom of the House of Representatives of the State of Texas to honor the children of its members by electing them to the office of mascot; and

WHEREAS, A roster of mascot candidates eligible for this special recognition under the rules of this house has been compiled; now, therefore, be it

RESOLVED, That the House of Representatives of the 79th Texas Legislature, 3rd Called Session, hereby elect the following children of house members to the honorary office of mascot: Gregory James Bonnen, son of Representative Dennis Bonnen; Adam Clayton Veasey, son of Representative Marc Veasey; and Marcos Diego Villarreal, son of Representative Mike Villarreal; and, be it further

RESOLVED, That pictures of the mascots appear on the picture panel of the Texas House of Representatives and that an official certificate be prepared for each mascot as a memento of this honor.

HR 408 was adopted.

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).

LEAVES OF ABSENCE GRANTED

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

C. Howard on motion of W. Smith.

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

F. Brown on motion of Hamric.

(Crownover now present)

INTRODUCTION OF GUESTS

The speaker recognized Representative Hardcastle who introduced James Hull, director of the Texas Forest Service; and Bob McTeer, chancellor of The Texas A&M University System.

(Gattis in the chair)

HCR 32 - ADOPTED (by Homer)

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HCR 32**.

The motion prevailed.

The following resolution was laid before the house:

HCR 32, Commemorating the 75th anniversary of Liberty National Bank in Paris.

HCR 32 was adopted.

HCR 33 - ADOPTED (by Homer)

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HCR 33**.

The motion prevailed.

The following resolution was laid before the house:

HCR 33, In memory of Carlys Denison of Deport.

HCR 33 was unanimously adopted by a rising vote.

(Puente now present)

HR 417 - ADOPTED
(by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 417**.

The motion prevailed.

The following resolution was laid before the house:

HR 417, Honoring Jerry Love of Abilene on being named the Outstanding Museum Trustee of 2006 by the Texas Association of Museums.

HR 417 was adopted.

HR 418 - ADOPTED
(by Herrero)

Representative Herrero moved to suspend all necessary rules to take up and consider at this time **HR 418**.

The motion prevailed.

The following resolution was laid before the house:

HR 418, Congratulating Veronica Trevino of Corpus Christi on being named Executive Director of the Year by Communities In Schools of Texas.

HR 418 was adopted.

HCR 34 - ADOPTED
(by Reyna)

Representative Reyna moved to suspend all necessary rules to take up and consider at this time **HCR 34**.

The motion prevailed.

The following resolution was laid before the house:

HCR 34, Recognizing May 4, 2006, as the National Day of Prayer in Texas.

HCR 34 was read and was adopted.

On motion of Representative Hunter, the names of all the members of the house were added to **HCR 34** as signers thereof.

HR 398 - ADOPTED
(by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 398**.

The motion prevailed.

The following resolution was laid before the house:

HR 398, Commending Christian Diaz and his associates for the establishment of the Buffalo Gap Fine Arts Center for Education near Abilene.

HR 398 was adopted.

HR 399 - ADOPTED
(by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 399**.

The motion prevailed.

The following resolution was laid before the house:

HR 399, Honoring Robert Holladay of Abilene for his contributions to his students and to the arts in his community.

HR 399 was adopted.

(Speaker in the chair)

HR 240 - ADOPTED
(by Gattis)

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 240**.

The motion prevailed.

The following resolution was laid before the house:

HR 240, In memory of W. T. "Bill" Eckert, Jr., of Rockdale.

(P. Moreno now present)

HR 240 was read and was unanimously adopted by a rising vote.

On motion of Representative Gattis, the names of all the members of the house were added to **HR 240** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Gattis who introduced Karen Eckert and other family members of W. T. "Bill" Eckert, Jr.

HR 403 - ADOPTED
(by Hamric)

Representative Hamric moved to suspend all necessary rules to take up and consider at this time **HR 403**.

The motion prevailed.

The following resolution was laid before the house:

HR 403, Honoring State Representative Mary Denny and her husband, Norman Tolpo, on their first wedding anniversary.

HR 403 was read and was adopted.

(Branch and Hartnett now present)

On motion of Representative Morrison, the names of all the members of the house were added to **HR 403** as signers thereof.

(Edwards in the chair)

INTRODUCTION OF GUESTS

The chair recognized Representative Truitt who introduced Lyndon La Plante, his parents Genni and Don La Plante, coach Kevin Atkinson, and his wife Chrissy.

HR 328 - ADOPTED
(by Gattis)

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 328**.

The motion prevailed.

The following resolution was laid before the house:

HR 328, Commending Shawna Walsh for saving her student from choking.

HR 328 was adopted.

HR 329 - ADOPTED
(by Gattis)

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 329**.

The motion prevailed.

The following resolution was laid before the house:

HR 329, Congratulating Shalee Hindes of Round Rock for selling the most boxes of Girl Scout cookies in the Austin area.

HR 329 was adopted.

HR 342 - ADOPTED
(by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 342**.

The motion prevailed.

The following resolution was laid before the house:

HR 342, In memory of Tara Rose McAvoy of Austin.

HR 342 was read and was unanimously adopted by a rising vote.

On motion of Representative Rodriguez, the names of all the members of the house were added to **HR 342** as signers thereof.

HR 320 - ADOPTED
(by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 320**.

The motion prevailed.

The following resolution was laid before the house:

HR 320, Honoring the Texas School for the Deaf on its sesquicentennial.

HR 320 was read and was adopted.

On motion of Representative Rodriguez, the names of all the members of the house were added to **HR 320** as signers thereof.

INTERPRETER FOR THE DEAF

The interpretation of the proceedings of the house was provided today by Dan Flanigan.

INTRODUCTION OF GUESTS

The chair recognized Representative Naishtat who introduced Claire Bugen and students from the Texas School for the Deaf.

(Krusee now present)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HCR 1 was withdrawn.

HR 124 (by Craddick), Honoring Guy Thomas McCaslin and Mary Etta McCaslin of Midland on their 60th wedding anniversary.

HR 125 (by Craddick), Honoring Ennis and Lucille Cox of Midland on their 60th wedding anniversary.

HR 126 (by Craddick), Honoring Pete and Marie Woody of Stanton on their 50th wedding anniversary.

HR 127 (by Craddick), Congratulating James and Joyce McClaine of Midland on their 50th wedding anniversary.

HR 128 (by Craddick), Congratulating Joe and Delia Gonzales of Lamesa on their 50th wedding anniversary.

HR 129 (by Craddick), Congratulating Harold and Jane Hicks of Midland on their 50th wedding anniversary.

HR 130 (by Craddick), Honoring Don and Gayle Langston of Midland on their 50th wedding anniversary.

HR 131 (by Craddick), Honoring Homer and Naomi Etheredge of Lamesa on their 60th wedding anniversary.

HR 132 (by Craddick), Honoring Charles and Barbara Wheeler of Rankin on their 50th wedding anniversary.

HR 133 (by Craddick), Honoring LaNelle Farris of Lamesa on her retirement from the Lamesa Independent School District.

HR 134 (by Craddick), Honoring Bill and Dee Wilson of Midland on their 50th wedding anniversary.

HR 135 (by Craddick), Honoring Alvin and Lynn Harris of Lamesa on their 50th wedding anniversary.

HR 136 (by Craddick), Honoring Wayne and Edna Kerley of Midland on their 50th wedding anniversary.

HR 137 (by Craddick), Honoring Nancy and Charles Sessions of Midland on their 50th wedding anniversary.

HR 138 (by Craddick), Honoring Norris and Dorothy Turk of Midland on their 71st wedding anniversary.

HR 139 (by Craddick), Congratulating Leo and Judy Carr of Midland on their 50th wedding anniversary.

HR 140 (by Craddick), Congratulating Robert and Dessie Knott of Midland on their 60th wedding anniversary.

HR 141 (by Craddick), Honoring William S. Taylor and his descendants for their contributions to the state.

HR 142 (by Craddick), Honoring Chief Andy Mehl on his retirement from the Midland Fire Department.

HR 144 (by Craddick), Honoring Joe and Joann Stone of Lamesa on their 50th wedding anniversary.

HR 145 (by Craddick), Congratulating Ralph and Carol Gillette of Midland on their 50th wedding anniversary.

HR 146 (by Craddick), Congratulating Fidel and Juanita Ramirez of Midland on their 50th wedding anniversary.

HR 148 was withdrawn.

HR 149 (by Hilderbran), Commemorating the 150th anniversary of the founding of Kerr County.

HR 152 was withdrawn.

HR 153 was withdrawn.

HR 154 was withdrawn.

HR 158 was withdrawn.

HR 161 (by Craddick), Honoring Ed and Frances Stewart on their 50th wedding anniversary.

HR 164 (by West), Honoring First Christian Church of Odessa on its 100th anniversary in 2006.

HR 165 (by Hilderbran), Commemorating the 150th anniversary of the founding of Llano County.

HR 166 (by Hilderbran), Honoring Bandera County on its 150th anniversary.

HR 167 was withdrawn.

HR 168 (by R. Noriega), Honoring Alicia Ybarra and Reynaldo Nino of Houston on their 50th wedding anniversary.

HR 169 (by Bonnen), Congratulating Abdul Pasha on being named Youth of the Year for the Boys and Girls Club of Brazoria County.

HR 170 (by Veasey), Honoring Starshine Nolan for her perseverance and courage during her husband's deployment in Iraq.

HR 171 (by Veasey), Honoring Maggie Norris for her perseverance and courage during her husband's deployment in Iraq.

HR 172 (by Veasey), Honoring Kathy Grahmann for her perseverance and courage during her husband's deployment in Iraq.

HR 173 (by Veasey), Honoring Karie Pearson for her perseverance and courage during her husband's deployment in Iraq.

HR 174 (by Veasey), Honoring Linda Fuller for her perseverance and courage during her husband's deployment in Iraq.

HR 175 (by Veasey), Honoring Marlani Hewett for her perseverance and courage during her husband's deployment in Iraq.

HR 176 (by Veasey), Honoring Lisa Bowshier for her perseverance and courage during her husband's deployment in Iraq.

HR 177 (by Veasey), Honoring Trish Caudill for her perseverance and courage during her husband's deployment in Iraq.

HR 178 (by Veasey), Honoring Gerri Lyn Combest for her perseverance and courage during her husband's deployment in Iraq.

HR 179 (by Veasey), Honoring Holly Kane for her perseverance and courage during her husband's deployment in Iraq.

HR 180 (by Veasey), Honoring Gina Sain for her perseverance and courage during her husband's deployment in Iraq.

HR 181 (by Veasey), Honoring Bryann Hollis for her perseverance and courage during her husband's deployment in Iraq.

HR 182 (by Veasey), Honoring Robin Tipton for her perseverance and courage during her husband's deployment in Iraq.

HR 183 (by Veasey), Honoring Holly Letz for her perseverance and courage during her husband's deployment in Iraq.

HR 184 (by Veasey), Honoring Gina Mullins for her perseverance and courage during her husband's deployment in Iraq.

HR 185 (by Veasey), Honoring Wendy Hall for her perseverance and courage during her husband's deployment in Iraq.

HR 186 (by Veasey), Honoring the Dunbar High School girls' basketball team on its outstanding season.

HR 187 (by Veasey), Honoring Rosie Moncrief for her generous support of soldiers during their service in Iraq.

HR 188 (by Veasey), Honoring Shirley Pippin for her generous support of soldiers during their service in Iraq.

HR 189 (by Veasey), Honoring Loretta Messinger for her perseverance and courage during her husband's deployment in Iraq.

HR 190 (by Veasey), Honoring Ladonna Goodson for her perseverance and courage during her husband's deployment in Iraq.

HR 191 (by Veasey), Honoring Sharon Lockard for her perseverance and courage during her husband's deployment in Iraq.

HR 192 (by Veasey), Honoring Kindle Cooper for her perseverance and courage during her husband's deployment in Iraq.

HR 193 (by Veasey), Honoring Lisa Vega for her perseverance and courage during her husband's deployment in Iraq.

HR 194 (by Veasey), Honoring Melisa Walker for her perseverance and courage during her husband's deployment in Iraq.

HR 195 (by Veasey), Honoring Jackie Bryan for her perseverance and courage during her husband's deployment in Iraq.

HR 196 (by Veasey), Honoring Marlene Scholari for her perseverance and courage during her husband's deployment in Iraq.

HR 197 (by Veasey), Honoring Theresa Taylor for her perseverance and courage during her husband's deployment in Iraq.

HR 198 (by Veasey), Honoring Lynda Nunley for her perseverance and courage during her husband's deployment in Iraq.

HR 199 (by Veasey), Honoring Marilyn Piatt for her perseverance and courage during her husband's deployment in Iraq.

HR 200 (by Veasey), Honoring Beth Easterling for her perseverance and courage during her husband's deployment in Iraq.

HR 201 (by Veasey), Honoring Samantha Martin for her perseverance and courage during her husband's deployment in Iraq.

HR 202 (by Veasey), Honoring Ronda Hicks for her perseverance and courage during her husband's deployment in Iraq.

HR 203 (by Veasey), Honoring Gwen Harris for her perseverance and courage during her husband's deployment in Iraq.

HR 204 (by Veasey), Honoring Beth Tolan for her perseverance and courage during her husband's deployment in Iraq.

HR 205 (by Veasey), Honoring Brenda Miner for her perseverance and courage during her husband's deployment in Iraq.

HR 209 (by Hochberg), Congratulating Rushan Gao for his gold medal victories at the 19th World Senior Games.

HR 210 (by Keel), Congratulating Erica Martin of Hyde Park Baptist School in Austin on earning first place for color photography in the 2006 Texas Media Awards contest sponsored by the Texas Library Association.

HR 212 (by B. Keffer), Honoring Highlander School in the Lake Highlands community of Dallas on its 40th anniversary in 2006.

HR 213 (by Zedler), Honoring Buena Flora Milligan of Crowley.

HR 216 (by Crownover), Honoring Patricia L. Gobble of Denton on her retirement as president and CEO of United Way of Denton County, Inc.

HR 217 (by Crownover), Honoring Euline Brock of Denton for her outstanding three-term tenure as mayor.

HR 218 (by Crownover), Honoring the Texas Woman's University gymnastics team for winning the 2006 USA Gymnastics Collegiate National Championship.

HR 219 (by Crownover), Congratulating Bill Utter Ford on its 50th anniversary of service to the Denton community.

HR 220 was withdrawn.

HR 222 (by Madden and McCall), Honoring the Junior League of Plano on its 30th anniversary in 2006.

HR 226 (by Delisi), Congratulating Joshua Beaver on winning first place at the 75th annual Temple Daily Telegram Bell County Spelling Bee.

HR 228 (by Veasey), Honoring Pastor Elbert Lee Bowman and Annette Ray Bowman of Fort Worth on their 50th wedding anniversary.

HR 229 (by Veasey), Honoring the Forth Worth Dunbar High School boys' basketball team on its outstanding season.

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

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.

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

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.

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

HR 242 (by Uresti), Honoring the Heart Gallery of San Antonio for its efforts to facilitate the adoption of children.

HR 244 was previously adopted.

HR 245 (by Hilderbran), Congratulating the residents of Brady on the 100th anniversary of the town's incorporation.

HR 246 (by Hilderbran), Commending Clemon L. Montgomery of Fredricksburg for his contributions to agriculture in the State of Texas.

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

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

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

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

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HCR 26 (by Guillen), Honoring the life of Dr. Margaret G. Cigarroa of Laredo and commemorating the dedication of the Dr. Margaret G. Cigarroa Literacy Center.

HCR 29 (by Hughes), In memory of Glenn Canfield, Jr., of Longview.

HR 206 (by Naishtat), In memory of Jesse "Guitar" Taylor of Austin.

HR 211 (by J. Jones), In memory of Charles Henry Love of Dallas.

HR 230 (by Hegar), In memory of Mary Meyers Rosenfield of El Campo.

HR 236 (by Gattis), In memory of Zelma Smizer Dockery of Cameron.

HR 238 (by Gattis), In memory of Williamson County Commissioner S. Thomas McDaniel of Georgetown.

HR 239 (by Gattis), In memory of Dr. Jo Ann Cravens Ford of Georgetown.

HR 240 was previously adopted.

HR 241 (by Gattis), In memory of Sharon Dean Allen Hooser of Georgetown.

HR 243 (by Uresti), In memory of Leticia Rivera of San Antonio.

HR 248 (by Delisi), In memory of Carol Beth Pittman of Belton.

HR 251 (by Phillips), In memory of Michael Edward Snyder of Sherman.

HR 252 (by Phillips), In memory of David Bayless, Sr., of Denison.

HR 253 (by Phillips), In memory of Fonda Lynette Gregg Gray of Whitesboro.

The resolution were unanimously adopted by a rising vote.

**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.)

(Speaker in the chair)

**HB 4 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Swinford called up with senate amendments for consideration at this time,

HB 4, A bill to be entitled An Act relating to motor vehicle sales and use taxes.

Representative Swinford moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 4**.

HB 4 - POINT OF ORDER

Representative Thompson raised a point of order against further consideration of **HB 4** under Rule 11, Section 2 of the House Rules and Article III, Section 35 of the Texas Constitution on the grounds that the senate amendments are not germane and create more than one subject in the bill.

The speaker overruled the point of order and had read the following statement:

Representative Thompson raises a point of order against further consideration of the senate amendments to **HB 4** arguing that the senate amendments violate:

Rule 11, Section 2, and are not germane or are a subject different from the subject under consideration in **HB 4**; and

Article III, Section 35, Texas Constitution, and contain more than one subject.

The chair has examined the introduced and engrossed versions of **HB 4** as well as the senate amendments and find the senate amendment complies with the House Rules and does not violate the rules cited by Representative Thompson because the bill relates to the presumed value of motor vehicles, which is a subject contained in the amendment as well.

Accordingly, the point of order is respectfully overruled.

The motion to not concur in senate amendments and to appoint a conference committee prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 4**: Swinford, chair; Chisum; Taylor; Pickett; and Rose.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Higher Education, upon adjournment today, Desk 86, for a formal meeting, to consider **HB 154** and other bills referred to the committee.

State Affairs, upon adjournment today, Desk 9, for a formal meeting, to consider **HB 147** and other bills referred to the committee.

Ways and Means, upon adjournment today, Desk 108, for a formal meeting.
(Martinez Fischer now present)

HR 419 - ADOPTED (by Dunnam)

Representative Dunnam moved to suspend all necessary rules to take up and consider at this time **HR 419**.

The motion prevailed.

The following resolution was laid before the house:

HR 419, In memory of Allison Ann Bucy of Waco

HR 419 was unanimously adopted by a rising vote.

On motion of Representative Anderson, the names of all the members of the house were added to **HR 419** as signers thereof.

HR 158 - ADOPTED (by Delisi)

Representative Delisi moved to suspend all necessary rules to take up and consider at this time **HR 158**.

The motion prevailed.

The following resolution was laid before the house:

HR 158, Honoring Joan Mints Hoffman of Salado on the selection of her artwork by the Texas Commission on the Arts for the state's official heirloom birth and commemorative wedding certificates.

HR 158 was read and was adopted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Pensions and Investments, upon adjournment today, Desk 41, for a formal meeting, to consider **HB 73** and other bills referred to the committee.

PROVIDING FOR ADJOURNMENT

Representative B. Brown moved that, pending the receipt of messages from the senate, the house adjourn until 10 a.m. tomorrow in memory of Dwight "Dee" Williams of Athens.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Giddings requested permission for all committees to meet while the house is in session for the remainder of the session.

Permission to meet was granted.

(Chisum 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. 2).

ADJOURNMENT

In accordance with a previous motion, the house, at 4:10 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 154 (By Luna), Relating to the administration of the Irma Rangel School of Pharmacy.

To Higher Education.

HB 155 (By Paxton), Relating to the application, computation, and rates of the franchise tax.

To Ways and Means.

HB 156 (By Eiland), Relating to the separation of certain facilities for juries deliberating in criminal trials.

To Criminal Jurisprudence.

HB 157 (By Eiland), Relating to the separation of certain facilities for juries deliberating in criminal trials.

To Criminal Jurisprudence.

HB 158 (By Eiland), Relating to the separation of certain facilities for juries deliberating in criminal trials.

To Criminal Jurisprudence.

HCR 30 (By Hopson), Urging Congress to pass meaningful immigration reform legislation.

To State Affairs.

HR 341 (By Naishtat), Expressing support for the immediate intervention in the crisis in Darfur, Sudan, by the United States and United Nations.

To State Affairs.

HR 343 (By Hunter), Honoring businessman and former athlete Earl Young of Dallas for his contributions to Texas and to the global community.

To Rules and Resolutions.

HR 345 (By J. Jones), Honoring Vernell Taylor Shorter of Dallas on the occasion of her 75th birthday.

To Rules and Resolutions.

HR 346 (By Escobar), Honoring Joe Roy Delgado, Jr., on his achievements in academics and sports.

To Rules and Resolutions.

HR 347 (By Escobar), Recognizing Elizabeth Leah Noyola for her academic achievements and contributions to her community.

To Rules and Resolutions.

HR 348 (By Escobar), In memory of U.S. Army National Guard Sergeant Jessie Davila.

To Rules and Resolutions.

HR 349 (By Hilderbran), Honoring residents of Kerr County age 90 and older.

To Rules and Resolutions.

HR 350 (By Chavez), Congratulating Maximillian Bradley of El Paso on his receipt of a 2006 Gus and Goldie Youth Appreciation Award.

To Rules and Resolutions.

HR 351 (By Chavez), Congratulating Juan Miguel Zamudio Cano of El Paso on his receipt of a 2006 Gus and Goldie Youth Appreciation Award.

To Rules and Resolutions.

HR 352 (By Chavez), Congratulating Christopher Martin of El Paso on his receipt of a 2006 Gus and Goldie Youth Appreciation Award.

To Rules and Resolutions.

HR 353 (By Chavez), Congratulating Sidney Doane of El Paso on her receipt of a 2006 Gus and Goldie Youth Appreciation Award.

To Rules and Resolutions.

HR 354 (By Chavez), Congratulating Hector M. Vasquez, Jr., of El Paso on his receipt of a 2006 Gus and Goldie Youth Appreciation Award.

To Rules and Resolutions.

HR 355 (By Chavez), Congratulating Nadia Gonzalez of El Paso on her receipt of a 2006 Gus and Goldie Youth Appreciation Award.

To Rules and Resolutions.

HR 356 (By Chavez), Congratulating Edgar Mendoza of El Paso on his receipt of a 2006 Gus and Goldie Youth Appreciation Award.

To Rules and Resolutions.

HR 357 (By Chavez), Congratulating Austin R. Rock of El Paso on his receipt of a Gus and Goldie Youth Appreciation Award.

To Rules and Resolutions.

HR 358 (By Chavez), Congratulating Brandon Portillo of El Paso on his receipt of a 2006 Gus and Goldie Youth Appreciation Award.

To Rules and Resolutions.

HR 359 (By Chavez), Congratulating Chante Natividad of El Paso on her receipt of a 2006 Gus and Goldie Youth Appreciation Award.

To Rules and Resolutions.

HR 360 (By Haggerty), Recognizing the 10th anniversary of the opening of the Rogelio Sanchez State Jail in El Paso and commending its roster of 10-year employees.

To Rules and Resolutions.

HR 361 (By Gallego), In memory of Trooper Romeo Garza.

To Rules and Resolutions.

HR 362 (By Gallego), Commending Ignacio Madera, Jr., on his service to the Texas Water Development Board.

To Rules and Resolutions.

HR 363 (By Gallego), In memory of Allen Wayne Damron of Terlingua.

To Rules and Resolutions.

HR 364 (By Gallego), Congratulating Dr. Bob Pannell on his retirement from Sul Ross State University.

To Rules and Resolutions.

HR 365 (By Gallego), In memory of Howard Blake Oliphant of Alpine.

To Rules and Resolutions.

HR 366 (By Gallego), Honoring the many dedicated clergy that have served St. Joseph's Church in Del Rio since its founding in 1927.

To Rules and Resolutions.

HR 367 (By Gallego), In memory of Dr. James T. Mancill of El Paso.

To Rules and Resolutions.

HR 368 (By Krusee), Recognizing the 150th anniversary of the founding of Post Oak Island Lodge No. 181, AF&AM, in Beaukiss.

To Rules and Resolutions.

HR 369 (By Quintanilla), In memory of Virginia L. Alarcon of Clint.

To Rules and Resolutions.

HR 370 (By Quintanilla), Honoring Jose Olivas, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 371 (By Quintanilla), Honoring Raul Garcia, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 372 (By Quintanilla), Honoring Marta Garcia, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 373 (By Quintanilla), Honoring Eloisa (Locha) Levario, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 374 (By Quintanilla), Honoring Lillian Trujillo, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 375 (By Quintanilla), Honoring Lilly Dindinger, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 376 (By Quintanilla), Honoring Erasmo Payan, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 377 (By Quintanilla), Honoring Tere Payan, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 378 (By Quintanilla), Honoring Benjamin Saenz, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 379 (By Quintanilla), Honoring Patricia Macias, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 380 (By Quintanilla), Honoring Transito Macias, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 381 (By Quintanilla), Honoring George Sanchez, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 382 (By Quintanilla), Honoring Jessie Sanchez, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 383 (By Quintanilla), Honoring Irma S. Sanchez, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 384 (By Quintanilla), Honoring Ramon Sanchez, Jr., outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 385 (By Quintanilla), Honoring Sam Sanchez, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 386 (By Quintanilla), Honoring Carmen Cruz, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 387 (By Quintanilla), Honoring Olga Hernandez, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 388 (By Quintanilla), Honoring Felix Hernandez, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 389 (By Quintanilla), Honoring Isela Holguin, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 390 (By Quintanilla), Honoring Ramon Holguin, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 391 (By Quintanilla), Honoring Josefina (Pina) Gonzalez, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 392 (By Quintanilla), Honoring Ruth Vasquez, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 393 (By Quintanilla), Honoring Mary Alice Sanchez, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 394 (By Quintanilla), Honoring Arnulfo Vasquez, outstanding volunteer with the San Elizario Genealogy and Historical Society.

To Rules and Resolutions.

HR 395 (By Quintanilla), In memory of Manuela Cortez Fresquez of Socorro.

To Rules and Resolutions.

HR 396 (By Quintanilla), In memory of Lucille Ponzio Parada of Clint.

To Rules and Resolutions.

HR 397 (By Nixon), Congratulating Stewart Allan Nixon of Houston on his graduation from Strake Jesuit College Preparatory.

To Rules and Resolutions.

HR 400 (By B. Cook), In memory of Don Pevehouse of Navarro County.
To Rules and Resolutions.

HR 401 (By B. Cook), Honoring Orrin and Ruby Shaid of Palestine on their 69th wedding anniversary.
To Rules and Resolutions.

HR 404 (By Hughes), In memory of Max Sims Lale of Fort Worth.
To Rules and Resolutions.

HR 405 (By Hamilton), In memory of C. R. Nash, city manager of Pinehurst.
To Rules and Resolutions.

HR 406 (By Martinez), Congratulating J. D. Solis on his retirement from the U.S. Border Patrol in April 2006.
To Rules and Resolutions.

HR 409 (By Hegar), Honoring the 130th anniversary of Prairie View A&M University.
To Rules and Resolutions.

HR 410 (By Uresti), In memory of U.S. Marine Lance Corporal Stephen Joseph Perez of San Antonio.
To Rules and Resolutions.

HR 411 (By Nixon), Honoring Matthew Joseph Nixon of Houston for his achievements.
To Rules and Resolutions.

HR 412 (By Nixon), Honoring Nicholas Lowery Nixon of Houston for his achievements.
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
Thursday, May 4, 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:

HB 2

Pitts

SPONSOR: Williams

Relating to the allocation of certain revenue from franchise taxes, motor vehicle sales and use taxes, and taxes on cigarettes and other tobacco products to school district property tax relief and public education.

(COMMITTEE SUBSTITUTE/AMENDED)

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, May 4, 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:

HCR 18

Callegari

SPONSOR: Lindsay

In memory of Walter Max Mischer of Houston.

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 4

Senate Conferees: Janek - Chair/Armbrister/Averitt/Duncan/Nelson

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 3

Appropriations - **HB 63, HB 113, HB 114, HB 117, HB 118, HB 119**

ENROLLED

May 3 - HB 3, HCR 12, HCR 14, HCR 21, HCR 22, HCR 23

SIGNED BY THE GOVERNOR

May 3 - HCR 11, HCR 15, HCR 16, HCR 17, HCR 20

