

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, THIRD CALLED SESSION

PROCEEDINGS

FIFTEENTH DAY (CONTINUED) — THURSDAY, MAY 11, 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 57).

Present — Mr. Speaker; Allen, A.; Alonzo; Anchia; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte, V.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; 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; 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; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, R.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Denny; Flores; Talton.

Absent — Burnam; Martinez; Martinez Fischer.

The invocation was offered by Representative Edwards.

The speaker recognized Representative Edwards 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:

Flores on motion of Raymond.

Talton on motion of Nixon.

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Madden who presented Dr. John Mercer, Jr., of Richardson as the "Doctor for the Day."

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

**PROCLAMATION BY THE GOVERNOR
OF THE STATE OF TEXAS**

The chair laid before the house and had read the following proclamation by the governor:

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE SEVENTY-NINTH TEXAS LEGISLATURE, THIRD CALLED SESSION:

WHEREAS, the people of Texas through their state constitution have placed the power to call the legislature into special session in the hands of the chief executive officer of the state; and

WHEREAS, the members of the Seventy-Ninth Texas Legislature, Third Called Session, have now convened to consider items presented to them by the governor;

NOW, THEREFORE, I, RICK PERRY, governor of the State of Texas, by the authority vested in me by Article IV, Section 8 and Article III, Section 40 of the Texas Constitution, do hereby present the following subject matter to the Seventy-Ninth Texas Legislature, Third Called Session for consideration:

Legislation that provides for the issuance of revenue bonds or other obligations to fund capital projects at public institutions of higher education.

Legislation that provides for an appropriation to the Texas Higher Education Coordinating Board to fund debt service on revenue bonds or other obligations on capitol projects at public institutions of higher education.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 11th day of May, 2006.

Rick Perry
Governor of Texas

(SEAL)
Roger Williams
Secretary of State

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. 9).

HR 441 - ADOPTED
(by J. Keffer)

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 441**.

The motion prevailed.

The following resolution was laid before the house:

HR 441, Honoring Shirley Hunter for 20 years of public service in partnership with Representative Bob Hunter.

HR 441 was read and was adopted.

HR 410 - ADOPTED
(by Uresti)

Representative Uresti moved to suspend all necessary rules to take up and consider at this time **HR 410**.

The motion prevailed.

The following resolution was laid before the house:

HR 410, In memory of U.S. Marine Lance Corporal Stephen Joseph Perez of San Antonio.

HR 410 was read and was unanimously adopted by a rising vote.

On motion of Representative Escobar, the names of all the members of the house were added to **HR 410** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Uresti who introduced the family of U.S. Marine Lance Corporal Stephen Joseph Perez.

**PROCLAMATION BY THE GOVERNOR
OF THE STATE OF TEXAS**

The chair laid before the house and had read the following proclamation by the governor:

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-NINTH TEXAS LEGISLATURE, THIRD CALLED SESSION:

WHEREAS, the people of Texas through their state constitution have placed the power to call the legislature into special session in the hands of the chief executive officer of the state; and

WHEREAS, the members of the Seventy-Ninth Texas Legislature, Third Called Session, have now convened to consider items presented to them by the governor;

NOW, THEREFORE, I, RICK PERRY, governor of the State of Texas, by the authority vested in me by Article IV, Section 8 and Article III, Section 40 of the Texas Constitution, do hereby present the following subject matter to the Seventy-Ninth Texas Legislature, Third Called Session for consideration:

Legislation relating to the recovery and securitization of reasonable and necessary hurricane reconstruction costs incurred by certain electric utilities outside of the Electric Reliability Council of Texas area.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 11th day of May, 2006.

Rick Perry
Governor of Texas

(SEAL)
Roger Williams
Secretary of State

(Martinez now present)

(Woolley in the chair)

HR 440 - ADOPTED
(by P. King)

Representative P. King moved to suspend all necessary rules to take up and consider at this time **HR 440**.

The motion prevailed.

The following resolution was laid before the house:

HR 440, Honoring Charlie Company, 56th Brigade Combat Team, 36th Infantry Division, for its service in Iraq.

HR 440 was read and was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 440** as signers thereof.

(R. Cook in the chair)

INTRODUCTION OF GUESTS

The chair recognized Representative P. King who introduced Captain Shannon McAdoo and Sergeant First Class Tony Williams.

HR 616 - ADOPTED
(by Bonnen)

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 616**.

The motion prevailed.

The following resolution was laid before the house:

HR 616, Congratulating Clay and Jaclyn Abernathy of Longview on the birth of their son, Jack Madison Abernathy.

HR 616 was read and was adopted.

On motion of Representative Merritt, the names of all the members of the house were added to **HR 616** as signers thereof.

LEAVE OF ABSENCE GRANTED

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

Solis on motion of F. Brown.

**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.)

(Burnam now present)

24 HOUR POSTING RULE SUSPENDED

Representative P. King moved to suspend the 24 hour posting rule to allow the Committee on Regulated Industries to consider **HB 144** upon second adjournment today in JHR 140.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

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

Smithee on motion of Nixon.

**PROCLAMATION BY THE GOVERNOR
OF THE STATE OF TEXAS**

The chair laid before the house and had read the following proclamation by the governor:

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE SEVENTY-NINTH TEXAS LEGISLATURE, THIRD CALLED SESSION:

WHEREAS, the people of Texas through their state constitution have placed the power to call the legislature into special session in the hands of the chief executive officer of the state; and

WHEREAS, the members of the Seventy-Ninth Texas Legislature, Third Called Session, have now convened to consider items presented to them by the governor;

NOW, THEREFORE, I, RICK PERRY, governor of the State of Texas, by the authority vested in me by Article IV, Section 8 and Article III, Section 40 of the Texas Constitution, do hereby present the following subject matter to the Seventy-Ninth Texas Legislature, Third Called Session for consideration:

Legislation relating to appropriations to pay for damages and disruptions suffered by Lamar University and its related institutions caused by Hurricanes Katrina and Rita.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 11th day of May, 2006.

Rick Perry
Governor of Texas

(SEAL)
Roger Williams
Secretary of State

HR 610 - ADOPTED
(by Gallego)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 610**.

The motion prevailed.

The following resolution was laid before the house:

HR 610, Honoring Rodolfo R. Flores of Uvalde for his tenure as president and member of the Southwest Texas Junior College Board of Trustees and his contributions as a community leader.

HR 610 was adopted.

HR 611 - ADOPTED
(by Gallego)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 611**.

The motion prevailed.

The following resolution was laid before the house:

HR 611, Congratulating B. J. Fuentes of Van Horn High School for reaching the state track meet in the 110-meter high hurdles.

HR 611 was adopted.

HCR 44 - ADOPTED
(by Gallego)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HCR 44**.

The motion prevailed.

The following resolution was laid before the house:

HCR 44, Commemorating the 150th anniversary of Uvalde County.

HCR 44 was adopted.

HR 612 - ADOPTED

(by Gallego)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 612**.

The motion prevailed.

The following resolution was laid before the house:

HR 612, In memory of Paul Alfred Edwards of Uvalde.

HR 612 was unanimously adopted by a rising vote.

HR 613 - ADOPTED

(by Quintanilla)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 613**.

The motion prevailed.

The following resolution was laid before the house:

HR 613, In memory of Amador Villalobos of Fabens.

HR 613 was unanimously adopted by a rising vote.

HR 614 - ADOPTED

(by Quintanilla)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 614**.

The motion prevailed.

The following resolution was laid before the house:

HR 614, In memory of Ricardo Estrada of Tornillo.

HR 614 was unanimously adopted by a rising vote.

HR 615 - ADOPTED

(by Quintanilla)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 615**.

The motion prevailed.

The following resolution was laid before the house:

HR 615, In memory of Sergeant Israel Devora Garcia of Clint.

HR 615 was unanimously adopted by a rising vote.

HR 604 - ADOPTED
(by Haggerty)

Representative Haggerty moved to suspend all necessary rules to take up and consider at this time **HR 604**.

The motion prevailed.

The following resolution was laid before the house:

HR 604, Honoring Rebecca Garcia of El Paso on her receipt of the Girl Scout Gold Award.

HR 604 was adopted.

HR 605 - ADOPTED
(by Haggerty)

Representative Haggerty moved to suspend all necessary rules to take up and consider at this time **HR 605**.

The motion prevailed.

The following resolution was laid before the house:

HR 605, Honoring Mikaela Payan of El Paso on her receipt of the Girl Scout Gold Award.

HR 605 was adopted.

HR 606 - ADOPTED
(by Haggerty)

Representative Haggerty moved to suspend all necessary rules to take up and consider at this time **HR 606**.

The motion prevailed.

The following resolution was laid before the house:

HR 606, Honoring Darcel Walker on her receipt of the Girl Scout Gold Award.

HR 606 was adopted.

HR 607 - ADOPTED
(by Haggerty)

Representative Haggerty moved to suspend all necessary rules to take up and consider at this time **HR 607**.

The motion prevailed.

The following resolution was laid before the house:

HR 607, Honoring Sean Thomas Peters as the 2006 valedictorian of Northeast Christian Academy.

HR 607 was adopted.

(Speaker in the chair)

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

**HB 63 ON SECOND READING
(by Pitts, Ritter, and Deshotel)**

HB 63, A bill to be entitled An Act relating to appropriations to pay for damages and disruptions suffered by Lamar University and its related institutions caused by Hurricanes Katrina and Rita.

HB 63 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 113 ON SECOND READING
(by Pitts)**

HB 113, A bill to be entitled An Act relating to payment of certain claims for indigent inmate defense.

Representative Pitts moved to postpone consideration of **HB 113** until 10 a.m. Wednesday, May 17.

The motion prevailed.

**HB 114 ON SECOND READING
(by Pitts)**

HB 114, A bill to be entitled An Act relating to appropriating money to pay for a judgment rendered in certain litigation.

Representative Pitts moved to postpone consideration of **HB 114** until 10 a.m. Wednesday, May 17.

The motion prevailed. (A. Allen, Anderson, Berman, Blake, Bohac, Bonnen, Branch, B. Brown, Casteel, Castro, Chavez, R. Cook, Crabb, Crownover, J. Davis, Dawson, Delisi, Deshotel, Dukes, Edwards, Eiland, Eissler, Elkins, England, Escobar, Farabee, Flynn, Frost, Giddings, Gonzalez Toureilles, Goodman, Goolsby, Hamilton, Harper-Brown, Hegar, Hernandez, Hochberg, Hodge, Homer, Hope, Hopson, D. Howard, Hughes, Hunter, C. N. Isett, B. Keffer, T. King, Kolkhorst, Kuempel, Laney, Madden, Martinez, Martinez Fischer, McClendon, McReynolds, Menendez, Merritt, Miller, Naishtat, Orr, Otto, Peña, Phillips, Raymond, Reyna, T. Smith, Strama, Talton, Taylor, Thompson, Truitt, Turner, Villarreal, Wong, and Zedler recorded voting no.)

REASON FOR VOTE

I voted no on the motion to postpone. I believe the state should pay its bills.

Eiland

HB 117 ON SECOND READING
(by Pitts and F. Brown)

HB 117, A bill to be entitled An Act relating to appropriations to the adjutant general's department for military facilities duties.

(Martinez Fischer now present)

HB 117 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 118 ON SECOND READING
(by Pitts)

HB 118, A bill to be entitled An Act relating to appropriating money to the Texas Commission on the Arts.

(J. Keffer in the chair)

HB 118 - POINT OF ORDER

Representative Thompson raised a point of order against further consideration of **HB 118** under Article III, Section 40 of the Texas Constitution on the grounds that the subject matter has not been designated in a proclamation by the governor.

(Speaker in the chair)

The speaker sustained the point of order.

The ruling precluded further consideration of **HB 118**.

HB 119 ON SECOND READING
(by Pitts and F. Brown)

HB 119, A bill to be entitled An Act relating to making appropriations in connection with the former Cosmetology Commission and former Board of Barber Examiners.

HB 119 - POINT OF ORDER

Representative Thompson raised a point of order against further consideration of **HB 119** under Article III, Section 40 of the Texas Constitution on the grounds that the subject matter has not been designated in a proclamation by the governor.

The speaker sustained the point of order.

The ruling precluded further consideration of **HB 119**.

HB 147 ON SECOND READING
(by Bonnen, Ritter, et al.)

HB 147, A bill to be entitled An Act relating to the authority of the governor to issue evacuation orders during disasters.

Representative Bonnen moved to postpone consideration of **HB 147** until January 9, 2007.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

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

Bailey on motion of Hughes.

CSHB 153 ON SECOND READING

(by Morrison, Rose, McCall, Farabee, Branch, et al.)

CSHB 153, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds or other obligations to fund capital projects at public institutions of higher education; making an appropriation.

Amendment No. 1

Representative Morrison offered the following amendment to **CSHB 153**:

Amend **CSHB 153** as follows:

- (1) On page 6, strike lines 21-22.
- (2) On page 6, line 23, strike "(B)" and substitute "(A)".
- (3) On page 6, line 25, strike "(C)" and substitute "(B)".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Morrison offered the following amendment to **CSHB 153**:

Amend **CSHB 153** by striking SECTION 5 of the bill and renumbering subsequent SECTIONS of the bill appropriately.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Delisi offered the following amendment to **CSHB 153**:

Amend **CSHB 153** as follows:

- (1) On page 3, strike lines 11 and 12 and substitute the following:
(B) \$45 million for a medical education and research building in College Station, Texas;
(C) \$45 million for a medical education and research building in Temple, Texas; and
- (2) On page 3, line 13, strike "(C)" and substitute "(D)".

Amendment No. 3 was adopted.

Amendment No. 4

Representative Coleman offered the following amendment to **CSHB 153**:

Amend **CSHB 153** on page 18, line 17 after the word "may," by inserting the following:

", in a manner consistent with the priorities established in the O.C.R. agreement for enhancement of the Cleburne campus."

Representative Turner moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 58): 84 Yeas, 53 Nays, 2 Present, not voting.

Yeas — Anderson; Blake; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chavez; Chisum; Cook, B.; Corte, V.; Crabb; Crownover; Davis, J.; Dawson; Dukes; Edwards; Eiland; Eissler; Elkins; England; Flynn; Gattis; Geren; Giddings; Goodman; Goolsby; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hegar; Hill; Hope; Hopson; Howard, C.; Hughes; Hupp; Isett, C.N.; Jackson; Jones, D.; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Kuempel; Laubenberg; Luna; Madden; McCall; McClendon; McReynolds; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Berman; Bonnen; Burnam; Casteel; Castro; Coleman; Cook, R.; Davis, Y.; Delisi; Deshotel; Dunnam; Dutton; Escobar; Farabee; Farrar; Frost; Gallego; Gonzales; Gonzalez Toureilles; Hartnett; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Howard, D.; Hunter; Jones, J.; Keel; Laney; Leibowitz; Martinez; Martinez Fischer; Menendez; Merritt; Moreno, P.; Naishtat; Noriega, R.; Olivo; Pitts; Quintanilla; Raymond; Reyna; Rodriguez; Strama; Uresti; Veasey; Villarreal; Wong.

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

Absent, Excused — Bailey; Denny; Flores; Smithee; Solis; Talton.

Absent — Griggs; King, T.; Krusee; Thompson; Vo.

Amendment No. 5

Representatives Hochberg and Hamric offered the following amendment to **CSHB 153**:

Amend **CSHB 153** on page 6, line 23, by striking "\$60 million" and substituting "\$90 million".

Representative Morrison moved to table Amendment No. 5.

A record vote was requested.

The motion to table was lost by (Record 59): 66 Yeas, 74 Nays, 1 Present, not voting.

Yeas — Anderson; Berman; Blake; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Corte, V.; Crownover; Davis, Y.; Dawson; Delisi; Driver; Eiland; Eissler; England; Flynn; Frost; Gattis; Giddings; Goolsby; Grusendorf; Hamilton; Hardcastle; Harper-Brown; Hegar; Hilderbran; Hill; Howard, C.; Hughes; Hupp; Isett, C.N.; Jackson; Keel; Keffer, B.; Keffer, J.;

King, P.; King, T.; Kolkhorst; Krusee; Laubenberg; Luna; McCall; Miller; Morrison; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Rose; Seaman; Smith, T.; Smith, W.; Straus; Swinford; Taylor; Truitt; Van Arsdale; West; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bonnen; Burnam; Casteel; Castro; Chavez; Coleman; Cook, R.; Crabb; Davis, J.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Elkins; Escobar; Farabee; Farrar; Gallego; Geren; Gonzales; Gonzalez Toureilles; Goodman; Griggs; Guillen; Haggerty; Hamric; Hernandez; Herrero; Hochberg; Hodge; Homer; Hope; Hopson; Howard, D.; Hunter; Jones, D.; Jones, J.; Kuempel; Laney; Leibowitz; Madden; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, P.; Mowery; Naishtat; Noriega, R.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Solomons; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo; Wong; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Denny; Flores; Smithee; Solis; Talton.

Absent — Hartnett; Oliveira; Riddle.

Amendment No. 5 was adopted.

CSHB 153 - POINT OF ORDER

Representative Dunnam raised a point of order against further consideration of **CSHB 153** under Rule 4, Section 11(a) and (b) and Rule 4, Section 18(a)(4) of the House Rules on the grounds that the committee meetings violated the posting notice and the committee minutes are inaccurate.

MEMORANDUM BY REPRESENTATIVE DUNNAM

VIOLATION of Rule 4, Section 11 (b)

The Committee on Higher Education improperly considered the bill at a public hearing noticed to meet upon final adjournment/recess. Pursuant to an announcement from the house floor, the House Committee on Higher Education was scheduled to meet upon adjournment on May 4, 2006, at Desk 86 for a formal meeting to consider **HB 153**. (*H.J. 79th 3C. 221.*)

According to the committee minutes, the committee met and was called to order at 12:25 p.m. on May 4, 2006. (*H. Higher Education Comm. Minutes 1, 79th Leg., 3d Called. May 4, 2006.*)

According to the House Journal for May 4, 2006, the house adjourned at 4:10 p.m. (*H.J. 79th 3C. 222.*)

Thus, the Committee on Higher Education met in violation of the posting rule at a time at which they were not noticed to meet. The committee did not meet upon adjournment as they were noticed to do.

VIOLATION of Rule 4, Section 18 (a)(4) and Rule 4, Section 11(a)

"The committee minutes shall reflect the date of each posting of notice" *H. Rule 4, § 11(a)(2005).*

"For each committee, including a calendars committee, the chair, or the member acting as chair, shall keep complete minutes of the proceedings in committee, which shall include: (4) the date of posting of notice of the meeting" (*H. Rule 4, § 18(1)(4)*.)

The House Committee on Higher Education posted notice with the Committee Coordinator for a meeting to be held upon final adjournment/recess on Thursday, May 4, 2006. The notice was filed on May 3, 2006, at 5:07 p.m.

On May 4, 2006, from the house floor, it was announced that the Committee on Higher Education would meet upon adjournment at Desk 86 to consider **HB 153**. (*H.J. 79th 3C. 221*.)

The committee minutes inaccurately state "pursuant to a notice posted on May 3, 2006, the House Committee on Higher Education met in a formal meeting" (*H. Higher Education Comm. Minutes 1, 79th Leg., 3d Called. May 4, 2006*). To comply with the rules, the minutes should state that the meeting was called pursuant to a notice posted on May 3, 2006, and pursuant to an announcement from the house floor.

For the foregoing reasons, the point of order should be sustained.

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).

CSHB 153 - (consideration continued)

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

Mr. Dunnam raises a point of order for violation of Rule 4, Section 11(a) and (b) and Rule 4, Section 18(a)(4) of the House Rules.

The chair overrules the point of order against all three rules because:

(1) The minutes accurately show that notice was given regarding the committee's intent to hear the bill.

(2) The committee received permission to meet on May 4 and was granted permission by the house, and the posting states that the committee was to meet upon final adjournment or recess. Accordingly, the chair finds that the committee complied with the posting rules.

The point of order is respectfully overruled.

A record vote was requested.

CSHB 153, as amended, was passed to engrossment by (Record 60): 143 Yeas, 0 Nays, 1 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; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; 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; 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; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Denny; Flores; Smithee; Solis; Talton.

HB 154 ON SECOND READING

(by Luna)

HB 154, A bill to be entitled An Act relating to the administration of the Irma Rangel School of Pharmacy.

HB 154 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 72 ON SECOND READING

(by Berman, Chisum, McReynolds, Flynn, Uresti, et al.)

CSHB 72, A bill to be entitled An Act relating to providing for an adjustment of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the residence homesteads of the elderly or disabled to reflect any change in the school district's tax rate and protecting a school district against the resulting loss in local revenue.

Amendment No. 1

Representatives Villarreal, Naishtat, and Merritt offered the following amendment to **CSHB 72**:

Amend **CSHB 72** as follows:

(1) On page 1, line 17, between "section" and "in", insert "on the homestead".

(2) Strike page 1, lines 18 through 24, and substitute the following:

(1) the amount computed by:

(A) multiplying the amount of tax the school district imposed on the homestead in the preceding tax year by the lesser of one or a fraction the numerator of which is the tax rate of the district for the current tax year and the denominator of which is the tax rate of the district for the preceding tax year; and

(B) adding to the amount computed under Paragraph (A) any tax in the current tax year attributable to improvements made in the preceding tax year, as provided by Subsection (b); or

(3) On page 2, line 9, between "section" and "in", insert "on the homestead".

(4) On page 2, line 10, between "is" and "computed", insert "equal to the amount".

(5) On page 2, line 21, strike "school".

(6) On page 3, line 14, strike "adjustment" and substitute "reduction".

(7) On page 3, line 15, strike "change" and substitute "reduction".

(8) On page 4, line 7, strike "adjustment" and substitute "reduction".

(9) On page 4, line 8, strike "change" and substitute "reduction".

(10) On page 4, line 12, strike "adjustment" and substitute "reduction".

(11) On page 4, line 13, strike "change" and substitute "reduction".

(12) Strike page 4, lines 21 through 24, and substitute the following:
3rd Called Session, 2006, authorizing the legislature to provide for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for public school purposes on the residence homesteads of the elderly or disabled to reflect any reduction in the rate of those

(Flynn in the chair)

Amendment No. 1 was adopted. (B. Cook recorded voting no.)

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. 10).

CSHB 72 - (consideration continued)

CSHB 72, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CONSTITUTIONAL AMENDMENTS CALENDAR HOUSE JOINT RESOLUTIONS SECOND READING

The following resolutions were laid before the house and read second time:

CSHJR 26 ON SECOND READING

(by Berman, Chisum, McReynolds, Flynn, Uresti, et al.)

CSHJR 26, A joint resolution proposing a constitutional amendment providing for an adjustment of the limitation on the total amount of ad valorem taxes that may be imposed for public school purposes on the residence homesteads of the elderly or disabled to reflect any change in the rate of those taxes.

Amendment No. 1

Representatives Villarreal, Naishtat, and Merritt offered the following amendment to **CSHJR 26**:

Amend **CSHJR 26** as follows:

(1) Strike the underlined text on page 1, line 23, through page 2, line 26, and substitute the following:

The legislature by general law may provide for the reduction of the amount of a limitation provided by this subsection to reflect any reduction from the preceding year in the tax rate for general elementary and secondary public school purposes applicable to a residence homestead. A general law providing for the reduction of the amount of a limitation provided by this subsection to reflect any reduction from the preceding year in the tax rate for general elementary and secondary public school purposes applicable to a residence homestead may, for purposes of computing the amount of the limitation for the 2007 tax year and subsequent tax years, also take into account any reduction in the tax rate for those purposes from the 2005 tax year to the 2006 tax year if the homestead was subject to the limitation in the 2006 tax year.

(2) Strike page 3, lines 19 through 22, and substitute the following:

Called Session, 2006, authorizing the legislature to provide for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for public school purposes on the residence homesteads of the elderly or disabled to reflect any reduction in the rate of those taxes and

(3) Strike page 4, lines 1 through 6, and substitute the following:

submitted to the voters at an election to be held November 7, 2006, but only if **HB 1**, Acts of the 79th Legislature, 3rd Called Session, 2006, is enacted and becomes law. If **HB 1**, Acts of the 79th Legislature, 3rd Called Session, 2006, does not become law, this proposed constitutional amendment may not be submitted to the voters. If **HB 1**, Acts of the 79th Legislature, 3rd Called Session, 2006, becomes law, the ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing the legislature to provide for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for public school purposes on the residence homesteads of the elderly or disabled to reflect any reduction in the

Amendment No. 1 was adopted.

(Speaker in the chair)

A record vote was requested.

CSHJR 26, as amended, was adopted by (Record 61): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Anderson; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte, V.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Gattis; Geren; 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.; Hunter; Hupp; Isett, C.N.; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer,

J.; King, P.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Noriega, R.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Denny; Flores; Smithee; Solis; Talton.

Absent — Campbell; Hughes; Krusee; Moreno, P.; Riddle.

STATEMENTS OF VOTE

When Record No. 61 was taken, my vote failed to register. I would have voted yes.

Hughes

When Record No. 61 was taken, I was in the house but away from my desk. I would have voted yes.

Krusee

(Talton now present)

HCR 44, HR 610, HR 611, & HR 612 - MOTION TO ADD NAMES

On motion of Representative Gallego, the names of all the members of the house were added to **HCR 44, HR 610, HR 611, and HR 612** as signers thereof.

ADJOURNMENT

Representative Uresti moved that the house adjourn until 1:35 p.m. today in memory of U.S. Marine Lance Corporal Stephen Joseph Perez of San Antonio, who was killed in the line of duty.

The motion prevailed.

The house accordingly, at 1:27 p.m., adjourned until 1:35 p.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 174 (By Turner, et al.), Relating to temporary eligibility requirements for and administration of the child health plan program.

To Appropriations.

HCR 40 (By J. Davis), Congratulating Christopher Castillo on his graduation from the Texas School for the Deaf.

To Rules and Resolutions.

HCR 41 (By C. N. Isett), Honoring Nancy Schunke of Lubbock ISD on her receipt of the 2005 Presidential Award for Excellence in Mathematics and Science Teaching.

To Rules and Resolutions.

HCR 42 (By C. N. Isett), Congratulating Visit Lubbock on its receipt of the Texas Travel Industry Association's Excellence in Photography Award for Tourism.

To Rules and Resolutions.

HCR 43 (By Berman, et al.), Urging Congress to enact the Vietnam Veterans Memorial Visitor Center Deadline Act.

To State Affairs.

HR 588 (By Zedler), Congratulating Rebecca Bright on her receipt of the Kiwanis Woodrow Counts Arlington Elementary School Teacher of the Year Award.

To Rules and Resolutions.

HR 590 (By England), Congratulating Emmadean Berry of Grand Prairie on her 90th birthday.

To Rules and Resolutions.

HR 594 (By Escobar), In memory of Sergeant Johnny Joe Peralez, Jr., of Falfurrias.

To Rules and Resolutions.

HR 595 (By Taylor), Honoring Kimball W. Brizendine on his retirement as mayor of Friendswood.

To Rules and Resolutions.

HR 596 (By Delisi), Honoring Don and Jean Skelton of Belton on their 50th wedding anniversary.

To Rules and Resolutions.

HR 597 (By Delisi), Honoring Alois and Rosa Lee Pechal of Ratibor on their 50th wedding anniversary.

To Rules and Resolutions.

HR 598 (By Delisi), Honoring Lieutenant Colonel (Ret.) Marion H. Collins and Alice Collins of Belton on the occasion of their 50th wedding anniversary.

To Rules and Resolutions.

HR 599 (By D. Howard), Recognizing Austin amateur radio groups and the 2006 Field Day event.

To Rules and Resolutions.

HR 600 (By D. Howard), Honoring Beth Wheeler Fox on being named Texas Librarian of the Year for 2006 by the Texas Library Association.

To Rules and Resolutions.

HR 601 (By Martinez), Honoring Epitacia Yanez of Donna on the occasion of her 105th birthday.

To Rules and Resolutions.

HR 602 (By Goodman), Congratulating Coach Jim Hayes and the Movin' Mavs of The University of Texas at Arlington on winning the 2006 National Intercollegiate Wheelchair Basketball Tournament.

To Rules and Resolutions.

HR 603 (By Morrison), Honoring Judge Lloyd Rust, Jr., on his service as a trustee of the Johnson Foundation and on a lifetime of professional accomplishments and civic contributions.

To Rules and Resolutions.

HR 604 (By Haggerty), Honoring Rebecca Garcia of El Paso on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 605 (By Haggerty), Honoring Mikaela Payan of El Paso on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 606 (By Haggerty), Honoring Darcel Walker on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 607 (By Haggerty), Honoring Sean Thomas Peters as the 2006 valedictorian of Northeast Christian Academy.

To Rules and Resolutions.

HR 608 (By Herrero), Commemorating the groundbreaking for the Richard M. Borchard Regional Fairgrounds in Nueces County in May 2006.

To Rules and Resolutions.

HR 609 (By Naishtat), Honoring the women's indoor track and field team of The University of Texas at Austin on their 2006 NCAA Indoor Championships.

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. 9

HCR 32, HCR 33

House List No. 10
HCR 27, HCR 35

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 11, 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 GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 2

Senate Conferees: Williams - Chair/Armbrister/Averitt/Brimer/Hinojosa

Respectfully,
Patsy Spaw
Secretary of the Senate

