

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, THIRD CALLED SESSION

PROCEEDINGS

EIGHTEENTH DAY — MONDAY, MAY 15, 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 77).

Present — Mr. Speaker; Allen, A.; Alonzo; Anchia; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; 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.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Denny; Flores.

Absent — Chavez.

The invocation was offered by Kirk A. Kriegel, executive pastor, First Baptist Church, Georgetown, as follows:

Our Father, we come before you today in the glorious name of our Lord and Savior, Jesus Christ. We come first to praise you for you are the Almighty God, and you are our creator.

We also come before you with hearts of thankfulness for your many blessings. We thank you for the privilege of living in a place where we are free to openly share ideas and dialogue and deliberate about solutions. May we never take our liberties for granted.

We also come before you today recognizing that you are the God of wisdom. Your word tells us to ask for your wisdom. So I am asking today that you pour out your wisdom in this place. These men and women are here to deal with the

many difficult issues of our day. Lord, without your wisdom today their solutions might be good, but they will not be the best. Without you, their solutions might be well thought out, but they will miss the mark of your will. Without you, their solutions might be well intentioned, but they will not have your blessing. So today, God, give them your wisdom. In the same passage where you promise to give if we ask it also says that you will give your wisdom "generously to all without finding fault and it will be given." We are counting on that promise today, God.

Thank you for being here. Make yourself known today is our prayer. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Flores on motion of Raymond.

The following member was granted leave of absence for today and tomorrow because of illness in the family:

Denny on motion of Nixon.

CAPITOL PHYSICIAN

The speaker recognized Representative Mowery who presented Dr. Joane Baumer of Fort Worth as the "Doctor for the Day."

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

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 5).

(Giddings in the chair)

RESOLUTIONS ADOPTED

Representative Edwards moved to suspend all necessary rules in order to take up and consider at this time **HR 467, HR 588, HR 590, HR 595 - HR 601, HR 608, HR 609, HR 657, HR 659, HR 662, HR 663, HR 665, and HR 666.**

The motion prevailed.

The following resolutions were laid before the house:

HR 467 (by Menendez), Congratulating Jeffrey G. Peterson on his graduation from The University of Texas at San Antonio.

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

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

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

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

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

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

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

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

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

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

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.

HR 657 (by Eiland), Recognizing the contributions of the Seaborne ChalleNGe Corps.

HR 659 (by Martinez Fischer), Honoring Pete Torres, Jr., of San Antonio for his contributions to legal, civic, and governmental affairs.

HR 662 (by Escobar and T. King), Honoring Will M. Krueger on his graduation from The University of Texas and commending him for his service as a legislative intern.

HR 663 (by Luna), Extending best wishes to Jacqueline Elena Black and all children across the state who are struggling with cancer and commending all those involved in the fight to end this disease.

HR 665 (by Bohac), Congratulating Jim Julian of Houston on his achievements in senior pole vaulting.

HR 666 (by Bohac), Honoring Chris Barcus of Houston on becoming an Eagle Scout.

The resolutions were adopted.

HR 404 - ADOPTED
(by Hughes)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 404**.

The motion prevailed.

The following resolution was laid before the house:

HR 404, In memory of Max Sims Lale of Marshall.

HR 404 was unanimously adopted by a rising vote.

(England in the chair)

RESOLUTIONS ADOPTED

Representative Edwards moved to suspend all necessary rules in order to take up and consider at this time **HCR 40, HR 640, HR 668 - HR 672, HR 674 - HR 677, HR 680, HR 682 - HR 684, HR 686, HR 688 - HR 692, HR 694 - HR 698, and HR 704 - HR 712**.

The motion prevailed.

The following resolutions were laid before the house:

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

HR 640 (by Keel), Honoring Sir Paul McCartney when he's 64.

HR 668 (by Bohac), Congratulating Travis Jacob Barter on becoming an Eagle Scout.

HR 669 (by Bohac), Congratulating Herb Cerwinski of Houston on his 90th birthday.

HR 670 (by Bohac), Congratulating Donald Dargen of Houston on his 85th birthday.

HR 671 (by Bohac), Honoring Ryan Thomas Bridges of Houston on attaining the rank of Eagle Scout.

HR 672 (by Bohac), Congratulating Caine Richard Taylor of Houston on becoming an Eagle Scout.

HR 674 (by Craddick), Honoring Dorothy and Wade L. Gamblin of Midland on their 60th wedding anniversary.

HR 675 (by Craddick), Congratulating Bill and Sarah Newcomb on their 50th wedding anniversary.

HR 676 (by Hunter), Honoring Dr. Colleen Smith on her appointment as president of Cisco Junior College.

HR 677 (by Hunter), Honoring Casey Heath Kelley for his dedicated legislative service in the office of Representative Bob Hunter.

HR 680 (by Hernandez), Honoring Denver Harbor Senior Citizens, Inc., on its 25th anniversary.

HR 682 (by Anderson), Honoring James and Jane Curry of Woodway on their 50th anniversary.

HR 683 (by Anderson), Honoring A. J. and Mickey Uptmore of China Spring on their 60th wedding anniversary.

HR 684 (by Anderson), Honoring Leonard and Leellyn Simpson of Robinson on their 50th wedding anniversary.

HR 686 (by Herrero), Congratulating Coach Phil Danaher of Calallen High School on his 300th win.

HR 688 (by D. Howard), Commemorating the marriage of Eleanor D'Ambrosio and Jeff Hewitt of Austin.

HR 689 (by D. Howard), Honoring Jonestown police officer Pat Pace for his heroism.

HR 690 (by Flynn), Honoring Becky Whitenack of Longview on her installation as Lions Club District 2x2 governor.

HR 691 (by Hunter), Commemorating the 2006 Harley Owners Group State Rally in Abilene.

HR 692 (by Luna), Congratulating founder Ram Chavez and the Veterans Band of Corpus Christi on the band's 20th anniversary.

HR 694 (by Delisi), Honoring Dr. Gopal Guttikonda on being elected medical staff president at King's Daughters Hospital in Temple.

HR 695 (by Delisi), Congratulating the Salado High School Lady Eagles golf team for winning the UIL Class 2A state championship.

HR 696 (by Herrero), Congratulating Nancy Vera of Wynne Seal Middle School in Corpus Christi on receiving a Wal-Mart Teacher of the Year award.

HR 697 (by Herrero), Congratulating Gene Wollman of King High School in Corpus Christi on receiving a Wal-Mart Teacher of the Year award.

HR 698 (by Herrero), Congratulating Esmeralda Garza of St. Anthony School in Robstown on receiving a Wal-Mart Teacher of the Year award.

HR 704 (by Elkins), Honoring Katherine Ann Fillmore on her graduation from The University of Texas.

HR 705 (by Martinez Fischer), Honoring Heather Tschirhart for attaining the Girl Scout Gold Award.

HR 706 (by Martinez Fischer), Honoring Sydney Kantapit-Castillo for attaining the Girl Scout Gold Award.

HR 707 (by Martinez Fischer), Honoring Sarah Tschoepe for attaining the Girl Scout Gold Award.

HR 708 (by Martinez Fischer), Honoring Amanda Keeler for attaining the Girl Scout Gold Award.

HR 709 (by Martinez Fischer), Honoring Aurora Keeler for attaining the Girl Scout Gold Award.

HR 710 (by Flynn), Commending Liz Laubenberg of Plano on her athletic achievements.

HR 711 (by Flynn), Congratulating William P. and Billie Fae Bowen of Caddo Mills on their 50th wedding anniversary.

HR 712 (by Hardcastle and Guillen), Honoring Miriam Smith Vale on her 100th birthday.

The resolutions were adopted.

HR 693 - ADOPTED
(by D. Howard)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 693**.

The motion prevailed.

The following resolution was laid before the house:

HR 693, In memory of Bruce D. Walcutt of Austin.

HR 693 was unanimously adopted by a rising vote.

(V. Corte in the chair)

RESOLUTIONS ADOPTED

Representative Edwards moved to suspend all necessary rules in order to take up and consider at this time **HR 594, HR 647, HR 658, HR 664, HR 667, HR 673, HR 678, HR 681, HR 685, and HR 703**.

The motion prevailed.

The following resolutions were laid before the house:

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

HR 647 (by Frost), In memory of Mary Sue Hill of Daingerfield.

HR 658 (by Martinez Fischer), In memory of Joe V. Alderete, Sr., of San Antonio.

HR 664 (by Bohac), In memory of Kristin Audrey Malone of Sugar Land.

HR 667 (by Bohac), In memory of Lisa M. Ranly of Houston.

HR 673 (by Bohac), In memory of W. Carloss Morris, Jr., of Houston.

HR 678 (by Uresti), In memory of Jesse Weaver Uresti of San Antonio.

HR 681 (by Seaman), In memory of Ted Anderson of Corpus Christi.

HR 685 (by Naishtat), In memory of William Max Hale of Austin.

HR 703 (by Hodge), In memory of Eula B. Pace McCray of Dallas.

The resolutions were unanimously adopted by a rising vote.

**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.)

**HR 479 - READ
(by A. Allen, et al.)**

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

HR 479, Congratulating Henry and Bennie Dugat on their 46th wedding anniversary.

INTRODUCTION OF GUESTS

The chair recognized Representatives A. Allen and Otto who introduced Henry and Bennie Dugat.

RESOLUTIONS ADOPTED

Representative Edwards moved to suspend all necessary rules in order to take up and consider at this time **HCR 50** and **HR 713 - HR 721**.

The motion prevailed.

The following resolutions were laid before the house:

HCR 50 (by Taylor), Designating May 25, 2006, as Missing Children's Day in Texas in memory of Laura Kate Smither and commending the efforts of the Laura Recovery Center in Friendswood.

HR 713 (by R. Noriega), Honoring Alejandro Barbosa on his graduation from the University of Houston-Clear Lake.

HR 714 (by Anderson), Honoring Haley Friudenberg of Bruceville-Eddy as a United States Achievement Academy National Award winner in history and government.

HR 715 (by Anderson), Congratulating Nichole Stewart and William Andrews of New Braunfels on their recent marriage.

HR 716 (by Anderson), Congratulating Providence Health Center in Waco on being named a Top 100 Hospital in the 2005 Solucient National Benchmarks for Success study.

HR 717 (by Anderson), Congratulating Doug and Reta Lain of Waco on their 50th wedding anniversary.

HR 718 (by Taylor), Honoring the Friendswood High School academic teams for being named State 4A UIL Academic Champions for 2005-2006.

HR 719 (by Pickett), Honoring Sylvia Margarita Origel-Richards of El Paso for her selfless generosity to her family and others.

HR 720 (by J. Jones), Recognizing the recipients of the 2006 All Star Family Connections Achievement Awards.

HR 721 (by Naishtat), Commending Walter Hinojosa on his retirement from the Texas AFL-CIO.

The resolutions were adopted.

HCR 49 - ADOPTED

(by R. Noriega)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HCR 49**.

The motion prevailed.

The following resolution was laid before the house:

HCR 49, In memory of James Richard LaVois of Houston.

HCR 49 was unanimously adopted by a rising vote.

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. 11).

HB 3 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ANCHIA: Thank you, Mr. Keffer. I just wanted to get this legislative intent into the record. We've been asked to clarify some of the provisions of Amendments 32 and 33 to **HB 3**, and I wanted to state that it is my legislative intent that all non-exempt taxable entities including, but not limited to, those involved in: 1) growing and harvesting of crops, 2) the husbandry of animals, and 3) timber severance that hire undocumented workers be ineligible for worker compensation related deductions under the bill. By including industry sectors in one through three above, I sought to expand, and not limit, the original definition of goods contained in **HB 3**.

REMARKS ORDERED PRINTED

Representative J. Keffer moved to print remarks by Representative Anchia.

The motion prevailed.

HR 416 - READ

(by Giddings)

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

HR 416, Congratulating the Dallas South Oak Cliff High School boys' basketball team on winning the 2006 4A state championship.

INTRODUCTION OF GUESTS

The chair recognized Representative Giddings who introduced players and coaches of the Dallas South Oak Cliff High School boys' basketball team.

HR 661 - ADOPTED
(by J. Jones)

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HR 661**.

The motion prevailed.

The following resolution was laid before the house:

HR 661, Congratulating the Franklin D. Roosevelt High School Mustang basketball team on winning the 2006 3A state championship title.

HR 661 was read and was adopted.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 661** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative J. Jones who introduced players and coaches of the Franklin D. Roosevelt High School boys' basketball team, Principal Leon Dudley, and athletic director Earnest James.

HR 723 - ADOPTED
(by Puente)

Representative Puente moved to suspend all necessary rules to take up and consider at this time **HR 723**.

The motion prevailed.

The following resolution was laid before the house:

HR 723, Commending the Honorable Frank L. Madla for his longstanding service in the Texas Legislature.

HR 723 was read and was adopted.

On motion of Representatives Menendez and Hilderbran, the names of all the members of the house were added to **HR 723** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Puente who introduced Senator Frank Madla who briefly addressed the house.

(C. N. Isett in the chair)

HR 701 - ADOPTED
(by Hodge)

Representative Hodge moved to suspend all necessary rules to take up and consider at this time **HR 701**.

The motion prevailed.

The following resolution was laid before the house:

HR 701, Congratulating Dallas ISD's School for the Talented and Gifted at Yvonne A. Ewell Townview Center on its selection by Newsweek magazine as the nation's top public high school in 2006.

(Chavez now present)

HR 701 was read and was adopted.

On motion of Representative Y. Davis, the names of all the members of the house were added to **HR 701** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Hodge who introduced students from the Ewell Townview Center Talented and Gifted Magnet School and Principal Michael Satarino, Principal Alice Black, and Dallas ISD Area 5 Superintendent Carolyn Bailey.

RESOLUTIONS ADOPTED

Representative Edwards moved to suspend all necessary rules in order to take up and consider at this time **HR 724 - HR 729**, **HR 731 - HR 741**, and **HR 743 - HR 748**.

The motion prevailed.

The following resolutions were laid before the house:

HR 724 (by Hupp), Congratulating Kimberly and Airman Christopher T. Spiller on the birth of their son, Cameron Lee Spiller.

HR 725 (by Bonnen), Honoring David and Renee Winder of Angleton on the birth of their daughter, Samantha Jewel "Saje" Winder.

HR 726 (by Bonnen), Congratulating Shera and David Eichler of Austin on the birth of their daughter, Emerson Ann Eichler.

HR 727 (by Hughes), Honoring Cleo Greer of Mineola on the occasion of her 84th birthday.

HR 728 (by Geren), Honoring Diamond Hill-Jarvis High School in Fort Worth for being named one of the top 100 high schools by Newsweek magazine.

HR 729 (by Craddick), Honoring Dean and Loreen Evans of Lamesa on the occasion of their 65th wedding anniversary.

HR 731 (by Gallego), Honoring Felix Valenzuela on his selection as a grand marshal for Alpine's 2006 Cinco de Mayo parade.

HR 732 (by Rose), Honoring U.S. Marine Sergeant Matt Scarborough of Dripping Springs for his service in Iraq.

HR 733 (by Gallego), Honoring Guillermo "Willie" Serrano of Del Rio for his service to his country.

HR 734 (by Gallego), Honoring Janice Campbell on the occasion of her retirement from The Bank and Trust of Del Rio.

HR 735 (by Gallego), Honoring brothers Sid and Richard Hooper of Sul Ross State University for their achievements on the basketball court.

HR 736 (by Gallego), Honoring Christina Titus on being named 2006 valedictorian of Uvalde High School.

HR 737 (by Gallego), Honoring the Comstock High School UIL social studies team on winning the Class A state championship.

HR 738 (by Gallego), Recognizing award recipients honored at the 2006 Sul Ross State University Athletic Banquet.

HR 739 (by Gallego), Honoring Julie Ramos Gonzales on being named a grand marshal of the Alpine Cinco de Mayo parade in 2006.

HR 740 (by Gallego), Commending the Texas Association of Mexican-American Chambers of Commerce on its efforts to promote Hispanic chambers of commerce and business and commemorating its 31st Annual Convention and Business Expo.

HR 741 (by Gallego), Honoring Sul Ross State University volleyball players Emerald Setzler and Lyndi Cypher for their athletic achievements.

HR 743 (by Branch), Honoring the boys' golf team of Highland Park High School in Dallas on winning the 4A state championship in 2006.

HR 744 (by Branch), Recognizing the lacrosse team of St. Mark's School of Texas on its outstanding season.

HR 745 (by Hunter), Congratulating Amanda Kelley of Abilene on her 50th birthday.

HR 746 (by Uresti), Congratulating Ryan Sullivan of Austin on his graduation from the University of Houston Law School.

HR 747 (by Herrero), Congratulating the members and coaches of the CGA Twisters cheerleading squads of the Coastal Bend area for their impressive performances at the 2006 American Cheer Power National Championships.

HR 748 (by Herrero), Congratulating Julian Carranza of Corpus Christi on placing second in his division at the 2006 American Public Transportation Association's International Bus Rodeo.

The resolutions were adopted.

HR 730 - ADOPTED
(by Kolkhorst)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 730**.

The motion prevailed.

The following resolution was laid before the house:

HR 730, In memory of Deputy Sheriff Donald Ellis Wass of Bellville.

HR 730 was unanimously adopted by a rising vote.

HR 731, HR 733, & HR 741 - MOTION TO ADD NAMES

On motion of Representative Gallego, the names of all the members of the house were added to **HR 731**, **HR 733**, and **HR 741** as signers thereof.

HR 702 - ADOPTED

(by Hodge)

Representative Hodge moved to suspend all necessary rules to take up and consider at this time **HR 702**.

The motion prevailed.

The following resolution was laid before the house:

HR 702, Congratulating Dallas ISD's School of Science and Engineering at Yvonne A. Ewell Townview Center on its ranking as eighth among the nation's top schools by Newsweek magazine in 2006.

HR 702 was read and was adopted.

On motion of Representative Y. Davis, the names of all the members of the house were added to **HR 702** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Hodge who introduced students from the Yvonne A. Ewell Townview Center Science and Technology Magnet School and Principal Richard White.

HR 730 - MOTION TO ADD NAMES

On motion of Representative Kolkhorst, the names of all the members of the house were added to **HR 730** as signers thereof.

HR 646 - ADOPTED

(by Laney)

Representative Laney moved to suspend all necessary rules to take up and consider at this time **HR 646**.

The motion prevailed.

The following resolution was laid before the house:

HR 646, In memory of Thomas Earl Winters of Mills County.

HR 646 was read and was unanimously adopted by a rising vote.

On motion of Representatives Y. Davis and Hupp, the names of all the members of the house were added to **HR 646** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Laney who introduced Wynona Winters, Molly Winters, and Maggy Jones.

(Speaker in the chair)

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. 12).

HB 2 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Pitts submitted the following conference committee report on **HB 2** :

Austin, Texas, May 12, 2006

The Honorable David Dewhurst
President of the Senate

The Honorable Tom Craddick
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Williams

Pitts

Brimer

Kolkhorst

Averitt

Chisum

Armbrister

Woolley

Hinojosa

Rose

On the part of the senate

On the part of the house

HB 2, A bill to be entitled An Act 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.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) Subchapter G, Chapter 403, Government Code, is amended by adding Section 403.109 to read as follows:

Sec. 403.109. PROPERTY TAX RELIEF FUND. (a) The property tax relief fund is a special fund in the state treasury outside the general revenue fund. The fund is exempt from the application of Sections 403.095 and 404.071. Interest and income from the deposit and investment of money in the fund must be allocated monthly to the fund.

(b) Until the state fiscal year beginning after the first tax year in which the average school district maintenance and operations tax rate is not more than \$1.00 per \$100 of taxable value, money in the fund may be appropriated only for a purpose that will result in a reduction of school district maintenance and operations tax rates to rates that are less than the rates in effect for the 2005 tax year.

(c) Beginning in the state fiscal year that begins after the first tax year in which the average school district maintenance and operations tax rate is not more than \$1.00 per \$100 of taxable value, any money remaining in the fund after a

sufficient amount of money is appropriated in that state fiscal year to maintain an average school district maintenance and operations tax rate of \$1.00 per \$100 of taxable value may be appropriated only as follows:

(1) two-thirds of the money appropriated from the fund may be appropriated only for a purpose that will result in a further reduction of the average school district maintenance and operations tax rate; and

(2) one-third of the money appropriated from the fund may be appropriated only for the purpose of increasing the level of equalization of school district enrichment tax effort to the extent that limits reliance by school districts on local property tax effort and decreases the enrichment tax rates of districts.

(d) To the extent to which maintenance and operations tax rates are reduced using money appropriated from the fund, reductions must be carried out so as not to increase the disparity in revenue yield between districts of varying property wealth per weighted student.

(b) This section takes effect only if **HB 3**, **HB 4**, or **HB 5**, Acts of the 79th Legislature, 3rd Called Session, 2006, is enacted and becomes law. If none of those Acts become law, this section has no effect.

SECTION 2. (a) Subchapter I, Chapter 171, Tax Code, is amended by adding Section 171.4011 to read as follows:

Sec. 171.4011. ALLOCATION OF CERTAIN REVENUE TO PROPERTY TAX RELIEF FUND. (a) Notwithstanding Section 171.401, beginning with the state fiscal year that begins September 1, 2007, the comptroller shall, for each state fiscal year, deposit to the credit of the property tax relief fund under Section 403.109, Government Code, an amount of revenue calculated by:

(1) determining the revenue derived from the tax imposed by this chapter as it applied during that applicable state fiscal year; and

(2) subtracting the revenue the comptroller estimates that the tax imposed by this chapter, as it existed on August 31, 2007, would have generated if it had been in effect for that applicable state fiscal year.

(b) If the amount under Subsection (a) is less than zero, the comptroller shall consider the amount to be zero.

(b) Except as provided by Subsection (c) of this section, this section takes effect September 1, 2007.

(c) This section takes effect only if **HB 3**, Acts of the 79th Legislature, 3rd Called Session, 2006, is enacted and becomes law. If that Act does not become law, this section has no effect.

SECTION 3. (a) Subchapter G, Chapter 152, Tax Code, is amended by adding Section 152.1222 to read as follows:

Sec. 152.1222. ALLOCATION OF CERTAIN TAX REVENUE TO PROPERTY TAX RELIEF FUND. (a) Notwithstanding Section 152.122, the comptroller shall deposit to the credit of the property tax relief fund under Section 403.109, Government Code, the amount of money received under Section 152.121 that is estimated to have been derived from the computation of the tax imposed by this chapter on the standard presumptive values of motor vehicles or on percentages of those values as provided by Section 152.0412.

(b) The comptroller shall determine the amount described by Subsection (a) using available statistical data. If satisfactory data are not available, the comptroller may require county tax assessor-collectors to report additional information to the comptroller as necessary to make the allocation required by Subsection (a).

(b) Except as provided by Subsection (c) of this section, this section takes effect October 1, 2006.

(c) This section takes effect only if **HB 4**, Acts of the 79th Legislature, 3rd Called Session, 2006, is enacted and becomes law. If that Act does not become law, this section has no effect.

SECTION 4. (a) Subchapter J, Chapter 154, Tax Code, is amended by adding Section 154.6035 to read as follows:

Sec. 154.6035. ALLOCATION OF CERTAIN REVENUE TO PROPERTY TAX RELIEF FUND. Notwithstanding Section 154.603, all proceeds from the collection of taxes imposed by this chapter attributable to the portion of the tax rate in excess of \$20.50 per thousand on cigarettes, regardless of weight, shall be deposited to the credit of the property tax relief fund under Section 403.109, Government Code.

(b) Subchapter H, Chapter 155, Tax Code, is amended by adding Section 155.2415 to read as follows:

Sec. 155.2415. ALLOCATION OF CERTAIN REVENUE TO PROPERTY TAX RELIEF FUND. Notwithstanding Section 155.241, all proceeds from the collection of taxes imposed by Section 155.0211 attributable to the portion of the tax rate in excess of 35.213 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal, shall be deposited to the credit of the property tax relief fund under Section 403.109, Government Code.

(c) Except as provided by Subsection (d) of this section, this section takes effect September 1, 2006.

(d) This section takes effect only if **HB 5**, Acts of the 79th Legislature, 3rd Called Session, 2006, is enacted and becomes law. If that Act does not become law, this section has no effect.

SECTION 5. To the extent of a conflict between a provision of this Act and a provision of any other Act of the 79th Legislature, 3rd Called Session, 2006, the provision of this Act prevails, regardless of relative dates of enactment.

SECTION 6. Except as otherwise provided by this Act, this Act takes effect September 1, 2006.

Representative Pitts moved to adopt the conference committee report on **HB 2**.

A record vote was requested.

The motion to adopt the conference committee report on **HB 2** prevailed by (Record 78): 89 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Anderson; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Cook, R.; Corte, V.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Driver; Edwards; Eissler; Elkins; England; Farabee; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Hamilton;

Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard, C.; Hughes; Hunter; Hupp; Isett, C.N.; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Casteel; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farrar; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Guillen; Haggerty; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; Jones, J.; King, T.; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Naishtat; Noriega, R.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Denny; Flores.

Absent — Moreno, P.; Oliveira.

HB 5 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 5, A bill to be entitled An Act relating to increases in the taxes on cigarettes and other tobacco products.

Representative Hamric moved to concur in the senate amendments to **HB 5**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 79): 77 Yeas, 68 Nays, 1 Present, not voting.

Yeas — Anchia; Berman; Blake; Bohac; Branch; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Driver; Edwards; Eiland; Eissler; England; Farabee; Flynn; Gattis; Geren; Giddings; Gonzales; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Hegar; Hill; Hope; Howard, C.; Howard, D.; Hunter; Isett, C.N.; Jackson; Jones, J.; Keel; Keffer, J.; King, P.; Kolkhorst; Krusee; Leibowitz; Luna; Madden; McCall; McReynolds; Morrison; Mowery; Nixon; Orr; Otto; Pickett; Pitts; Reyna; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Taylor; Truitt; Van Arsdale; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anderson; Bailey; Bonnen; Brown, B.; Brown, F.; Burnam; Castro; Coleman; Corte, V.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Elkins; Escobar; Farrar; Frost; Gallego; Gonzalez Toureilles; Goodman; Guillen; Haggerty; Harper-Brown; Hartnett; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Hughes; Hupp; Jones, D.; Keffer, B.; King,

T.; Kuempel; Laney; Laubenberg; Martinez; Martinez Fischer; McClendon; Menendez; Merritt; Miller; Naishtat; Noriega, R.; Olivo; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Solis; Swinford; Talton; Thompson; Turner; Uresti; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Denny; Flores.

Absent — Moreno, P.; Oliveira.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 79. I intended to vote no.

Flynn

I was shown voting yes on Record No. 79. I intended to vote no.

C. N. Isett

I was shown voting no on Record No. 79. I intended to vote yes.

Villarreal

I was shown voting yes on Record No. 79. I intended to vote no.

Vo

Senate Committee Substitute

CSHB 5, A bill to be entitled An Act relating to increases in the taxes on cigarettes and other tobacco products.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 154.021(b), Tax Code, is amended to read as follows:

(b) The tax rates are:

(1) \$70.50 [~~\$20.50~~] per thousand on cigarettes weighing three pounds or less per thousand; and

(2) the rate provided by Subdivision (1) plus \$2.10 per thousand on cigarettes weighing more than three pounds per thousand.

SECTION 2. Section 155.0211(b), Tax Code, is amended to read as follows:

(b) The tax rate for tobacco products other than cigars is 40 [~~35.213~~] percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal.

SECTION 3. The changes in law made by this Act do not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION 4. This Act takes effect January 1, 2007.

(Taylor in the chair)

HR 324 - READ
(by Gonzalez Toureilles)

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

HR 324, In memory of U.S. Army Reserve Staff Sergeant Clint Newman of Pleasanton.

INTRODUCTION OF GUESTS

The chair recognized Representative Gonzalez Toureilles who introduced Debbie and Bill Agnew, mother and stepfather of U.S. Army Reserve Staff Sergeant Clint Newman.

HR 324 - MOTION TO ADD NAMES

On motion of Representatives W. Smith and R. Noriega, the names of all the members of the house were added to **HR 324** as signers thereof.

HR 594 - MOTION TO ADD NAMES

On motion of Representative Escobar, the names of all the members of the house were added to **HR 594** as signers thereof.

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).

SCR 12 - ADOPTED
(Chisum - House Sponsor)

Representative Chisum moved to suspend all necessary rules to take up and consider at this time **SCR 12**.

The motion prevailed.

The following resolution was laid before the house:

SCR 12, Recalling **HB 149** from the House.

SCR 12 was adopted.

INTRODUCTION OF GUEST

The chair recognized Representative Van Arsdale who introduced Brooks Kieschnick, inductee into the inaugural class of the College Baseball Hall of Fame.

HCR 42 - READ
(by C. N. Isett)

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

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

INTRODUCTION OF GUESTS

The chair recognized Representative C. N. Isett who introduced representatives of Visit Lubbock.

HR 742 - ADOPTED
(by Luna)

Representative Luna moved to suspend all necessary rules to take up and consider at this time **HR 742**.

The motion prevailed.

The following resolution was laid before the house:

HR 742, Honoring the Hi-Fairnessee Girls Club of Corpus Christi on the occasion of its 75th anniversary.

HR 742 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Chavez who introduced Nevil Shed and David Lattin, members of the 1966 Texas Western College men's basketball team.

(Speaker in the chair)

HOUSE AT EASE

At 12:28 p.m., the speaker announced that the house would stand at ease until 1:30 p.m. today.

The speaker called the house to order at 1:30 p.m.

(B. Cook in the chair)

RESOLUTIONS ADOPTED

Representative Otto moved to suspend all necessary rules in order to take up and consider at this time **HR 687**, **HR 754**, **HR 756 - HR 762**, **HR 764 - HR 767**, **HR 769 - HR 771**, **HR 773 - HR 779**, and **SCR 10**.

The motion prevailed.

The following resolutions were laid before the house:

HR 687 (by D. Howard), Honoring the members of Wildthings of Austin for their work in behalf of animals.

HR 754 (by Dukes), Congratulating Kenya Juanita Johnson and Damon Alexander Johnson on the birth of their son, Omari Alexander Johnson.

HR 756 (by Martinez), Honoring Porfiria Villanueva, a participant in the 9th Annual Centenarian Program in Mercedes.

HR 757 (by Martinez), Honoring Prima Martinez, a participant in the 9th Annual Centenarian Program in Mercedes.

HR 758 (by Martinez), Honoring Savas Reyes, a participant in the 9th Annual Centenarian Program in Mercedes.

HR 759 (by Martinez), Honoring Maria Hilaria Alvarez, a participant in the 9th Annual Centenarian Program in Mercedes.

HR 760 (by Martinez), Honoring Cora Holland, a participant in the 9th Annual Centenarian Program in Mercedes.

HR 761 (by Martinez), Honoring Marcial Zavala, a participant in the 9th Annual Centenarian Program in Mercedes.

HR 762 (by Martinez), Honoring Herminia Rodriguez, a participant in the 9th Annual Centenarian Program in Mercedes.

HR 764 (by Dutton), Congratulating Vealantha Spivey on her receipt of a 2006 Phillis Wheatley Award.

HR 765 (by Dutton), Congratulating Anthony Murdock on his receipt of a 2006 Phillis Wheatley Award.

HR 766 (by Dutton), Congratulating Cleo Glenn Johnson-McLaughlin on her receipt of a 2006 Phillis Wheatley Award.

HR 767 (by Dutton), Congratulating Sidney Williams on his receipt of a 2006 Phillis Wheatley Award.

HR 769 (by Dutton), Congratulating John A. Murray III on his receipt of a 2006 Phillis Wheatley Award.

HR 770 (by Dutton), Congratulating James Prince on his receipt of a 2006 Phillis Wheatley Award.

HR 771 (by Dutton), Honoring the clergy and members of Fellowship Missionary Baptist Church in Houston on the occasion of the congregation's 50th anniversary.

HR 773 (by Guillen), Congratulating the elected officials and the citizens of the new city of Escobares.

HR 774 (by Raymond), Honoring the Laredo Bucks ice hockey team for winning the Central Hockey League's 2006 President's Cup.

HR 775 (by Raymond), Congratulating Caytano Humberto Tijerina and Dora Esther Perez Tijerina of Laredo on their 68th wedding anniversary.

HR 776 (by Haggerty), Congratulating Julio Devora of El Paso on being the 2006 salutatorian for Cathedral High School.

HR 777 (by Haggerty), Honoring Wesley Walker, 2006 valedictorian of Andress High School in El Paso.

HR 778 (by Haggerty), Congratulating Courtney Megan Deane of El Paso on her graduation from J.M. Hanks High School in 2006.

HR 779 (by Haggerty), Congratulating Jose J. Alicca of El Paso on being the 2006 valedictorian of Cathedral High School.

SCR 10 (by Isett), Congratulating Brett and O'Neal Underwood on the birth of their son, Arch Teaff Underwood.

The resolutions were adopted.

HR 700 - ADOPTED
(by Callegari)

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 700**.

The motion prevailed.

The following resolution was laid before the house:

HR 700, Congratulating William Anthony Callegari III on the occasion of his high school graduation.

HR 700 was read and was adopted.

On motion of Representative Hope, the names of all the members of the house were added to **HR 700** as signers thereof.

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).

RESOLUTIONS ADOPTED

Representative Dutton moved to suspend all necessary rules in order to take up and consider at this time **HR 749**, **HR 750**, **HR 752**, and **HR 763**.

The motion prevailed.

The following resolutions were laid before the house:

HR 749 (by Menendez), In memory of Jose Rivera Barbosa.

HR 750 (by Menendez), In memory of Rosita Fernandez of San Antonio.

HR 752 (by Morrison), In memory of Steve Coffman of Victoria.

HR 763 (by Hupp), In memory of renowned horseman Tom McNair.

The resolutions were unanimously adopted by a rising vote.

HR 653 - READ
(by Naishtat)

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

HR 653, Recognizing Sam Naishtat on his graduation from McCallum High School.

HR 653 - MOTION TO ADD NAMES

On motion of Representatives Rodriguez and Merritt, the names of all the members of the house were added to **HR 653** as signers thereof.

HR 753 - ADOPTED
(by Merritt)

Representative Merritt moved to suspend all necessary rules to take up and consider at this time **HR 753**.

The motion prevailed.

The following resolution was laid before the house:

HR 753, Honoring native Texan Matthew McConaughey on being named People magazine's 2005 Sexiest Man Alive.

HR 753 was adopted.

HCR 52 - ADOPTED
(by Hilderbran)

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HCR 52**.

The motion prevailed.

The following resolution was laid before the house:

HCR 52, Commending Kerr County civic volunteers for their successful sesquicentennial celebration.

HCR 52 was adopted.

HR 781 - ADOPTED
(by Chavez)

Representative Chisum moved to suspend all necessary rules to take up and consider at this time **HR 781**.

The motion prevailed.

The following resolution was laid before the house:

HR 781, Honoring the 1966 Texas Western College Miners basketball team and Coach Don Haskins on the 40th anniversary of the team's National Collegiate Athletic Association national championship.

HR 781 was adopted.

On motion of Representatives Edwards, McClendon, and Thompson, the names of all the members of the house were added to **HR 781** as signers thereof.

HR 768 - ADOPTED
(by Olivo)

Representative Olivo moved to suspend all necessary rules to take up and consider at this time **HR 768**.

The motion prevailed.

The following resolution was laid before the house:

HR 768, Honoring Brother Richard Daly of Austin for his dedicated service as executive director of the Texas Catholic Conference.

HR 768 was read and was adopted.

On motion of Representative Nixon, the names of all the members of the house were added to **HR 768** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Olivo who introduced Brother Richard Daly.

HCR 51 - ADOPTED (by Otto)

Representative Otto moved to suspend all necessary rules to take up and consider at this time **HCR 51**.

The motion prevailed.

The following resolution was laid before the house:

HCR 51, Relating to expressing legislative intent to amend provisions of **HB 3**, as enrolled by the 79th Legislature of the State of Texas, 3rd Called Session, relating to rental income and guaranteed payments in the determination of "total revenue."

HCR 51 was adopted.

HR 773 - MOTION TO ADD NAMES

On motion of Representative Escobar, the names of all the members of the house were added to **HR 773** as signers thereof.

(Speaker in the chair)

HB 63 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

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.

Representative Pitts moved to concur in the senate amendments to **HB 63**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 80): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte, V.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; 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.; Hughes; Hunter; Hupp; Isett, C.N.; Jackson; Jones, D.; 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; 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; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Denny; Flores.

Absent — Jones, J.; Moreno, P.; Noriega, R.

STATEMENT OF VOTE

When Record No. 80 was taken, I was in the house but away from my desk. I would have voted yes.

R. Noriega

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 63** by striking SECTION 3 of the bill and substituting the following:

SECTION 3. PREVENTION OF DOUBLE RECOVERY OR DOUBLE REIMBURSEMENT. (a) The purpose of this section is to prevent double recovery or double reimbursement for the same hurricane-related cost or expenditure.

(b) If the Texas State University System, Lamar University or one of its related institutions, or another state agency, institution, or office receives reimbursement from the federal government for expenditures made for a purpose described by Section 2 of this Act, the amounts received may not be spent without the prior approval of the governor and the Legislative Budget Board. A federal reimbursement described by this subsection shall be deposited in the state treasury and is considered to be undedicated general revenue.

(c) It is the intent of the legislature that the governor and the Legislative Budget Board consider the money described by Subsection (b) of this section to be available for budget execution transfers to the extent that the governor and the Legislative Budget Board determine that the federal reimbursement covers the same costs or expenditures as those covered by the appropriation made by Section 2 of this Act.

HB 153 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 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.

Representative Morrison moved to concur in the senate amendments to **HB 153**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 81): 140 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte, V.; Crabb; Crownover; Davis, 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.; Hughes; Hunter; Hupp; Isett, C.N.; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Orr; Otto; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — King, T.; Noriega, R.; Solomons.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Denny; Flores.

Absent — Davis, J.; Moreno, P.; Paxton; Riddle.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 81. I intended to vote no.

Gallego

I was shown voting no on Record No. 81. I intended to vote yes.

R. Noriega

When Record No. 81 was taken, my vote failed to register. I would have voted yes.

Paxton

Senate Committee Substitute

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.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 55, Education Code, is amended by adding Sections 55.1751, 55.1752, 55.1753, 55.1754, 55.1755, 55.1756, 55.1757, 55.1758, 55.1759, 55.17591, and 55.17592 to read as follows:

Sec. 55.1751. THE TEXAS A&M UNIVERSITY SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of The Texas A&M University System may acquire, purchase, construct, improve, renovate, enlarge, or equip facilities, including roads and related infrastructure, for projects to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board for the following institutions and facilities not to exceed the following aggregate principal amounts for the projects specified as follows:

(1) Tarleton State University:

(A) \$11,124,000 for the Tarleton State University Dairy Center;

and

(B) \$24,300,000 for a nursing building;

(2) Texas A&M University–Central Texas, \$25 million for educational and related facilities;

(3) Texas A&M University–Commerce, \$21,770,000 for a music building;

(4) Texas A&M University–Corpus Christi, \$45 million for a nursing, health sciences, and kinesiology facility;

(5) Texas A&M University–Kingsville, \$9,540,000 for the citrus center building;

(6) Texas A&M University–San Antonio, \$40 million for educational and related facilities;

(7) Texas A&M University–Texarkana, \$75 million for a multipurpose library building and central plant;

(8) West Texas A&M University, \$16,200,000 for classroom center renovation;

(9) The Texas A&M University System Health Science Center, \$45 million for a medical education and research building in College Station, Texas;

(10) Texas A&M University, \$75 million for the Emerging Technologies Interdisciplinary Building;

(11) Texas A&M University at Galveston, \$40,050,000 for a science building; and

(12) Texas A&M International University:

(A) \$25 million for the student success center;

(B) \$4,950,000 for the completion of the fine arts theater; and

(C) \$7,626,600 for the Loop Road and Chill Water Loop project.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of The Texas A&M University System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of The Texas A&M University System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

(d) Notwithstanding Subsection (a), The Texas A&M University System may not issue bonds under this section for facilities at Texas A&M University–Central Texas until the Texas Higher Education Coordinating Board certifies that enrollment at Texas A&M University–Central Texas has reached an enrollment equivalent of 1,500 full-time students for one semester. If that enrollment is not reached by January 1, 2010, the system's authority to issue bonds for Texas A&M University–Central Texas under this section expires on that date.

(e) Notwithstanding Subsection (a), The Texas A&M University System may not issue bonds under this section for facilities at Texas A&M University–San Antonio until the Texas Higher Education Coordinating Board certifies that enrollment at Texas A&M University–San Antonio has reached an enrollment equivalent of 1,500 full-time students for one semester. If that enrollment is not reached by January 1, 2010, the system's authority to issue bonds for Texas A&M University–San Antonio under this section expires on that date.

Sec. 55.1752. THE UNIVERSITY OF TEXAS SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of The University of Texas System may acquire, purchase, construct, improve, renovate, enlarge, or equip facilities, including roads and related infrastructure, for projects to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board for the following institutions not to exceed the following aggregate principal amounts for the projects specified as follows:

(1) The University of Texas at Arlington, \$70,430,000 for an Engineering Research Building;

(2) The University of Texas at Austin, \$105 million for the renovation of the Experimental Science Building;

(3) The University of Texas at Brownsville, \$33,800,000 for a Science and Technology Learning Center;

(4) The University of Texas at Dallas, \$12 million for a vivarium and experimental space;

(5) The University of Texas at El Paso, \$76,500,000 for a physical sciences/engineering core facility;

(6) The University of Texas–Pan American:

(A) \$6 million for the Starr County Upper Level Center; and

(B) \$39,796,000 for the fine arts academic and performance

complex;

(7) The University of Texas of the Permian Basin:

(A) \$54 million for a science and technology complex; and

(B) \$45 million for an arts convocation and classroom facility at the CEED;

(8) The University of Texas at San Antonio, \$74,250,000 for an engineering building (phase II);

(9) The University of Texas Southwestern Medical Center at Dallas, \$42 million for the north campus (phase 5);

(10) The University of Texas Medical Branch at Galveston, \$57 million for the Galveston National Laboratory;

(11) The University of Texas Health Science Center at Houston, \$60 million for a replacement building for The University of Texas Dental Branch at Houston;

(12) The University of Texas Health Science Center at San Antonio, \$60 million for the South Texas Research Facility;

(13) The University of Texas Health Science Center at Tyler, \$21,120,000 for an academic health center;

(14) The University of Texas M. D. Anderson Cancer Center, \$40 million for a Center for Targeted Therapy research building; and

(15) The University of Texas at Tyler:

(A) \$6,300,000 for the expansion of the Palestine campus; and

(B) \$43,200,000 for the completion, renovation, and expansion of engineering and sciences facilities.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of The University of Texas System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of The University of Texas System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

Sec. 55.1753. UNIVERSITY OF HOUSTON SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of the University of Houston System may acquire, purchase, construct, improve, renovate, enlarge, or equip facilities, including roads and related infrastructure, for the following institutions, to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board, in aggregate principal amounts not to exceed the following:

(1) the University of Houston, \$57,600,000 for renovation of science laboratories;

(2) the University of Houston–Clear Lake, \$10,604,808 for Arbor Building renovations and additions;

(3) the University of Houston–Downtown, \$31,626,000 for a classroom building at Shea Street; and

(4) the University of Houston–Victoria:

(A) \$22,900,000 for an academic building at the University of Houston System Center at Sugar Land;

(B) \$6,719,400 for regional economic development; and

(C) \$1,800,000 for allied health facilities.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of the University of Houston System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the University of Houston System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

Sec. 55.1754. TEXAS STATE UNIVERSITY SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of the Texas State University System may acquire, purchase, construct, improve, renovate, enlarge, or equip facilities, including roads and related infrastructure, for projects to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board for the following institutions not to exceed the following aggregate principal amounts for the projects specified as follows:

(1) Lamar University, \$4,500,000 for renovations and additions to the Lucas Engineering Building;

(2) Lamar State College–Orange, \$1,837,280 for Hibernia Bank Building acquisition and renovation;

(3) Lamar State College–Port Arthur, \$1,849,500 for a computer/learning center;

(4) Texas State University–San Marcos:

(A) \$42,700,000 for an undergraduate academic center; and

(B) \$36 million for facilities for the Round Rock Higher Education Center in Williamson County (phase II); and

(5) Sam Houston State University, \$10 million for the construction of a center for the performing arts (phase I).

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of the Texas State University System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the Texas State University System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

Sec. 55.1755. UNIVERSITY OF NORTH TEXAS SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of the University of North Texas System may acquire, purchase, construct, improve, renovate, enlarge, or equip facilities, including roads and related infrastructure, for projects to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board for the following institutions and facilities not to exceed the following aggregate principal amounts for the projects specified as follows:

(1) the University of North Texas, \$50 million for the construction of a College of Business Administration building;

(2) the University of North Texas Health Science Center at Fort Worth, \$41,972,400 for campus expansion and construction of a public health education building; and

(3) the University of North Texas Dallas Campus, \$25 million for a general academic building.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of the University of North Texas System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the University of North Texas System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

(d) Notwithstanding Subsection (a), the University of North Texas System may not issue bonds under this section for facilities at the University of North Texas Dallas Campus until the Texas Higher Education Coordinating Board certifies that enrollment at the University of North Texas Dallas Campus has reached an enrollment equivalent of 1,500 full-time students for one semester. If that enrollment is not reached by January 1, 2010, the system's authority to issue bonds for the University of North Texas Dallas Campus under this section expires on that date.

Sec. 55.1756. TEXAS WOMAN'S UNIVERSITY. (a) In addition to the other authority granted by this subchapter, the board of regents of Texas Woman's University may acquire, purchase, construct, improve, renovate, enlarge, or equip facilities, including roads and related infrastructure, for renovations and additions

to the science building on the Denton campus of Texas Woman's University, to be financed through the issuance of bonds in accordance with this subchapter in an aggregate principal amount not to exceed \$21,739,712.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of Texas Woman's University, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

Sec. 55.1757. MIDWESTERN STATE UNIVERSITY; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of Midwestern State University may acquire, purchase, construct, improve, renovate, enlarge, or equip facilities, including roads and related infrastructure, for projects at Midwestern State University, to be financed through the issuance of bonds in accordance with this subchapter not to exceed the following aggregate principal amounts for the projects specified as follows:

(1) \$7,700,000 for the renovation of the D. L. Ligon Building; and

(2) \$2,700,000 for the Fowler Engineering Building.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of Midwestern State University, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

Sec. 55.1758. STEPHEN F. AUSTIN STATE UNIVERSITY. (a) In addition to the other authority granted by this subchapter, the board of regents of Stephen F. Austin State University may acquire, purchase, construct, improve, renovate, enlarge, or equip facilities, including roads and related infrastructure, for projects at Stephen F. Austin State University, to be financed through the issuance of bonds in accordance with this subchapter not to exceed the following aggregate principal amounts for the projects specified as follows:

(1) \$20,178,000 for an education research facility; and

(2) \$10 million for a campus deferred maintenance reduction plan.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of Stephen F. Austin State University, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

Sec. 55.1759. TEXAS TECH UNIVERSITY SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of the Texas Tech University System may acquire, purchase, construct, improve, renovate, enlarge, or equip facilities, including roads and related infrastructure, for projects to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board not to exceed the following aggregate principal amounts for the projects specified as follows:

(1) Texas Tech University Health Sciences Center:

(A) \$8,010,000 for the School of Pharmacy expansion in Amarillo;
and
(B) \$6,300,000 for the El Paso Medical Science Building
renovation; and
(2) Texas Tech University:
(A) \$25 million for the renovation of a classroom building;
(B) \$25 million for the Rawls College of Business Administration
building;
(C) \$7,500,000 for a law school trial advocacy/education center;
and
(D) \$20 million for the expansion and renovation of College of
Engineering facilities.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of the Texas Tech University System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the Texas Tech University System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

Sec. 55.17591. TEXAS SOUTHERN UNIVERSITY; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of Texas Southern University may acquire, purchase, construct, improve, renovate, enlarge, or equip facilities, including roads and related infrastructure, for projects at Texas Southern University, to be financed through the issuance of bonds in accordance with this subchapter not to exceed the following aggregate principal amounts for the projects specified as follows:

(1) \$31,500,000 for the School of Science and Technology; and

(2) \$15 million for a branch campus multipurpose Academic Center

(MAC).

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of Texas Southern University, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) Notwithstanding Subsection (a), the board of regents of Texas Southern University may not issue bonds under this section for a branch campus multipurpose Academic Center (MAC) until the Texas Higher Education Coordinating Board grants Texas Southern University the approval to operate the branch campus. If approval to operate the branch campus is not granted by January 1, 2010, the board of regents' authority to issue bonds for a multipurpose Academic Center (MAC) under this section expires on that date.

Sec. 55.17592. TEXAS STATE TECHNICAL COLLEGE SYSTEM. (a) In addition to the other authority granted by this subchapter, the board of regents of the Texas State Technical College System may acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads, or related infrastructure, for HVAC replacement at Texas State Technical College–Waco, to be financed by the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board, in an aggregate principal amount not to exceed \$3,125,520.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of an institution, branch, or entity of the Texas State Technical College System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the Texas State Technical College System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

SECTION 2. Subchapter B, Chapter 55, Education Code, is amended by adding Section 55.17521 to read as follows:

Sec. 55.17521. THE UNIVERSITY OF TEXAS AT DALLAS: LIMITATIONS ON CERTAIN DEBT SERVICE REIMBURSEMENT. The state may not appropriate money to reimburse The University of Texas System for debt service on long-term obligations related to the construction of a natural science and engineering research building at The University of Texas at Dallas in accordance with the economic development agreement entered into between this state and the board of regents of the system in excess of the following amounts:

(1) for a state fiscal year before the state fiscal year ending August 31, 2018, \$6,540,600;

(2) for the state fiscal year ending August 31, 2018, \$6,213,570;

(3) for the state fiscal year ending August 31, 2019, \$5,559,510;

(4) for the state fiscal year ending August 31, 2020, \$4,905,450;

(5) for the state fiscal year ending August 31, 2021, \$4,251,390;

(6) for the state fiscal year ending August 31, 2022, \$3,597,330;

(7) for the state fiscal year ending August 31, 2023, \$2,616,240;

(8) for the state fiscal year ending August 31, 2024, or August 31, 2025, \$1,308,120; and

(9) for the state fiscal year ending August 31, 2026, or August 31, 2027, \$654,060.

SECTION 3. Section 61.0572(e), Education Code, is amended to read as follows:

(e) Approval of the board is not required to acquire real property that is financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.1735(a)(1), 55.174, 55.1742, 55.1743, ~~or~~ 55.1744, or 55.1751-55.17592, except that the board shall review all real property to be

financed by bonds issued under those sections to determine whether the property meets the standards adopted by the board for cost, efficiency, and space use. If the property does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION 4. Section 61.058(b), Education Code, is amended to read as follows:

(b) This section does not apply to construction, repair, or rehabilitation financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.174, 55.1742, 55.1743, ~~or~~ 55.1744, or 55.1751-55.17592, except that the board shall review all construction, repair, or rehabilitation to be financed by bonds issued under those sections to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency, and space use. If the construction, rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION 5. Section 1371.001(4), Government Code, is amended to read as follows:

(4) "Issuer" means:

(A) a home-rule municipality that:

(i) adopted its charter under Section 5, Article XI, Texas Constitution;

(ii) has a population of 50,000 or more; and

(iii) has outstanding long-term indebtedness that is rated by a nationally recognized rating agency for municipal securities in one of the four highest rating categories for a long-term obligation;

(B) a conservation and reclamation district created and organized as a river authority under Section 52, Article III, or Section 59, Article XVI, Texas Constitution;

(C) a joint powers agency organized and operating under Chapter 163, Utilities Code;

(D) a metropolitan rapid transit authority or regional transportation authority created, organized, and operating under Chapter 451 or 452, Transportation Code;

(E) a conservation and reclamation district organized or operating as a navigation district under Section 52, Article III, or Section 59, Article XVI, Texas Constitution;

(F) a district organized or operating under Section 59, Article XVI, Texas Constitution, that has all or part of two or more municipalities within its boundaries;

(G) a state agency, including a state institution of higher education;

(H) a hospital authority created or operating under Chapter 262 or 264, Health and Safety Code, in a county that:

(i) has a population of more than 3.3 million; or

(ii) is included, in whole or in part, in a standard metropolitan statistical area of this state that includes a county with a population of more than 2.2 million;

(I) a hospital district in a county that has a population of more than two million;

(J) a nonprofit corporation organized to exercise the powers of a higher education loan authority under Section 53B.47(e), Education Code;

(K) a county:

(i) that has a population of 3.3 million or more; or

(ii) that, on the date of issuance of obligations under this chapter, has authorized, outstanding, or any combination of authorized and outstanding, indebtedness of at least \$100 million secured by and payable from the county's ad valorem taxes and the authorized long-term indebtedness of which is rated by a nationally recognized rating agency of securities issued by local governments in one of the four highest rating categories for a long-term obligation;

(L) an independent school district that has an average daily attendance of 50,000 or more as determined under Section 42.005, Education Code;

(M) a municipality or county operating under Chapter 334, Local Government Code; ~~or~~

(N) a district created under Chapter 335, Local Government Code;

or

(O) a junior college district that has a total headcount enrollment of 40,000 or more based on enrollment in the most recent regular semester.

SECTION 6. UNIVERSITY OF TEXAS AT DALLAS: REIMBURSEMENT FOR CERTAIN DEBT SERVICE. In addition to other amounts previously appropriated for the state fiscal biennium ending August 31, 2007, the amount of \$5.3 million is appropriated out of the general revenue fund to The University of Texas System for the remainder of the state fiscal biennium ending August 31, 2007, for the purpose of addressing the demonstrated need for science and engineering research facilities at The University of Texas at Dallas by reimbursing The University of Texas System for debt service paid on the long-term obligations related to the construction of a natural science and engineering research building at The University of Texas at Dallas in accordance with the economic development agreement entered into between this state and the board of regents of the system. Of the amount appropriated by this section, at least \$1.2 million shall be expended for the purpose of reimbursing debt service payments made during the remainder of the state fiscal year ending August 31, 2006.

SECTION 7. This Act does not affect any authority or restriction regarding the activities that a public institution of higher education may conduct in connection with a facility financed by bonds authorized by this Act.

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 153** (Senate committee printing) as follows:

(1) In added Subdivision (1), Subsection (a), Section 55.1759, Education Code, relating to projects at the Texas Tech University Health Sciences Center, add the following appropriately lettered paragraph and reletter the paragraphs of that subdivision accordingly:

() \$18 million for the Amarillo research facility;

(2) In added Subdivision (2), Subsection (a), Section 55.1759, Education Code, relating to projects at Texas Tech University, strike the paragraph providing \$20 million for the expansion and renovation of College of Engineering facilities.

LEAVE OF ABSENCE GRANTED

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

Riddle on motion of Delisi.

**HR 782 - ADOPTED
(by Dukes)**

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 782**.

The motion prevailed.

The following resolution was laid before the house:

HR 782, Honoring the efforts of the St. Mary's Colony Association Juneteenth Committee.

(Puente in the chair)

HR 782 was read and was adopted.

**HR 699 - ADOPTED
(by McCall)**

Representative McCall moved to suspend all necessary rules to take up and consider at this time **HR 699**.

The motion prevailed.

The following resolution was laid before the house:

HR 699, Honoring Representative Peggy Hamric for her 16 years of dedicated service in the Texas House of Representatives.

(Speaker in the chair)

HR 699 was read and was adopted.

On motion of Representatives Woolley and McClendon, the names of all the members of the house were added to **HR 699** as signers thereof.

HR 772 - ADOPTED
(by Morrison)

Representative Morrison moved to suspend all necessary rules to take up and consider at this time **HR 772**.

The motion prevailed.

The following resolution was laid before the house:

HR 772, Recognizing the Honorable Ken Armbrister for his many years of distinguished service in the Texas Legislature.

HR 772 was read and was adopted.

On motion of Representatives C. Howard and Seaman, the names of all the members of the house were added to **HR 772** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Morrison who introduced Senator Armbrister who briefly addressed the house.

HR 780 - ADOPTED
(by Hardcastle)

Representative Hardcastle moved to suspend all necessary rules to take up and consider at this time **HR 780**.

The motion prevailed.

The following resolution was laid before the house:

HR 780, Commending the Honorable Ruben W. Hope for his service in the Texas House of Representatives.

HR 780 was read and was adopted.

On motion of Representative Deshotel, the names of all the members of the house were added to **HR 780** as signers thereof.

HR 722 - ADOPTED
(by Riddle)

Representative Delisi moved to suspend all necessary rules to take up and consider at this time **HR 722**.

The motion prevailed.

The following resolution was laid before the house:

HR 722, Recognizing the Honorable Robert D. "Bob" Hunter for his 20 years of dedicated service in the Texas House of Representatives.

HR 722 was read and was adopted.

On motion of Representative Berman, the names of all the members of the house were added to **HR 722** as signers thereof.

HR 755 - ADOPTED
(by Hupp)

Representative Hupp moved to suspend all necessary rules to take up and consider at this time **HR 755**.

The motion prevailed.

The following resolution was laid before the house:

HR 755, Honoring Greg, Alex, and Ethan Hupp for their support of State Representative Suzanna Gratia Hupp during her tenure in the legislature.

HR 755 was adopted.

On motion of Speaker Craddick, the names of all the members of the house were added to **HR 755** as signers thereof.

**HB 149 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 149, A bill to be entitled An Act relating to the ownership and use of carbon dioxide captured by a clean coal project.

HB 149 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HUGHES: Chairman Chisum, regarding the new Section 119.006, which has been added by the senate, reference is made in the first sentence to The University of Texas System. Later in the section, reference is made to the "system" numerous times. Is it your intent that each reference to "system" in Section 119.006 refers to The University of Texas System?

REPRESENTATIVE CHISUM: Yes.

HUGHES: There is also reference to the Permanent University Fund in the first sentence of Section 119.006, and later references to the "fund." Is it your intent that each time the term "fund" is used in Section 119.006, it refers to the Permanent University Fund?

CHISUM: Yes.

REMARKS ORDERED PRINTED

Representative Hughes moved to print remarks between Representative Chisum and Representative Hughes.

The motion prevailed.

Representative Chisum moved to concur in the senate amendments to **HB 149**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 82): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; Dutton; Edwards; Eiland; Eissler; Elkins; England; 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.; Hughes; Hunter; Hupp; 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; 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.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Denny; Flores; Riddle.

Absent — Burnam; Dunnam; Escobar; Isett, C.N.; Moreno, P.; Wong.

STATEMENTS OF VOTE

When Record No. 82 was taken, I was in the house but away from my desk. I would have voted yes.

Escobar

When Record No. 82 was taken, I was in the house but away from my desk. I would have voted yes.

Wong

Senate Committee Substitute

CSHB 149, A bill to be entitled An Act relating to the ownership and use of carbon dioxide captured by a clean coal project.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle D, Title 3, Natural Resources Code, is amended by adding Chapter 119 to read as follows:

CHAPTER 119. OWNERSHIP OF CARBON DIOXIDE CAPTURED BY CLEAN COAL PROJECT

Sec. 119.001. DEFINITIONS. In this chapter:

(1) "Clean coal project" has the meaning assigned by Section 5.001, Water Code.

(2) "Commission" means the Railroad Commission of Texas.

Sec. 119.002. ACQUISITION OF CARBON DIOXIDE. (a) The commission shall acquire title to carbon dioxide captured by a clean coal project.

(b) The right, title, and interest in carbon dioxide acquired under this section are the property of the commission, acting on behalf of the state, and shall be administered and controlled by the commission in the name of the state.

(c) A right, title, or interest acquired under this section does not vest in any fund created by the Texas Constitution.

Sec. 119.003. TRANSFER COSTS. Carbon dioxide transferred to the state under Section 119.002 shall be transferred to the state without cost, other than administrative and legal costs incurred in making the transfer.

Sec. 119.004. LIABILITY. The transfer of title to the state under Section 119.002 does not relieve an owner or operator of a clean coal project of liability for any act or omission regarding the generation of carbon dioxide performed before the carbon dioxide was captured.

Sec. 119.005. SALE OF CARBON DIOXIDE FOR BENEFICIAL USE. (a) The commission may sell, for enhanced oil recovery or other beneficial use, carbon dioxide that is:

(1) captured by a clean coal project; and

(2) not injected for permanent storage in a geologic formation.

(b) The commission shall deposit any proceeds from the sale of carbon dioxide under this section to the credit of the general revenue fund.

SECTION 2. This Act takes effect September 1, 2006.

RESOLUTIONS ADOPTED

Representative Edwards moved to suspend all necessary rules in order to take up and consider at this time **HR 783 - HR 785** and **HR 787 - HR 793**.

The motion prevailed.

The following resolutions were laid before the house:

HR 783 (by Hunter), Honoring Homer K. Taylor for his service to Texas State Technical College.

HR 784 (by Orr), Honoring Wanda Smith on her retirement as superintendent of Keene ISD in May 2006.

HR 785 (by W. Smith), Congratulating Don and Renate Van Stone of Austin on their 40th wedding anniversary and recognizing June 20, 2006, as Don and Renate Van Stone Day.

HR 787 (by Hunter), Congratulating Steven Lewis Kelley on celebrating his 50th birthday.

HR 788 (by Hilderbran), Honoring David Lionel Vetter of Kerrville on his 80th birthday.

HR 789 (by Zedler), Honoring Principal Jimmy Jones of Lamar High School in Arlington on the occasion of his retirement.

HR 790 (by Zedler), Congratulating Gary L. Dudley on his induction into the 2006 San Antonio Business Hall of Fame.

HR 791 (by Zedler), Congratulating Charles E. Amato on his induction into the 2006 San Antonio Business Hall of Fame.

HR 792 (by Flores), Honoring J. R. Villarreal of Mission for his acting accomplishments.

HR 793 (by Escobar), Honoring Maria Gertrudis Tulis Garcia de Escobar on her retirement from the Corpus Christi ISD.

The resolutions were adopted.

(B. Cook in the chair)

HR 786 - ADOPTED (by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 786**.

The motion prevailed.

The following resolution was laid before the house:

HR 786, Congratulating Wiley Henry on his receipt of a 2006 Phillis Wheatley Award.

HR 786 was adopted.

HR 679 - ADOPTED
(by Uresti)

Representative Uresti moved to suspend all necessary rules to take up and consider at this time **HR 679**.

The motion prevailed.

The following resolution was laid before the house:

HR 679, Recognizing The Boeing Company for its contributions to KellyUSA, the City of San Antonio, and the State of Texas and urging the United States Air Force to continue aircraft maintenance programs currently performed at KellyUSA.

HR 679 was adopted.

HR 746 - READ
(by Uresti)

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

HR 746, Congratulating Ryan Sullivan of Austin on his graduation from the University of Houston Law School.

HR 794 - ADOPTED
(by Callegari)

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 794**.

The motion prevailed.

The following resolution was laid before the house:

HR 794, Honoring State Representative Joe Nixon for his service to the Lone Star State as a member of the Texas House of Representatives.

HR 794 was read and was adopted.

On motion of Representative Miller, the names of all the members of the house were added to **HR 794** as signers thereof.

(Eissler in the chair)

HR 796 - ADOPTED
(by Crownover)

Representative Crownover moved to suspend all necessary rules to take up and consider at this time **HR 796**.

The motion prevailed.

The following resolution was laid before the house:

HR 796, Commending the Honorable Mary Diane Denny for her many years of dedicated service to her constituents and to the citizens of Texas.

HR 796 was read and was adopted.

On motion of Representatives Nixon and Hamric, the names of all the members of the house were added to **HR 796** as signers thereof.

(Otto in the chair)

HR 797 - ADOPTED
(by Anchia)

Representative Anchia moved to suspend all necessary rules to take up and consider at this time **HR 797**.

The motion prevailed.

The following resolution was laid before the house:

HR 797, Commending the Honorable Scott Campbell for his service as a member of the Texas House of Representatives.

HR 797 was read and was adopted.

On motion of Representative Driver, the names of all the members of the house were added to **HR 797** as signers thereof.

HR 795 - ADOPTED
(by Geren and Straus)

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 795**.

The motion prevailed.

The following resolution was laid before the house:

HR 795, Commending the Honorable Carter Casteel for her many years of dedicated service to her constituents and to the citizens of Texas.

HR 795 was read and was adopted.

On motion of Representative Hardcastle, the names of all the members of the house were added to **HR 795** as signers thereof.

HR 798 - ADOPTED
(by Eissler)

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **HR 798**.

The motion prevailed.

The following resolution was laid before the house:

HR 798, Commending the Honorable Kent Grusendorf for his notable tenure in the Texas House of Representatives.

HR 798 was read and was adopted.

On motion of Representative Truitt, the names of all the members of the house were added to **HR 798** as signers thereof.

HR 799 - ADOPTED
(by Eissler)

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **HR 799**.

The motion prevailed.

The following resolution was laid before the house:

HR 799, Commending the Honorable Glenn Hegar for his exemplary service as a state representative of District 28.

HR 799 was read and was adopted.

On motion of Representative Driver, the names of all the members of the house were added to **HR 799** as signers thereof.

HR 801 - ADOPTED
(by Y. Davis)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 801**.

The motion prevailed.

The following resolution was laid before the house:

HR 801, Congratulating Dallas Mavericks coach Avery Johnson on his selection as the 2005-2006 NBA Coach of the Year.

HR 801 was adopted.

HR 808 - ADOPTED
(by Y. Davis)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 808**.

The motion prevailed.

The following resolution was laid before the house:

HR 808, Commending the Honorable Jesse Jones for his notable service as a member of the Texas House of Representatives.

HR 808 was adopted.

On motion of Representative Driver, the names of all the members of the house were added to **HR 808** as signers thereof.

HR 805 - ADOPTED
(by Dukes)

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 805**.

The motion prevailed.

The following resolution was laid before the house:

HR 805, Commending Roy Blake, Jr., for his service as state representative of District 9.

HR 805 was adopted.

On motion of Representative Driver, the names of all the members of the house were added to **HR 805** as signers thereof.

(Edwards in the chair)

HR 809 - ADOPTED
(by Turner)

Representative Turner moved to suspend all necessary rules to take up and consider at this time **HR 809**.

The motion prevailed.

The following resolution was laid before the house:

HR 809, Honoring Representative Al Edwards for his service to the Texas House of Representatives.

HR 809 was read and was adopted.

On motion of Representative Driver, the names of all the members of the house were added to **HR 809** as signers thereof.

(Nixon in the chair)

HR 811 - ADOPTED
(by Truitt)

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **HR 811**.

The motion prevailed.

The following resolution was laid before the house:

HR 811, Honoring Representative Suzanna Gratia Hupp for her service to the Texas House of Representatives.

HR 811 was read and was adopted.

On motion of Representative Driver, the names of all the members of the house were added to **HR 811** as signers thereof.

HR 806 - ADOPTED
(by Uresti)

Representative Uresti moved to suspend all necessary rules to take up and consider at this time **HR 806**.

The motion prevailed.

The following resolution was laid before the house:

HR 806, Recognizing the Honorable Jim Solis for his service in the Texas House of Representatives.

HR 806 was read and was adopted.

On motion of Representative Driver, the names of all the members of the house were added to **HR 806** as signers thereof.

HR 803 - ADOPTED
(by Eissler and B. Cook)

Representative B. Cook moved to suspend all necessary rules to take up and consider at this time **HR 803**.

The motion prevailed.

The following resolution was laid before the house:

HR 803, Honoring Dr. Bob Griggs on the occasion of his retirement from the Texas Legislature.

HR 803 was read and was adopted.

On motion of Representative Chavez, the names of all the members of the house were added to **HR 803** as signers thereof.

(Speaker in the chair)

**HR 812 - ADOPTED
(by Luna)**

Representative Luna moved to suspend all necessary rules to take up and consider at this time **HR 812**.

The motion prevailed.

The following resolution was laid before the house:

HR 812, Honoring Representative Elvira Reyna for her service to the Texas House of Representatives.

HR 812 was read and was adopted.

On motion of Representative Woolley, the names of all the members of the house were added to **HR 812** as signers thereof.

(Seaman in the chair)

RESOLUTIONS ADOPTED

Representative Edwards moved to suspend all necessary rules in order to take up and consider at this time **HCR 53**, **HR 443**, **HR 807**, and **HR 813**.

The motion prevailed.

The following resolutions were laid before the house:

HCR 53 (by Merritt), Congratulating the students of Lindale High School for winning their third consecutive UIL State 3A Academic and Speech Championships.

HR 443 (by B. Cook), Directing the Texas Parks and Wildlife Department to assist the local and state advisory committees in every way possible to provide for the timely development of a plan that will allow successful continuation of the Texas State Railroad as a moving museum through efficiency and proper utilization of public and private resources.

HR 807 (by Peña), Congratulating Vanessa Garcia on her graduation from Edinburg High School.

HR 813 (by Herrero), Congratulating Dominique Whitehead of West Oso High School for winning the Class 3A state discus title.

The resolutions were adopted.

**HR 800 - ADOPTED
(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 800**.

The motion prevailed.

The following resolution was laid before the house:

HR 800, Honoring Virgil David Sorina and Brenda Lois Register on the occasion of their 44th wedding anniversary.

HR 800 was adopted.

(Hupp in the chair)

HR 810 - ADOPTED
(by Luna)

Representative Luna moved to suspend all necessary rules to take up and consider at this time **HR 810**.

The motion prevailed.

The following resolution was laid before the house:

HR 810, Honoring Representative Carlos Uresti for his service to the Texas House of Representatives.

HR 810 was read and was adopted.

On motion of Representative Menendez, the names of all the members of the house were added to **HR 810** as signers thereof.

HOUSE NOTIFIED

A committee from the senate was announced at the door of the house and, being admitted, notified the house that the senate has completed its labors and is ready to adjourn sine die.

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. 13 and Senate List No. 6).

(Hardcastle in the chair)

HR 804 - ADOPTED
(by Menendez)

Representative Menendez moved to suspend all necessary rules to take up and consider at this time **HR 804**.

The motion prevailed.

The following resolution was laid before the house:

HR 804, In memory of San Antonio businessman Clifford E. Morton.

(Speaker in the chair)

HR 804 was unanimously adopted by a rising vote.

HR 802 - ADOPTED
(by McCall)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 802**.

The motion prevailed.

The following resolution was laid before the house:

HR 802, In memory of Pete Adams of Blossom.

HR 802 was unanimously adopted by a rising vote.

HR 815 - ADOPTED
(by Delisi)

Representative Delisi moved to suspend all necessary rules to take up and consider at this time **HR 815**.

The motion prevailed.

The following resolution was laid before the house:

HR 815, Congratulating the Salado High School Academic Team on its achievements at the 2006 State Academic Meet.

HR 815 was adopted.

**HR 814 - ADOPTED
(by Gallego)**

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 814**.

The motion prevailed.

The following resolution was laid before the house:

HR 814, In memory of Maria Rivera Alonzo.

HR 814 was read and was unanimously adopted by a rising vote.

On motion of Representative Chavez, the names of all the members of the house were added to **HR 814** as signers thereof.

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. 3).

HB 3 - STATEMENT OF LEGISLATIVE INTENT

On line 17, page 19, of **HB 3** Enrolled [Section 171.101(B)(iii)] refers to the ability for businesses to "subtract (ing) in addition to any subtractions made under Subparagraph (ii)(a) or (b), compensation, as determined under Section 171.1013, paid to an individual during the period the individual is serving on active duty as a member of the armed forces for the United States if the individual is a resident of this state at the time the individual is ordered to active duty and the cost of training a replacement for the individual:"

In using the word "replacement," it was the intent of the legislature to assist Texas employers adversely impacted by the temporary loss of a valued employee to active military service, not to abrogate any reemployment rights of individuals called to active duty. Both Sections 4312 to Title 38 USC and the Texas Government Code Sections 431.006 and 431.017 confer reemployment rights to individuals called to active duty. It is the intent of the legislature for those rights to remain fully intact.

R. Noriega
J. Keffer

PROVIDING FOR ADJOURNMENT SINE DIE

Representatives Seaman, Keel, Dukes, Elkins, Miller, Hilderbran, and Morrison moved that, at the conclusion of the signing of bills and resolutions, the house stand adjourned sine die in memory of Ted Anderson of Corpus Christi; Nelson Puett of Austin; Clara Johnson of Austin; Israel Aquilar of Houston; Clyde Brinson of Comanche County; U.S. Army Captain Shane Mahaffee who was killed in the line of duty; and Stephen Anthony Coffman.

The motion prevailed.

(Swinford in the chair)

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. 14).

(Speaker in the chair)

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. 15).

ADJOURNMENT SINE DIE

In accordance with a previous motion, the chair, at 10:15 a.m. Tuesday, May 16, pronounced the House of Representatives of the Seventy-Ninth Legislature, Third Called Session, adjourned sine die.

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 175 (By Callegari), Relating to the constitutional limit on the rate of growth of appropriations and the use of surplus state revenues.
To Ways and Means.

SIGNED BY THE SPEAKER

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

House List No. 11

HB 1, HB 97, HB 154, HB 163, HCR 37, HCR 38, HCR 47, HCR 48

House List No. 12

HCR 25, HCR 29, HCR 45, HCR 46

House List No. 13

HB 2, HB 5, HCR 26, HCR 42, HCR 44

House List No. 14

HB 63, HB 149, HB 153

House List No. 15

HCR 40, HCR 49, HCR 51, HCR 53

Senate List No. 5**SCR 7, SCR 8****Senate List No. 6****SCR 10, SCR 12****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

Monday, May 15, 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 26

Guillen

SPONSOR: Zaffirini

Honoring the life of Dr. Margaret G. Cigarroa of Laredo and commemorating the dedication of the Dr. Margaret G. Cigarroa Literacy Center.

SCR 12

Averitt

Recalling **HB 149** from the House.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, May 15, 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 149

Chisum

SPONSOR: Averitt

Relating to the ownership and use of carbon dioxide captured by a clean coal project.

(COMMITTEE SUBSTITUTE/AMENDED)

HCR 42 Isett, Cheri SPONSOR: Duncan
 Congratulating Visit Lubbock on its receipt of the Texas Travel Industry
 Association's Excellence in Photography Award for Tourism.

HCR 44 Gallego SPONSOR: Madla
 Commemorating the 150th anniversary of Uvalde County.

Respectfully,
 Patsy Spaw
 Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
 SENATE CHAMBER
 Austin, Texas
 Monday, May 15, 2006 - 3

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 40 Davis, John SPONSOR: Barrientos
 Congratulating Christopher Castillo on his graduation from the Texas School for
 the Deaf.

HCR 49 Noriega, Rick SPONSOR: Gallegos
 In memory of James Richard LaVois of Houston.

HCR 51 Otto SPONSOR: Ogden
 Relating to expressing legislative intent to amend provisions of **HB 3**, as enrolled
 by the 79th Legislature of the State of Texas, 3rd Called Session, relating to rental
 income and guaranteed payments in the determination of "total revenue."

HCR 53 Merritt SPONSOR: Eltife
 Congratulating the students of Lindale High School for winning their third
 consecutive UIL State 3A Academic and Speech Championships.

Respectfully,
 Patsy Spaw
 Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 12

Criminal Jurisprudence - **HB 97**

Energy Resources - **HB 149**

ENGROSSED

May 12 - HB 72, HB 153, HB 163, HJR 26

ENROLLED

May 15 - HB 1, HB 2, HB 5, HB 63, HB 97, HB 149, HB 153, HB 154, HB 163, HCR 25, HCR 26, HCR 29, HCR 37, HCR 38, HCR 40, HCR 42, HCR 44, HCR 45, HCR 46, HCR 47, HCR 48, HCR 49, HCR 51, HCR 53

SENT TO THE GOVERNOR

May 12 - HCR 27, HCR 32, HCR 33, HCR 35, HB 97

May 15 - HB 154, HB 163, HCR 25, HCR 29, HCR 37, HCR 38, HCR 45, HCR 46, HCR 47, HCR 48, HB 2

May 16 - HB 5, HCR 26, HCR 42, HCR 44, HB 149

May 19 - HCR 40, HCR 49, HCR 51, HCR 53, HB 1

May 24 - HB 63, HB 153

SENT TO THE COMPTROLLER

May 15 - HB 1, HB 63

May 16 - HB 153

SIGNED BY THE GOVERNOR

May 15 - HCR 12, HCR 14, HB 3

May 19 - HB 97, HB 2

May 24 - HB 63, HB 1

May 31 - HB 4, HB 5, HB 149, HB 153, HB 154, HB 163, HCR 18, HCR 21, HCR 22, HCR 23, HCR 25, HCR 26, HCR 27, HCR 29, HCR 32, HCR 33, HCR 35, HCR 37, HCR 38, HCR 40, HCR 42, HCR 44, HCR 45, HCR 46, HCR 47, HCR 48, HCR 49, HCR 51, HCR 53

