

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

TWENTY-SECOND DAY — THURSDAY, FEBRUARY 15, 2007

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 53).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

Absent, Excused — Mallory Caraway; O'Day; Oliveira; Olivo.

Absent — Anderson; Castro; England; Farrar; Noriega; Quintanilla; Smith, T.; Thompson; Woolley.

The invocation was offered by Scott Bradford, pastor, First United Methodist Church, Uvalde, as follows:

Almighty God, who lives and reigns, I pray that you would guide and direct our elected officials, specifically the Texas House of Representatives. May your spirit enable them to be diligent in their work with a spirit of cooperation and charity unequalled in history.

Dear Lord, our great nation and our great State of Texas have been forged through the hard work and leadership of men and women who have known the value of freedom and democracy. I pray that your spirit would be upon this generation of leaders to equip them with the tools that make Texas a great place to live, not only today, but for tomorrow. That we would recognize the value of life and liberty and do all in our power to work side by side to preserve it.

A great quote of Abraham Lincoln is, "Leave nothing for tomorrow which can be done today." So I pray dear Lord, that work of the Texas House of Representatives would be fulfilled, and that they would not leave for tomorrow, or tomorrow's generations, the work that these men and women can complete today. By your strength, let it be so. In Jesus' name. Amen.

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

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Pierson who presented Dr. Victor Peralta of Arlington as the "Doctor for the Day."

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

(Guillen in the chair)

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(Anderson now present)

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for today because of important business in the district:

Mallory Caraway on motion of Vaught.

Olivo on motion of Vaught.

(Quintanilla and Woolley now present)

### **HR 377 - ADOPTED (by McReynolds)**

Representative McReynolds moved to suspend all necessary rules to take up and consider at this time **HR 377**.

The motion prevailed.

The following resolution was laid before the house:

**HR 377**, Honoring the Area Health Education Center network of Texas for its dedication to improving the health of residents of communities throughout the state.

(McClendon in the chair)

**HR 377** was read and was adopted.

On motion of Representative Heflin, the names of all the members of the house were added to **HR 377** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative McReynolds who introduced regional directors of the Area Health Education Center network of Texas.

**LEAVE OF ABSENCE GRANTED**

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

T. Smith on motion of Flynn.

(England and Noriega now present)

**HR 225 - ADOPTED  
(by England)**

Representative England moved to suspend all necessary rules to take up and consider at this time **HR 225**.

The motion prevailed.

The following resolution was laid before the house:

**HR 225**, Honoring First Presbyterian Church of Grand Prairie on its centennial.

**HR 225** was read and was adopted.

**HR 415 - ADOPTED  
(by Riddle)**

Representative Riddle moved to suspend all necessary rules to take up and consider at this time **HR 415**.

The motion prevailed.

The following resolution was laid before the house:

**HR 415**, Congratulating Paul Sarvadi on his 50th birthday.

**HR 415** was adopted.

(Castro now present)

**HR 374 - ADOPTED  
(by Gonzalez Toureilles)**

Representative Gonzalez Toureilles moved to suspend all necessary rules to take up and consider at this time **HR 374**.

The motion prevailed.

The following resolution was laid before the house:

**HR 374**, Recognizing February 15, 2007, as Jim Wells County Day at the State Capitol.

**HR 374** was read and was adopted.

### INTRODUCTION OF GUESTS

The chair recognized Representative Gonzalez Toureilles who introduced a delegation from Jim Wells County.

### BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

#### **HR 421 - ADOPTED (by Elkins and Dukes)**

Representative Elkins moved to suspend all necessary rules to take up and consider at this time **HR 421**.

The motion prevailed.

The following resolution was laid before the house:

**HR 421**, In memory of Brenda Arnett of Houston.

**HR 421** was unanimously adopted by a rising vote.

On motion of Representative Dukes, the names of all the members of the house were added to **HR 421** as signers thereof.

### 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. 5 and Senate List No. 7).

#### **HR 417 - ADOPTED (by Guillen)**

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

The motion prevailed.

The following resolution was laid before the house:

**HR 417**, Congratulating Manuel Benavidez, Jr., of Rio Grande City on receiving the 2006 Western Region Trustee Leadership Award from the Association of Community College Trustees.

**HR 417** was adopted.

#### **HR 441 - ADOPTED (by Flores)**

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

The motion prevailed.

The following resolution was laid before the house:

**HR 441**, Commending John Valente Alaniz for serving on the La Joya Independent School District Board of Trustees in District 36.

**HR 441** was adopted.

**HR 440 - ADOPTED  
(by Jackson)**

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

The motion prevailed.

The following resolution was laid before the house:

**HR 440**, Congratulating the Coppell Middle School North Cougar Band on being selected as the Texas Music Educators Association State Honor Band for 2006-2007.

**HR 440** was adopted.

**HCR 99 - ADOPTED  
(by Homer)**

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HCR 99**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 99**, In memory of Janice Kaye Bolton Reddell of Paris.

**HCR 99** was unanimously adopted by a rising vote.

**SCR 19 - ADOPTED  
(Turner - House Sponsor)**

Representative Turner moved to suspend all necessary rules to take up and consider at this time **SCR 19**.

The motion prevailed.

The following resolution was laid before the house:

**SCR 19**, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 14, 2007, and ending on Monday, February 19, 2007.

**SCR 19** was adopted.

**HR 23 - ADOPTED  
(by Gallego)**

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 23**.

The motion prevailed.

The following resolution was laid before the house:

**HR 23**, Congratulating Dr. Norman C. Francis for winning the Presidential Medal of Freedom.

**HR 23** was adopted.

On motion of Representative Hochberg, the names of all the members of the house were added to **HR 23** as signers thereof.

**HR 443 - ADOPTED**  
**(by Bonnen)**

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 443**.

The motion prevailed.

The following resolution was laid before the house:

**HR 443**, Honoring James G. "Gil" Dickson for his many contributions to the Texas Gulf Coast community.

**HR 443** was adopted.

**HR 416 - ADOPTED**  
**(by Turner)**

Representative Turner moved to suspend all necessary rules to take up and consider at this time **HR 416**.

The motion prevailed.

The following resolution was laid before the house:

**HR 416**, Congratulating the Honorable Harold V. Dutton, Jr., of Houston on his birthday.

(Speaker in the chair)

**HR 416** was read and was adopted.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 416** as signers thereof.

**REQUEST TO GRANT COMMITTEE PERMISSION TO MEET**

Representative Chisum requested permission for the Committee on Appropriations to meet while the house is in session, during bill referral today, in the Agriculture Museum, 1W.14, for a formal meeting.

Request for permission to meet was withdrawn.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Appropriations, upon adjournment today, E1.030, for a formal meeting, to consider **HB 2** and **SCR 20**.

Ways and Means, upon adjournment today, 3W.9, for a formal meeting, to consider **SJR 13**.

Pensions and Investments, upon adjournment today, E2.030, for a public hearing.

### **ADJOURNMENT**

Representatives Dukes and Elkins moved that the house adjourn until 2 p.m. Monday, February 19 in memory of Brenda Arnett of Houston.

The motion prevailed.

The house accordingly, at 11:26 a.m., adjourned until 2 p.m. Monday, February 19.

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### **ADDENDUM**

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#### **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**

**SCR 20** to Appropriations.

**SJR 13** 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. 5**

**HCR 58, HCR 71, HCR 76**

##### **Senate List No. 7**

**SCR 18**

#### **MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

##### **Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Thursday, February 15, 2007

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:

**SCR 15** Ellis  
Congratulating Vincent Paul Young, Jr., for his selection as Associated Press Offensive Rookie of the Year.

**SCR 19** Whitmire SPONSOR: Turner  
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 14, 2007, and ending on Monday, February 19, 2007.

**SCR 20** Ogden  
Relating to the appropriation of state tax revenues for the purpose of funding school district property tax rate reductions.

**SJR 13** Averitt  
Proposing a constitutional amendment authorizing the legislature to provide for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for public school purposes on the residence homesteads of the elderly or disabled to reflect any reduction in the rate of those taxes and providing that state appropriations made for the state fiscal biennium beginning September 1, 2007, for the purpose of directly reducing school district property tax rates do not count against the constitutional state spending limit.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**February 14**

Ways and Means - **HB 5, HJR 1**

### ENROLLED

**February 14 - HCR 71, HCR 76**

### SENT TO THE GOVERNOR

**February 14 - HCR 33, HCR 55, HCR 69**