

SEVENTH DAY

WEDNESDAY, MAY 10, 2006

PROCEEDINGS

The Senate met at 9:30 p.m pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Averitt, Barrientos, Brimer, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Carona.

The President announced that a quorum of the Senate was present.

Senator Bob Deuell offered the invocation as follows:

Our most gracious and heavenly Father, we thank You for the opportunity to serve. We ask for Your guidance in all that we do, and we ask that You show us Your will in our legislation. We ask that You help us to keep our respect and friendship for each other in the face of adversity. We ask that You help us to be focused on why we are here and that is to serve our communities and state. We ask that You be with our troops throughout the world serving our country. We ask that You be with those that are ill and in need, and we ask that You be with our families in our absence. We ask this in Your holy name. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the Sixth Day Continued be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Carona was granted leave of absence for today on account of important business.

SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

SB 46 by Zaffirini

Relating to authorizing the issuance of revenue bonds or other obligations to fund capital projects at public institutions of higher education; making an appropriation. To Subcommittee on Capital Funding for Higher Education.

CONCLUSION OF MORNING CALL

The President at 9:34 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
HOUSE BILL 5 ON THIRD READING**

Senator Armbrister moved to suspend the regular order of business to take up for consideration **CSHB 5** at this time on its third reading and final passage:

CSHB 5, Relating to increases in the taxes on cigarettes and other tobacco products.

The motion prevailed by the following vote: Yeas 22, Nays 8.

Yeas: Armbrister, Averitt, Brimer, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Jackson, Janek, Lindsay, Madla, Nelson, Ogden, Seliger, Shapiro, Staples, Van de Putte, Wentworth, West, Williams.

Nays: Barrientos, Ellis, Gallegos, Hinojosa, Lucio, Shapleigh, Whitmire, Zaffirini.

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 11.

Yeas: Armbrister, Averitt, Brimer, Duncan, Eltife, Estes, Fraser, Harris, Janek, Lindsay, Madla, Nelson, Ogden, Seliger, Shapiro, Staples, Van de Putte, Wentworth, Williams.

Nays: Barrientos, Deuell, Ellis, Gallegos, Hinojosa, Jackson, Lucio, Shapleigh, West, Whitmire, Zaffirini.

Absent-excused: Carona.

REASON FOR VOTE

Senator Zaffirini submitted the following reason for vote on **CSHB 5**:

I cast a "No" vote on the motion to suspend the rules to take up and consider **CSHB 5**, relating to increases in the taxes on cigarettes and other tobacco products. I did so because the bill restricts funds generated from the increased tax on tobacco products to reducing property taxes without providing adequate flexibility to fund health and human services priorities. Admittedly regressive, the tobacco tax increase should have been used to a greater extent for programs that benefit those who will pay for it. Instead, **CSHB 5** will burden low-income smokers for the benefit of property owners.

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**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Subcommittee on Capital Funding for Higher Education might meet tomorrow.

RECESS

On motion of Senator Whitmire, the Senate at 9:43 p.m. recessed until 10:00 a.m. tomorrow.

