

# SEVENTH DAY

(CONTINUED)

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THURSDAY, MAY 11, 2006

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## PROCEEDINGS

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### AFTER RECESS

The Senate met at 11:05 a.m. and was called to order by the President.

### MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were filed with the Secretary of the Senate:

OFFICIAL MEMORANDUM  
STATE OF TEXAS  
OFFICE OF THE GOVERNOR

### MESSAGE

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

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

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

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

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

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

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

/s/Rick Perry  
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams  
Secretary of State

OFFICIAL MEMORANDUM  
STATE OF TEXAS  
OFFICE OF THE GOVERNOR

MESSAGE

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

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

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

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

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

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

/s/Rick Perry  
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams  
Secretary of State

OFFICIAL MEMORANDUM  
STATE OF TEXAS  
OFFICE OF THE GOVERNOR  
MESSAGE

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

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

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

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

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

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

/s/Rick Perry  
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams  
Secretary of State

**RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 32, HCR 33.**

**PHYSICIAN OF THE DAY**

Senator Shapiro was recognized and presented Dr. John Wesley Mercer, Jr., of Richardson as the Physician of the Day.

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

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a delegation of Zapata County officials.

The Senate welcomed its guests.

**MESSAGE FROM THE HOUSE****HOUSE CHAMBER**

Austin, Texas

May 11, 2006

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 37**, In memory of Officer Billy J. Zachary.

**SCR 5**, Honoring James D. "Doug" Pitcock, Jr., of Houston as the 2006 Engineer of the Year.

**SCR 6**, Recognizing the cultural importance of Tejano music and urging Spanish-language radio and television stations to provide improved access to Tejano music.

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

**HB 2**

THE HOUSE HAS REFUSED TO CONCUR IN SENATE AMENDMENTS TO THE FOLLOWING MEASURE AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

(116 Yeas, 19 Nays, and 1 Present, Not Voting)

House Conferees with instructions: Pitts - Chair/Chisum/Kolkhorst/Rose/Woolley

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**CONFERENCE COMMITTEE ON HOUSE BILL 2**

Senator Williams called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2** and moved that the request be granted.

The motion prevailed by the following vote: Yeas 18, Nays 7.

Yeas: Averitt, Brimer, Deuell, Duncan, Eltife, Estes, Hinojosa, Janek, Lindsay, Madla, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth, Whitmire, Williams.

Nays: Barrientos, Gallegos, Lucio, Shapleigh, Van de Putte, West, Zaffirini.

Absent: Armbrister, Ellis, Fraser, Harris, Jackson.

Absent-excused: Carona.

The President asked if there were any motions to instruct the conference committee on **HB 2** before appointment.

Senator Shapleigh moved to instruct the conferees to honor the intent of the Senate on the investment in public education and to honor that dedication language to public education.

On motion of Senator Williams, the motion to instruct was tabled by the following vote: Yeas 16, Nays 9.

Yeas: Brimer, Deuell, Duncan, Eltife, Estes, Hinojosa, Janek, Lindsay, Madla, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth, Williams.

Nays: Averitt, Barrientos, Gallegos, Lucio, Shapleigh, Van de Putte, West, Whitmire, Zaffirini.

Absent: Armbrister, Ellis, Fraser, Harris, Jackson.

Absent-excused: Carona.

The President announced the appointment of the following conferees on the part of the Senate: Senators Williams, Chair; Brimer, Averitt, Armbrister, and Hinojosa.

### **SENATE RULES SUSPENDED (Posting Rules)**

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Subcommittee on Capital Funding for Higher Education might meet and consider **SB 46** today.

### **GUESTS PRESENTED**

Senator Staples was recognized and introduced to the Senate a group of fourth-grade students and teachers from Brandon Elementary School in Lufkin.

The Senate welcomed its guests.

### **MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 11:46 a.m. agreed to adjourn, in memory of John Kimbrough of Haskell and Cliff Morton of San Antonio, pending receipt of Messages from the House, Committee Reports, and upon completion of the introduction of bills and resolutions on first reading, until 10:00 a.m. tomorrow.

### **AT EASE**

The President at 11:46 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

**(Friday, May 12, 2006)**

### **IN LEGISLATIVE SESSION**

President Pro Tempore West at 9:30 a.m. called the Senate to order as In Legislative Session.

**MESSAGE FROM THE HOUSE****HOUSE CHAMBER**

Austin, Texas

May 12, 2006

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HB 63**, Relating to appropriations to pay for damages and disruptions suffered by Lamar University and its related institutions caused by Hurricanes Katrina and Rita.

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

**HB 153**, Relating to authorizing the issuance of revenue bonds or other obligations to fund capital projects at public institutions of higher education; making an appropriation.

**HB 154**, Relating to the administration of the Irma Rangel School of Pharmacy.

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

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

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**SENATE BILLS ON FIRST READING**

The following bills were introduced, read first time, and referred to the committees indicated:

**SB 47** by Janek

Relating to the provision of children's substitute care and case management services by county governmental agencies.

To Committee on Health and Human Services.

**SB 48** by Brimer

Relating to authority of certain enterprise projects to receive franchise tax credits for job creation and capital investment.

To Committee on Finance.

**HOUSE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution received from the House were read first time and referred to the committees indicated:

**HB 63** to Committee on Finance.

**HB 72** to Committee on Finance.

**HB 153** to Subcommittee on Capital Funding for Higher Education.

**HB 154** to Committee on Finance.

**HJR 26** to Committee on Finance.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 200** by Armbrister, In memory of Patrick Hughes Keefe, Jr., of Victoria.

**Congratulatory Resolutions**

**SR 196** by Lindsay, Commending Jared Alexander Camarata for achieving the rank of Eagle Scout.

**SR 197** by Lindsay, Commending Michael Scott Lassiter of Houston for achieving the rank of Eagle Scout.

**SR 198** by Lindsay, Commending Joshua K. Straiton for achieving the rank of Eagle Scout.

**SR 199** by Lindsay, Congratulating the band of Cypress Falls High School for being awarded the 2006 Sudler Flag of Honor by the John Philip Sousa Foundation.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 9:34 a.m. Friday, May 12, 2006, adjourned, in memory of John Kimbrough of Haskell and Cliff Morton of San Antonio, until 10:00 a.m. today.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee report was received by the Secretary of the Senate:

May 12, 2006

FINANCE — **CSSJR 7**

