

# FIRST DAY

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THURSDAY, JULY 21, 2005

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## PROCEEDINGS

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In obedience to the Proclamation of the Honorable Rick Perry, Governor of the State of Texas, the Senate met in the Senate Chamber of the state Capitol at Austin, Texas, on the 21st day of July, 2005, at 10:00 a.m. and was called to order by the Honorable David Dewhurst, Lieutenant Governor and President of the Senate.

The President directed the Secretary of the Senate to call the roll of the Senate.

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

Absent-excused: Carona, Deuell, Hinojosa.

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

The Reverend Sharon Risher, Central Presbyterian Church, Austin, offered the invocation as follows:

O eternal source of life, we pray to You today, pour out Your mercies upon those gathered here today. Please help them to become better stewards of Your world and this great State of Texas. We bring the political conditions of our world to You in prayer. We pray for our soldiers and their families. We pray for Your supreme guidance for our leaders. Inspire us always to be Your grateful people, so that in every time and place we may give thanks to You and bless Your holy name. Amen.

## LEAVES OF ABSENCE

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

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

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

**PROCLAMATIONS BY THE GOVERNOR**

The following Proclamations by the Governor were read and were filed with the Secretary of the Senate:

PROCLAMATION  
BY THE  
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, education is the foundation for the economic and cultural future of the state of Texas and the constitutional responsibility for the development of an efficient system of public education rests with the legislature; and

WHEREAS, the current state of public school finance requires immediate action by the legislature to ensure the continued efficient and effective operation of Texas schools; and

WHEREAS, the people have placed the constitutional power to call and convene the legislature into special session in the hands of the Chief Executive Officer of the State;

NOW, THEREFORE, I, RICK PERRY, GOVERNOR OF THE STATE OF TEXAS, by the authority vested in me by Article IV, Section 8, of the Texas Constitution, do hereby call an extraordinary session of the 79th Legislature, to be convened in the city of Austin, commencing at 10 a.m. on Thursday the 21st day of July 2005, for the following purposes:

To consider legislation to limit the ad valorem tax appraisals and rates of certain taxing units.

To consider legislation that provides ad valorem tax relief and protects taxpayers.

To consider legislation to increase the homestead ad valorem tax exemption.

The Secretary of State will take notice of this action and will notify the members of the Legislature of my action.

IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 20th day of July 2005.

/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, SECOND 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, Second 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, Second Called Session for consideration:

Legislation that addresses educator compensation, benefits, and certification.

Legislation that provides for public school financial accountability and that increases transparency in school district financial reporting.

Legislation that provides for performance-based incentives to educators and schools that attain higher levels of student achievement.

Legislation that funds textbooks and that creates the instructional materials allotment for public schools.

Legislation that provides for charter school funding and reform.

Legislation that provides for modifications to the recapture provisions of the public school finance system.

Legislation that provides for November elections for public school boards of trustees.

Legislation providing funding for the public school finance system and the continuation of the Texas Education Agency.

Legislation providing for end-of-course examinations to be used in public schools.

Legislation that provides for increased accountability and intervention for schools failing to meet state standards.

Legislation that provides for local property tax rate compression and voter approval of local property tax rates.

Legislation that establishes indicators of college readiness and higher levels of student achievement in the public school accountability system.

Legislation relating to the authorization, issuance, and funding of tuition revenue bonds.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 21st day of July, 2005.

/s/Rick Perry  
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams  
Secretary of State

OFFICIAL MEMORANDUM  
STATE OF TEXAS  
OFFICE OF THE GOVERNOR

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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, Second Called Session for consideration:

Legislation relating to an increase in the compensation of judges, including salary and retirement benefits.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 21st day of July, 2005.

/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

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WHEREAS, the members of the Seventy-Ninth Texas Legislature, Second 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, Second Called Session for consideration:

Legislation related to further competition in the telecommunications market.

Legislation related to the provision of broadband over powerlines.

Legislation related to the issuance of state-issued certificate of franchise authority for cable and video services.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 21st day of July, 2005.

/s/Rick Perry  
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams  
Secretary of State

**ELECTION OF PRESIDENT PRO TEMPORE  
SEVENTY-NINTH LEGISLATURE, SECOND CALLED SESSION**

The President announced that the time had arrived for the election of President Pro Tempore of the Senate of the 79th Legislature, 2nd Called Session.

Senator Lucio placed in nomination the name of Senator Frank Madla of San Antonio for the office of President Pro Tempore of the Senate of the 79th Legislature, 2nd Called Session.

Senator Madla was elected President Pro Tempore of the Senate of the 79th Legislature, 2nd Called Session, by a rising vote.

The President called the Honorable Frank Madla to the President's Rostrum and administered the Oath of Office as follows:

I, Frank Madla, do solemnly swear, that I will faithfully execute the duties of the office of President Pro Tempore of the Senate of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

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

**SB 2** by Shapiro

Relating to public education and public school finance matters; imposing criminal penalties.

To Committee on Education.

**SB 5** by Fraser

Relating to furthering competition in the communications industry.

To Committee on Business and Commerce.

**SB 6** by Duncan

Relating to the compensation of state judges and county judges, to retirement benefits for state judges, and to providing funds for court-related purposes; making an appropriation.

To Committee on State Affairs.

**SB 7** by Janek

Relating to limiting the use of eminent domain to take private property.

To Committee on State Affairs.

**SB 11** by Harris

Relating to the creation, purpose, implementation, and funding of the County Park Beautification and Improvement Program.

To Committee on Administration.

**SB 12** by Zaffirini

Relating to authorizing the issuance of revenue bonds or other obligations to fund capital projects at public institutions of higher education.

To Committee on Finance.

**SB 13** by Janek

Relating to authorizing the governing body of a taxing unit to establish for purposes of ad valorem taxation by the taxing unit a lower limit on increases in the appraised value of residence homesteads in the taxing unit.

To Committee on Finance.

**SB 14** by Duncan

Relating to the remedy provided for failure to disclose certain information in certain residential construction transactions.

To Committee on State Affairs.

**SB 15** by Zaffirini

Relating to contracting and ethics issues of governmental entities; providing a civil penalty.

To Committee on Finance.

**SB 16** by Estes

Relating to authorizing the issuance of revenue bonds for utility infrastructure and campus renovations at Midwestern State University.

To Committee on Finance.

**SB 17** by Estes

Relating to authorizing the issuance of revenue bonds for Texas Woman's University.

To Committee on Finance.

**SB 18** by Estes

Relating to authorizing the issuance of revenue bonds for the University of North Texas.

To Committee on Finance.

**SJR 3** by Harris

Proposing a constitutional amendment relating to appropriations for the preservation and perpetuation of certain items of historical value; allowing the legislature and state agencies to accept on behalf of the state gifts of items of historical value and contributions to purchase such items.

To Committee on Administration.

**SJR 4** by Janek

Proposing a constitutional amendment authorizing the legislature to authorize the governing body of a political subdivision to establish for purposes of ad valorem taxation by the political subdivision a lower limit on the maximum average annual percentage increase in the appraised value of residence homesteads in the political subdivision.

To Committee on Finance.

**SJR 5** by Janek

Proposing a constitutional amendment to prohibit the state or a political subdivision from taking private property for the primary purpose of economic development or to benefit a particular class of identifiable individuals.

To Committee on State Affairs.

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

On motion of Senator Shapiro and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider **SB 2** today.

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

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider **SB 5** today.

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

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider the following bills today: **SB 6, SB 7, SB 14.**

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

On motion of Senator Harris and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Administration might meet and consider the following bill and resolution today:

**SB 11, SJR 3.**

**SENATE RULE 11.13 SUSPENDED**  
**(Consideration of Bills in Committees)**

On motion of Senator Brimer and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting today.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 10:29 a.m. agreed to adjourn, pending receipt of committee reports, until 1:30 p.m. Monday, July 25, 2005.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 1:45 p.m. adjourned until 1:30 p.m. Monday, July 25, 2005.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

July 21, 2005

ADMINISTRATION — **SJR 3, SB 11**

BUSINESS AND COMMERCE — **SB 5**

EDUCATION — **SB 2**

STATE AFFAIRS — **SB 6, SB 7, SB 14**