

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FOURTEENTH DAY — TUESDAY, FEBRUARY 10, 2009

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 22).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Chisum; Christian; Cohen; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Absent, Excused — Alvarado; Kent.

Absent — Castro; Chavez; Coleman; Hilderbran; Martinez Fischer; Miklos; Olivo.

The invocation was offered by Reverend Trey Graham, senior pastor, First Baptist Church, Melissa, as follows:

Dear Heavenly Father, we take this moment to pause in your presence, acknowledging that you are always wise and we are not, that you are always holy and we are not, that you are always honest and we are not, that you are always kind and we are not. We humble ourselves before you and ask for the wisdom and strength to understand and carry out your divine will.

I pray for these house members, that you would grant them the courage to stand against greed, immorality, dishonesty, selfishness, hatred, and cowardice. I pray that these legislators would resist pressure from individuals and groups who promote and encourage ungodliness. I pray that a spirit of cooperation would

surround this chamber as members seek to lead our state, united by a devotion to commonsense government, fiscal responsibility, and biblical values. I pray that the laws which originate in this house would be designed to protect the innocent, reward the hard working, and punish the unlawful. I pray that our leaders would be ever mindful that human life is a gift from you and should be respected, celebrated, and protected. I pray that our leaders would remember the truths of Romans Chapter 13, which teaches us that those in power only occupy their positions because you, as the ruler of the universe, have ordained it.

I pray that our state would be a beacon of light to the world, that Texas would be seen as a place where elected leaders work together to bless, honor, encourage, and protect Texans. I pray that you would bless and protect the great State of Texas, its citizens, and the members of this distinguished body. I pray that you would be honored by all that takes place in this very room. I pray all of this in the name of my Savior, Jesus Christ. Amen.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Corte who presented Dr. Tamara Dominguez of San Antonio as the "Doctor for the Day."

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

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of illness in the family:

Alvarado on motion of Sheffield.

Kent on motion of Sheffield.

(Miklos now present)

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. 4).

HR 290 - ADOPTED

(by Zerwas)

Representative Zerwas moved to suspend all necessary rules to take up and consider at this time **HR 290**.

The motion prevailed.

The following resolution was laid before the house:

HR 290, Recognizing February 10, 2009, as Waller County Day at the State Capitol.

HR 290 was read and was adopted.

(Hilderbran and Olivo now present)

HR 201 - ADOPTED
(by Peña, Gonzales, and Flores)

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 201**.

The motion prevailed.

The following resolution was laid before the house:

HR 201, Welcoming members of Amigos Del Valle, Incorporated, to the State Capitol for Senior Day on February 10, 2009.

HR 201 was read and was adopted.

On motion of Representatives Isett and Anderson, the names of all the members of the house were added to **HR 201** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representatives Peña and Gonzales who introduced members of Amigos Del Valle, Incorporated.

(Coleman now present)

HR 277 - ADOPTED
(by Peña and Gonzales)

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 277**.

The motion prevailed.

The following resolution was laid before the house:

HR 277, Recognizing February 10, 2009, as Edinburg Day at the State Capitol.

HR 277 was read and was adopted.

On motion of Representatives Isett and Anderson, the names of all the members of the house were added to **HR 277** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representatives Peña and Gonzales who introduced a delegation from Edinburg.

(Martinez Fischer now present)

HR 339 - ADOPTED
(by Geren)

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 339**.

The motion prevailed.

The following resolution was laid before the house:

HR 339, Honoring the Tax Assessor-Collectors Association of Texas and welcoming its members who are visiting the State Capitol on February 10, 2009.

HR 339 was adopted.

(Chavez now present)

HR 293 - ADOPTED
(by P. King)

Representative P. King moved to suspend all necessary rules to take up and consider at this time **HR 293**.

The motion prevailed.

The following resolution was laid before the house:

HR 293, Recognizing February 9, 2009, as Wise County Day at the State Capitol.

HR 293 was read and was adopted.

HCR 39 - ADOPTED
(by Gonzales)

Representative Gonzales moved to suspend all necessary rules to take up and consider at this time **HCR 39**.

The motion prevailed.

The following resolution was laid before the house:

HCR 39, Commending Edinburg Mayor Joe Ochoa for his years of service.

HCR 39 was read and was adopted.

INTRODUCTION OF GUEST

The speaker recognized Representative Gonzales who introduced Mayor Joe Ochoa.

LEAVE OF ABSENCE GRANTED

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

Castro on motion of Chavez.

HR 282 - ADOPTED
(by Aycock and Chisum)

Representative Aycock moved to suspend all necessary rules to take up and consider at this time **HR 282**.

The motion prevailed.

The following resolution was laid before the house:

HR 282, Honoring former state representative David Counts for his many years of service as a Freemason.

HR 282 was read and was adopted.

On motion of Representative Chisum, the names of all the members of the house were added to **HR 282** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Aycock who introduced former state representative David Counts and members of the Freemasons.

HR 291 - ADOPTED
(by Phillips)

Representative Phillips moved to suspend all necessary rules to take up and consider at this time **HR 291**.

The motion prevailed.

The following resolution was laid before the house:

HR 291, Recognizing February 10, 2009, as Grayson County Day at the State Capitol.

HR 291 was adopted.

On motion of Representative Crownover, the names of all the members of the house were added to **HR 291** as signers thereof.

HR 133 - ADOPTED
(by Solomons, Parker, and Crownover)

Representative Solomons moved to suspend all necessary rules to take up and consider at this time **HR 133**.

The motion prevailed.

The following resolution was laid before the house:

HR 133, Recognizing February 9-10, 2009, as Denton County Days at the State Capitol.

HR 133 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Solomons who introduced a delegation from Denton County.

HR 168 - ADOPTED
(by Crossover, Solomons, and Parker)

Representative Crossover moved to suspend all necessary rules to take up and consider at this time **HR 168**.

The motion prevailed.

The following resolution was laid before the house:

HR 168, Honoring Robert Mark Spears for his service to the Denton County Sheriff's Office.

HR 168 was read and was adopted.

On motion of Representative Truitt, the names of all the members of the house were added to **HR 168** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Crossover who introduced Deputy Robert Mark Spears.

HR 258 - ADOPTED
(by Solomons, Crossover, and Parker)

Representative Solomons moved to suspend all necessary rules to take up and consider at this time **HR 258**.

The motion prevailed.

The following resolution was laid before the house:

HR 258, Commending Leadership Lewisville for its efforts in preparing citizens to take prominent roles in their community.

HR 258 was read and was adopted.

On motion of Representative Keffer, the names of all the members of the house were added to **HR 258** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Harless who introduced members of the Alliance of North Houston Chambers of Commerce.

HR 250 - ADOPTED
(by Riddle)

Representative Riddle moved to suspend all necessary rules to take up and consider at this time **HR 250**.

The motion prevailed.

The following resolution was laid before the house:

HR 250, Honoring Lisa Stoyak and the Ultimate Gift program at Northpointe Intermediate School in Tomball.

HR 250 was adopted.

HR 127 - ADOPTED
(by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 127**.

The motion prevailed.

The following resolution was laid before the house:

HR 127, Honoring AFL-CIO Executive Vice President Emerita Linda Chavez-Thompson for her 40 years of service as a leader in the labor movement.

HR 127 was read and was adopted.

On motion of Representative Menendez, the names of all the members of the house were added to **HR 127** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative McClendon who introduced Emerita Linda Chavez-Thompson and members of her family.

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. 4).

HCR 38 - ADOPTED
(by Pitts)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HCR 38**.

The motion prevailed.

The following resolution was laid before the house:

HCR 38, Welcoming Leadership Midlothian to the State Capitol.

HCR 38 was read and was adopted by (Record 23): 130 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Button; Chavez; Chisum; Cohen; Coleman; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts;

Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alvarado; Castro; Kent.

Absent — Burnam; Callegari; Christian; Cook; Eiland; Farias; Hardcastle; Hernandez; Jackson; Jones; Lucio; Miller, S.; Orr; Pierson; Rios Ybarra; Rose.

STATEMENTS OF VOTE

When Record No. 23 was taken, I was in the house but away from my desk. I would have voted yes.

Farias

When Record No. 23 was taken, I was in the house but away from my desk. I would have voted yes.

Hernandez

When Record No. 23 was taken, I was in the house but away from my desk. I would have voted yes.

Rios Ybarra

HR 280 - ADOPTED (by Paxton and McCall)

Representative Paxton moved to suspend all necessary rules to take up and consider at this time **HR 280**.

The motion prevailed.

The following resolution was laid before the house:

HR 280, Honoring Phil Taylor of Frisco and the American Fallen Soldiers Project.

HR 280 was read and was adopted.

On motion of Representative Laubenberg, the names of all the members of the house were added to **HR 280** as signers thereof.

(Martinez Fischer in the chair)

INTRODUCTION OF GUESTS

The chair recognized Representative Paxton who introduced Phil Taylor and members of his family and friends.

HR 295 - ADOPTED (by Paxton, McCall, Madden, and Laubenberg)

Representative Paxton moved to suspend all necessary rules to take up and consider at this time **HR 295**.

The motion prevailed.

The following resolution was laid before the house:

HR 295, Recognizing February 9-10, 2009, as Collin County Days at the State Capitol.

HR 295 was read and was adopted.

On motion of Representative Laubenberg, the names of all the members of the house were added to **HR 295** as signers thereof.

HR 345 - ADOPTED
(by Quintanilla)

Representative Quintanilla moved to suspend all necessary rules to take up and consider at this time **HR 345**.

The motion prevailed.

The following resolution was laid before the house:

HR 345, Recognizing February 10, 2009, as Mission Valley Day at the State Capitol.

HR 345 was read and was adopted.

(Speaker in the chair)

INTRODUCTION OF GUESTS

The speaker recognized Representative Quintanilla who introduced a delegation from Mission Valley.

HCR 37 - ADOPTED
(by Laubenberg, Paxton, Madden, and Jackson)

Representative Laubenberg moved to suspend all necessary rules to take up and consider at this time **HCR 37**.

The motion prevailed.

The following resolution was laid before the house:

HCR 37, Honoring Olympic gymnastics champion Nastia Liukin of Parker.

HCR 37 was read and was adopted.

On motion of Representative Hughes, the names of all the members of the house were added to **HCR 37** as signers thereof.

RESOLUTIONS ADOPTED

Representative Madden moved to suspend all necessary rules to take up and consider at this time **HR 59**, **HR 175**, **HR 244**, and **HR 245**.

The motion prevailed.

The following resolutions were laid before the house:

HR 59 (by Madden, McCall, Paxton, and Laubenberg), Congratulating Officer Andrae Smith on being named the 2007 Plano Police Department Officer of the Year.

HR 175 (by Madden, McCall, Paxton, and Laubenberg), Honoring Catherine Rohr and the Prison Entrepreneurship Program for being named to the Philanthropy World Hall of Fame.

HR 244 (by Madden, McCall, Paxton, and Laubenberg), Honoring Collin County probation, parole, and community supervision employees.

HR 245 (by Madden, McCall, Paxton, and Laubenberg), Honoring Dr. Rosemary Karr of Collin College for her professional achievements.

The resolutions were adopted.

HR 228 - ADOPTED
(by Gonzales, Martínez, Peña, and Flores)

Representative Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 228**.

The motion prevailed.

The following resolution was laid before the house:

HR 228, Recognizing February 10, 2009, as Hidalgo County Day at the State Capitol.

HR 228 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Gonzales who introduced a delegation from Hidalgo County.

HR 229 - ADOPTED
(by Gonzales, Peña, and Flores)

Representative Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 229**.

The motion prevailed.

The following resolution was laid before the house:

HR 229, Recognizing February 10, 2009, as McAllen Day at the State Capitol.

HR 229 was read and was adopted.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 229** as signers thereof.

(Anchia in the chair)

INTRODUCTION OF GUESTS

The chair recognized Representative Gonzales who introduced a delegation from McAllen.

HR 264 - ADOPTED**(by S. Turner, Gonzales, Peña, and Edwards)**

Representative S. Turner moved to suspend all necessary rules to take up and consider at this time **HR 264**.

The motion prevailed.

The following resolution was laid before the house:

HR 264, Recognizing February 10, 2009, as Senior Day at the State Capitol.

HR 264 was adopted.

HR 61 - ADOPTED**(by Harless)**

Representative Harless moved to suspend all necessary rules to take up and consider at this time **HR 61**.

The motion prevailed.

The following resolution was laid before the house:

HR 61, In memory of Detective Thomas Luell Keen of the Harris County Sheriff's Office.

HR 61 was read and was unanimously adopted by a rising vote.

On motion of Representative Eissler, the names of all the members of the house were added to **HR 61** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Harless who introduced family members of Detective Thomas Luell Keen.

(Speaker in the chair)

HR 267 - ADOPTED**(by Hopson)**

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 267**.

The motion prevailed.

The following resolution was laid before the house:

HR 267, Congratulating Jeana Renee' Pierce Brooks and Richard Allen Culp of Crockett on their wedding.

HR 267 was adopted.

HR 154 - ADOPTED**(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 154**.

The motion prevailed.

The following resolution was laid before the house:

HR 154, Congratulating Lynn Whitten on being named the 2008 Woman of the Year by Executive Women in Texas Government.

HR 154 was adopted.

**HR 239 - ADOPTED
(by Herrero)**

Representative Herrero moved to suspend all necessary rules to take up and consider at this time **HR 239**.

The motion prevailed.

The following resolution was laid before the house:

HR 239, Welcoming the Texas Silver-Haired Legislature to the State Capitol on February 10, 2009.

HR 239 was read and was adopted.

On motion of Representatives Raymond, Leibowitz, and Farrar, the names of all the members of the house were added to **HR 239** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Herrero who introduced Billie Erwin.

RESOLUTIONS ADOPTED

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 360 - HR 363**.

The motion prevailed.

The following resolutions were laid before the house:

HR 360 (by Peña), Honoring Mariachi Dos Mil of Johnny Economedes High School in Edinburg for its many achievements.

HR 361 (by Peña), Honoring Mariachi Primer Orgullo of Edinburg High School for its many achievements.

HR 362 (by Peña), Honoring Mariachi Oro of Edinburg North High School for its many achievements.

HR 363 (by Peña), Recognizing October 14, 2008, as the centennial of Edinburg's designation as the seat of Hidalgo County.

The resolutions were adopted.

**HR 355 - ADOPTED
(by T. King)**

Representative T. King moved to suspend all necessary rules to take up and consider at this time **HR 355**.

The motion prevailed.

The following resolution was laid before the house:

HR 355, Welcoming the Medina Valley High School Air Force JROTC to the State Capitol on February 10, 2009.

HR 355 was read and was adopted.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 355** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative T. King who introduced members of the Medina Valley High School Air Force JROTC.

HR 354 - ADOPTED

(by **B. Brown**)

Representative B. Brown moved to suspend all necessary rules to take up and consider at this time **HR 354**.

The motion prevailed.

The following resolution was laid before the house:

HR 354, Recognizing February 10, 2009, as Texas Organization of Residential Care Homes Day.

HR 354 was adopted.

RESOLUTIONS ADOPTED

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 286**, **HR 287**, and **HR 349**.

The motion prevailed.

The following resolutions were laid before the house:

HR 286 (by Harper-Brown), Honoring the Irving Arts Center.

HR 287 (by Harper-Brown), Recognizing Irving Heritage Senior Center.

HR 349 (by Harper-Brown), Honoring Kitty Boyle for her exemplary service to the Dallas County Community College District Board of Trustees.

The resolutions were adopted.

On motion of Representative Raymond, the names of all the members of the house were added to **HR 286**, **HR 287**, and **HR 349** as signers thereof.

ADJOURNMENT

Representatives Harless and Eissler moved that the house adjourn until 10 a.m. tomorrow in memory of Detective Thomas Luell Keen of Harris County.

The motion prevailed.

The house accordingly, at 12:23 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 4

HCR 24

Senate List No. 4

SCR 13

APPENDIX

SENT TO THE GOVERNOR

February 9 - HCR 25

SENT TO THE SECRETARY OF THE STATE

February 9 - HCR 32