

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTEENTH DAY — WEDNESDAY, FEBRUARY 11, 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 24).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; 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; Hilderbran; 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; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; 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; Zerwas.

Absent, Excused — Alvarado; Kent; Marquez; Woolley.

The invocation was offered by Reverend Jay Barnes, pastor, First United Methodist Church, Liberty, as follows:

O maker, creator, in whom we live, in whom we move and have our being; we give all glory and honor and praise to you and your most holy name. From high among the heavens you reign over creation and our hearts.

Many times O Lord, we lose our way, we miss the mark. It is so hard to admit fault and failure. Lord, we bring our broken words, relationships, and hearts before you this morning to apologize, to make things right before you and one another. We thank you for the forgiveness you have waiting for us in the sacrificial love of Jesus Christ. It is through his love we are a forgiven and reconciled people.

Thank you Lord God of heaven and earth. Thank you for the many blessings we enjoy. Thank you for the freedom to speak, to gather, to pray in our own ways. Thank you for the blessing of leadership and the responsibilities that go with those blessings.

Most of all we pray for this great nation, for the great State of Texas and its house of representatives and their work. Give them your holy wisdom in their work this day. Thank you for the opportunity to make a difference today through their legislative service. We always pray for our nation, our military service personnel, and those in the line of danger. Protect and keep them safe. Thank you for your many, many blessings. God bless Texas. In the name of Jesus Christ, our Savior and Lord. Amen.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Harless who presented Dr. William Chen of Houston as the "Doctor for the Day."

The house welcomed Dr. Chen and thanked him for his 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.

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

Marquez on motion of C. Turner.

Woolley on motion of Elkins.

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).

(Raymond in the chair)

HR 336 - ADOPTED (by Eiland)

Representative Eiland moved to suspend all necessary rules to take up and consider at this time **HR 336**.

The motion prevailed.

The following resolution was laid before the house:

HR 336, Recognizing February 11, 2009, as Chambers County Day at the State Capitol.

HR 336 was read and was adopted.

On motion of Representative W. Smith, the names of all the members of the house were added to **HR 336** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Eiland who introduced a delegation from Chambers County.

(Ritter in the chair)

HR 337 - ADOPTED (by McReynolds)

Representative McReynolds moved to suspend all necessary rules to take up and consider at this time **HR 337**.

The motion prevailed.

The following resolution was laid before the house:

HR 337, Recognizing February 11, 2009, as Lufkin and Angelina County Day at the State Capitol.

HR 337 was read and was adopted.

HR 279 - ADOPTED (by Morrison)

Representative Morrison moved to suspend all necessary rules to take up and consider at this time **HR 279**.

The motion prevailed.

The following resolution was laid before the house:

HR 279, Recognizing February 11, 2009, as Victoria Day at the State Capitol.

HR 279 was read and was adopted.

(Speaker in the chair)

INTRODUCTION OF GUESTS

The speaker recognized Representative Morrison who introduced delegations from Victoria and Victoria County.

HR 356 - ADOPTED (by Gonzalez Toureilles)

Representative Gonzalez Toureilles moved to suspend all necessary rules to take up and consider at this time **HR 356**.

The motion prevailed.

The following resolution was laid before the house:

HR 356, Recognizing February 11, 2009, as Bee County Day at the State Capitol.

HR 356 was read and was adopted.

(Anderson in the chair)

INTRODUCTION OF GUESTS

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

HCR 40 - ADOPTED (by Homer)

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HCR 40**.

The motion prevailed.

The following resolution was laid before the house:

HCR 40, In memory of Kenneth Helm of Sumner.

HCR 40 was unanimously adopted by a rising vote.

HCR 41 - ADOPTED (by Homer)

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HCR 41**.

The motion prevailed.

The following resolution was laid before the house:

HCR 41, In memory of Garry Don Stuckey of Paris, Texas.

HCR 41 was unanimously adopted by a rising vote.

HR 364 - ADOPTED (by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 364**.

The motion prevailed.

The following resolution was laid before the house:

HR 364, Recognizing February 11, 2009, as Camp County Day at the State Capitol.

HR 364 was read and was adopted.

On motion of Representative Smithee, the names of all the members of the house were added to **HR 364** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Hughes who introduced a delegation from Camp County.

(Geren in the chair)

HR 407 - ADOPTED
(by Martinez Fischer)

Representative Martinez Fischer moved to suspend all necessary rules to take up and consider at this time **HR 407**.

The motion prevailed.

The following resolution was laid before the house:

HR 407, Congratulating Carlos Sandoval and Peter Miller on the broadcast premiere of A Class Apart.

HR 407 was read and was adopted.

On motion of Representative Raymond, the names of all the members of the house were added to **HR 407** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Martinez Fischer who introduced Carlos Sandoval and Eddie Aldrete.

COMMITTEE APPOINTED

The chair announced the appointment of the following committee to escort Chief Justice Wallace B. Jefferson to the speaker's rostrum: Hartnett, chair; Herrero, S. King, Creighton, and Hunter.

HOUSE AT EASE

At 11:04 a.m., the speaker announced that the house would stand at ease.

The speaker called the house to order at 11:13 a.m.

ADDRESS BY THE HONORABLE WALLACE B. JEFFERSON
(The House of Representatives and the Senate in Joint Session)

In accordance with the provisions of **HCR 32**, providing for a joint session of the senate and house of representatives for the purpose of hearing an address by the Honorable Wallace B. Jefferson, chief justice of the Supreme Court of Texas, Governor Rick Perry, Lieutenant Governor David Dewhurst, and the honorable senators were announced at the door of the house and were admitted.

The Honorable Wallace B. Jefferson was announced at the door of the house and, being admitted, was escorted by Senators Wentworth, chair; Whitmire, Huffman, Seliger, and Ellis, committee on part of the senate, and Representatives Hartnett, chair; Herrero, S. King, Creighton, and Hunter, committee on part of the house.

The Honorable David Dewhurst, president of the senate, called the senate to order. A quorum of the senate was announced present.

The Honorable Joe Straus, speaker of the house, stated that a quorum of the house of representatives was present.

Speaker Straus stated that the two houses were in joint session pursuant to **HCR 32** for the purpose of hearing an address by Chief Justice Wallace B. Jefferson. Speaker Straus recognized members of the Supreme Court of Texas, members of the Court of Criminal Appeals of Texas, members of the Courts of Appeals of Texas, administrative judges, former Chief Justice Jack Pope and former Chief Justice Tom Phillips, Rhonda Jefferson, wife of Chief Justice Jefferson, and Lamont Jefferson, brother of Chief Justice Jefferson.

INTERPRETER FOR THE DEAF

The interpretation of the proceedings of the house was provided today by Billy Collins.

Lieutenant Governor Dewhurst introduced Chief Justice Jefferson, who addressed the joint session, speaking as follows:

Thank you for that warm welcome. Governor Perry, Lieutenant Governor Dewhurst, Speaker Straus, members of the legislature, to my colleagues on the bench, and most importantly, to the citizens of Texas, thank you for giving me an opportunity to speak with you today.

These are critical times for Texas and for the nation. Now more than ever, the public relies on all branches of government to work together. That work begins here in the Capitol, in this chamber and in the senate, where the legislature crafts laws to promote the general welfare. Without the executive branch to enforce them, the laws may as well be written on sand. And unless the judiciary interprets the laws faithfully, the underpinning of our democracy—the rule of law—will falter. We each have an obligation to concentrate our energies on the first goal the United States Constitution articulates, and that is "to establish Justice." Working together, we have made good progress toward that ideal.

With the legislature's help, we have greatly increased transparency in the judiciary. The public has greater access to judicial information because we now have live webcasts of supreme court oral arguments, with links to all of the briefs filed in each argued case. Legislative and public members serve on judicial bodies, such as the Texas Judicial Council, which is working to improve the administration of justice for all Texans. And through your generous support, the two high courts, the 14 courts of appeals, the 449 district courts, and the entire judiciary have employed new technologies to enhance court efficiency. I could speak of these innovations for hours, but instead I would like to take a few moments on the impressive progress the Texas judiciary has made to protect our most vulnerable Texans in times of economic crisis.

Alexander Hamilton said that "the first duty of society is justice," and the first duty of justice should be the protection of our most vulnerable citizens of all—our children. In my last State of the Judiciary, I spoke of a fledgling initiative to create a commission focusing on children and families. Under the strong and passionate leadership of Justice Harriet O'Neill, that idea has evolved into the Supreme Court's Permanent Commission on Children, Youth, and Families.

The judiciary plays an integral role in the lives of children who are thrust into the legal system through no fault of their own. Only a court order can remove them from their families, or return them to their homes. Only a judge can

determine who visits a child, or when to terminate a parent's rights. And where child abuse or neglect is involved, justice is ensured only if its administration is thoughtful and swift. Our commission has been both thoughtful and swift. In just a year's time, it has distributed over \$1.4 million in grants to help expand judicial and legal training throughout the state. Because of the commission's great work, Texas has been selected to host the third National Judicial Summit on Child Protection. In October, Austin will host judicial leaders from every state in the nation, coming together to improve the lives of children and families nationwide. Justice O'Neill has their interest at heart, and the court commends her for her devotion to this cause.

While protecting children remains a focus of our judiciary, part of ensuring justice for all involves emergency preparedness. No one will soon forget the tragic scenes of families torn asunder in the aftermath of Hurricane Katrina. In addition to the human catastrophe, these disasters can have serious consequences to the rule of law, as vital court records are destroyed, protective orders ignored, and vested rights lost. I talked with the Louisiana chief justice shortly after that calamity, and he spoke emotionally about the toll on Louisiana citizens who had no access to the courts. Based on that and other examples, the supreme court established a Task Force to Ensure Judicial Readiness in Times of Emergency. The task force was charged with the identifying existing gaps in court security, ensuring continuity and examining other preparedness functions across the Texas judiciary. Chaired by Denise Davis, this task force has made great strides in developing response plans for adoption by individual courts that will continue operations in the event of hurricanes, pandemics, violence, terrorism, and threats to computer systems. Fortunately, when Hurricane Ike hit, Presiding Judge Olen Underwood made sure that the task force was prepared. He helped develop interim emergency plans for counties, which were in effect in the hurricane zone. As a result, many legal matters requiring emergency action were submitted to courts in adjacent counties, preserving the legal rights of coastal residents. In the next few weeks, the task force will publish its final report and recommendations, including a plea that the judiciary have a representative at the State Operations Center, where Texas prepares for disasters. I commend the task force for its work and look forward to collaborating with the governor and legislature to ensure the continuity of court operations.

Access to justice for low-income Texans continues to require the coordinated efforts of all branches of government. The number of those qualifying for court appointed counsel in a criminal case is on the rise, especially in light of a recent United States Supreme Court's recent ruling that requires the appointment of counsel for defendants before charges are filed. Last session, the legislature increased state funding to help ensure access to court appointed counsel for low-income Texans. The additional funding has enabled the Task Force on Indigent Defense, under the leadership of Presiding Judge Sharon Keller of the Texas Court of Criminal Appeals, to assist a number of jurisdictions in the establishment of public defender offices. The two newest programs are a regional office serving Bowie and Red River Counties and a public defender created by Lubbock County serving 65 counties. And our program to provide legal services

to the poor, led by a great Texan, Jim Sales, has been impaired by the national economic downturn. I hope the legislature will help us preserve this program, upon which thousands of Texans have come to rely to protect their legal rights.

But no system of justice is successful if it leads to the incarceration of citizens who have committed no crime. I have long advocated creation of a commission to study wrongful convictions. The recent exoneration of Charles Allan Chatman, who spent 27 years in jail for a crime he did not commit, and last week's posthumous exoneration of Timothy Cole, only confirm the need to confront this issue. The Texas Court of Criminal Appeals' Criminal Justice Integrity Unit has brought about meaningful reform through education, training, and legislative recommendations. It has achieved significant advancements in the areas of eyewitness identification procedures, collection, preservation, and storage of evidence, and writs of habeas corpus. There is even a proposal for a traveling DNA lab. While this is impressive progress, I continue to commend the creation of a commission to investigate each instance of DNA exoneration, to assess the likelihood of wrongful convictions in future cases, and to establish statewide reforms.

For the remainder of my time here today, I would like to continue a discourse begun 23 years ago by my Democratic predecessor, Chief Justice John Hill. I am concerned by the public's perception that money in judicial races influences outcomes. This is an area where perception itself destroys public confidence. A month from now, the United States Supreme Court will hear argument on this very issue in a case called *Caperton v. Massey*. The court will decide whether due process requires the recusal of an elected judge who has benefited from a litigant's campaign expenditures. Last month, retired United States Supreme Court Justice Sandra Day O'Connor gave a hint of what may be coming in that case. She said, "If I could do one thing to protect judicial independence in this country, it would be to convince those states that still elect their judges to adopt a merit selection system and—short of that—at least do something to remove the vast sums of money being collected by judicial candidates, usually from litigants who appear before them in the courtroom."

I share Justice O'Connor's concern about the corrosive influence of money in judicial elections. Polls asking about this perception find that more than 80 percent of those questioned believe contributions influence a judge's decision. That's an alarming figure—four out of five. If the public believes that judges are biased toward contributors, then confidence in the courts will suffer. So I ask the question, is our current judicial election system, which fuels the idea that politics and money play into the rule of law, the best way to elect judges in Texas? The status quo is broken. It is time for Texas to set a high standard for judicial selection. That is why I am so pleased to be speaking to visionaries in the house and senate, for the judiciary is incapable of commanding such reform. Your work on this issue can bequeath to all Texans the gift of courts that need labor no longer under the assumption that judicial decrees are encumbered by political or economic motives.

The founding fathers believed that the best method to secure an independent judiciary is through nomination by the president and confirmation by the senate. That method, said Alexander Hamilton, serves at least two purposes. First, it ensures that a judge's decision is influenced less by the preferences of a majority than by the constitution and laws. And appointment is superior to popular election, he said, because the people lack the requisite information or interest to select judges of sufficient merit and integrity. Although Texas adopted the federal method for a few years after it joined the Union, it soon embraced the Jacksonian premise that citizens have not only the ability, but the right, to vote for the men and women who control their fate in our courts of law. We have been electing judges since 1876; only recently have those elections transitioned into truly partisan contests.

Sadly, we have now become accustomed to judicial races in which the primary determinants of victory are not the flaws of the incumbent or qualities of the challenger, but political affiliation and money. In 1994, 2006, and again in 2008, district judges lost elections due to partisan sweeps in the urban counties. We have witnessed similar partisan sweeps in our courts of appeals and high courts. I would like to claim that voters gave me the honor of continued service due to stellar credentials, but it may just as well have been tied to McCain's success in Texas. And this is the point. Justice must be blind—it must be as blind to party affiliation as to the litigant's social or financial status. The rule of law resonates across party lines. Both of my predecessors—Chief Justices Hill and Phillips—giants from opposite political perspectives, advocated for merit selection, as have several legislators who see the need for an independent, fair, and respected judiciary.

Currently, only seven states hold partisan judicial elections. Seven. Twenty-five states either have a complete merit selection system or a system that combines merit selection with other methods. There are other proposals that call for eliminating the straight ticket vote, so that Democratic judges have a chance at statewide office, and Republican judges might be competitive in urban district-court races. So long as we cast straight ticket ballots for judges, the fate of all judges is controlled by the whim of the political tide. A merit system in which voters later vote the judge up or down is the best remedy, but I commend any innovation in which the goals are to recruit and retain qualified judges and to reduce the role of money in judicial campaigns.

Chief Justice Harlan Fiske Stone once said, "The law itself is on trial in every case." Texas is blessed with talented men and women who have committed themselves to conducting that trial honorably. I am proud to serve with them, Democrats and Republicans alike. But the state of our judiciary will be made stronger if we appoint our judges based on merit and hold them accountable in retention elections. To those who say we cannot achieve this lofty goal, I have three words: Yes, we can. Thank you, and God bless Texas.

REMARKS ORDERED PRINTED

Representative Hartnett and Senator Wentworth moved to print remarks by Chief Justice Jefferson.

The motion prevailed.

SENATE ADJOURNMENT

At 11:37 a.m., Lieutenant Governor Dewhurst stated that the purpose for which the joint session was called had been completed and that the senate would, in accordance with a previous motion, stand adjourned until 11 a.m. Tuesday, February 17.

HOUSE AT EASE

At 11:37 a.m., the speaker announced that the house would stand at ease pending the departure of guests.

The speaker called the house to order at 11:51 a.m.

(Hartnett in the chair)

HR 411 - ADOPTED

(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 411**.

The motion prevailed.

The following resolution was laid before the house:

HR 411, Honoring the Association of Black Social Workers of Texas on its 38th Annual Meeting and Luncheon.

HR 411 was adopted.

HR 410 - ADOPTED

(by Giddings)

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 410**.

The motion prevailed.

The following resolution was laid before the house:

HR 410, Recognizing February 11, 2009, as HIV/AIDS Awareness Day in the State of Texas.

HR 410 was adopted.

HR 405 - ADOPTED

(by Vo)

Representative Vo moved to suspend all necessary rules to take up and consider at this time **HR 405**.

The motion prevailed.

The following resolution was laid before the house:

HR 405, Honoring Blake Green for his outstanding service as a legislative aide.

HR 405 was adopted.

HR 406 - ADOPTED
(by Castro)

Representative Castro moved to suspend all necessary rules to take up and consider at this time **HR 406**.

The motion prevailed.

The following resolution was laid before the house:

HR 406, Honoring St. Mary's University in San Antonio.

HR 406 was adopted.

HR 243 - ADOPTED
(by Madden, Button, Kent, and Vaught)

Representative Madden moved to suspend all necessary rules to take up and consider at this time **HR 243**.

The motion prevailed.

The following resolution was laid before the house:

HR 243, Recognizing February 11, 2009, as Richardson's Telecom Corridor Legislative Day.

HR 243 was read and was adopted.

On motion of Representative Button, the names of all the members of the house were added to **HR 243** as signers thereof.

(Speaker in the chair)

HR 409 - ADOPTED
(by D. Miller)

Representative D. Miller moved to suspend all necessary rules to take up and consider at this time **HR 409**.

The motion prevailed.

The following resolution was laid before the house:

HR 409, Honoring Leadership Boerne for its promotion of civic leadership and volunteerism.

HR 409 was read and was adopted.

SCR 14 - ADOPTED
(Laubenberg - House Sponsor)

Representative Laubenberg moved to suspend all necessary rules to take up and consider at this time **SCR 14**.

The motion prevailed.

The following resolution was laid before the house:

SCR 14, Honoring Olympic gymnastics champion Nastia Liukin of Parker.

SCR 14 was adopted by (Record 25): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; 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; Hernandez; Herrero; Hilderbran; 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; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alvarado; Kent; Marquez; Woolley.

Absent — Anderson; Heflin; Rodriguez; Solomons; Thompson; Villarreal.

STATEMENT OF VOTE

When Record No. 25 was taken, I was excused because of important business in the district. I actually arrived late to the floor proceedings and, had I been shown present, I would have voted yes.

Marquez

SCR 16 - ADOPTED (Homer - House Sponsor)

Representative Homer moved to suspend all necessary rules to take up and consider at this time **SCR 16**.

The motion prevailed.

The following resolution was laid before the house:

SCR 16, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 11, 2009, and ending on Tuesday, February 17, 2009.

SCR 16 was adopted by (Record 26): 133 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycocock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Howard, D.; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; 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.; Solomons; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alvarado; Kent; Marquez; Woolley.

Absent — Alonzo; Davis, Y.; Flynn; Frost; Hopson; Howard, C.; Hughes; Kuempel; Merritt; Smithee; Strama; Swinford.

ADJOURNMENT

Representatives Vaught, Shelton, Button, and Eiland moved that the house adjourn until 10 a.m. tomorrow in memory of Dr. Jack Homer Hittson, Jr. of Rockwall County.

The motion prevailed.

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

ADDENDUM

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
 Wednesday, February 11, 2009

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:

HCR 31 Hughes SPONSOR: Watson
Honoring Barbara Smith Conrad on her career as a world-renowned opera singer.

HCR 37 Laubenberg SPONSOR: Shapiro
Honoring Olympic gymnastics champion Nastia Liukin of Parker.

HCR 38 Pitts SPONSOR: Averitt
Welcoming Leadership Midlothian to the State Capitol.

SCR 14 Shapiro
Honoring Olympic gymnastics champion Nastia Liukin of Parker.

SCR 16 Whitmire
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 11, 2009, and ending on Tuesday, February 17, 2009.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

ENROLLED

February 10 - HCR 24

SENT TO THE GOVERNOR

February 10 - HCR 24