

# HOUSE JOURNAL

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EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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THIRTEENTH DAY — WEDNESDAY, FEBRUARY 2, 2011

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 38).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Anchia.

The invocation was offered by Bill Proctor, pastor, First Presbyterian Church, San Angelo, as follows:

Mighty God, there are many who believe that in the current economic conditions this house does not have a prayer of balancing a budget or doing right by the people of this great state. Nevertheless, I join with people of faith, from every faith, who believe that prayer does make a difference in the course of human events. So in faith I pray today for all those who serve in this house, asking first that you would watch over and protect them. I pray that you would give each member a full degree of wisdom and compassion as difficult decisions have to be made, which they surely will. I also pray that you would give each member a sense of humility and a deep and abiding desire to serve all the people with honor and integrity.

With your steady love, encourage and uphold those in this house whose work during this session separates them from spouses and children back at home. Bless each member's family, I pray. Grant each member health and energy during each day's work, and then give restful and renewing sleep each night, even when the weight of the day's decisions is heavy and burdensome. Bless and surround with your gracious and loving presence all those who assist these representatives in their work, from pages to staff persons, guards to custodians. I offer prayer that your sustaining blessing would rest upon our president, Barack Obama, our governor, Rick Perry, and all those who represent this state in Washington, D.C.

With many other people of faith I pray that you would bless the State of Texas and our great nation with your guidance and patient love. May every elected official serve the people with energy, imagination, and a firm devotion to the cause of freedom, for we look to you, the ruler of every nation and every people, to guide us in all that is right and good. Forgive us when we err. Strengthen our faith when we fall into doubt. Correct us when we are wrong. Guide us when we are lost. Love us when we are a difficult people to love, and then help us to practice forbearance toward those with whom we disagree, for we desire to be counted among those who make a difference in the lives of others for the sake of all that is just and fair. Amen.

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

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Kleinschmidt who presented Dr. Russell Thomas of Eagle Lake as the "Doctor for the Day."

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

(Aycock in the chair)

### **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).

### **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. 2 and Senate List No. 3).

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of inclement weather:

Anchia on motion of Strama.

**HR 143 - ADOPTED**  
**(by Schwertner)**

Representative Schwertner moved to suspend all necessary rules to take up and consider at this time **HR 143**.

The motion prevailed.

The following resolution was laid before the house:

**HR 143**, Congratulating the football team of Yoe High School in Cameron on its successful 2010 season.

**HR 143** was read and was adopted.

On motion of Representative Schwertner, the names of all the members of the house were added to **HR 143** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Schwertner who introduced players and coaches of the Yoe High School football team.

(Bohac in the chair)

**HR 203 - ADOPTED**  
**(by Aycock)**

Representative Aycock moved to suspend all necessary rules to take up and consider at this time **HR 203**.

The motion prevailed.

The following resolution was laid before the house:

**HR 203**, Recognizing February 2, 2011, as Texas 4-H Day at the State Capitol.

**HR 203** was read and was adopted.

On motion of Representative Phillips, the names of all the members of the house were added to **HR 203** as signers thereof.

**HR 261 - ADOPTED**  
**(by Farrar, et al.)**

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 261**.

The motion prevailed.

The following resolution was laid before the house:

**HR 261**, Welcoming members of the Houston Arts Alliance to the State Capitol on Arts Advocacy Day.

**HR 261** was read and was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Farrar who introduced Cissy Segall Davis, Kim Stoilis, and Joe Wilson.

**HR 232 - ADOPTED**  
**(by D. Howard and Harless)**

Representative Harless moved to suspend all necessary rules to take up and consider at this time **HR 232**.

The motion prevailed.

The following resolution was laid before the house:

**HR 232**, Recognizing February 4, 2011, as National Wear Red Day.

**HR 232** was read and was adopted.

**HR 178 - ADOPTED**  
**(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 178**.

The motion prevailed.

The following resolution was laid before the house:

**HR 178**, Congratulating Congregation Beth Israel of Austin on its 135th anniversary.

**HR 178** was read and was adopted.

(Driver in the chair)

**HCR 40 - ADOPTED**  
**(by Naishtat)**

Representative Naishtat 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**, Designating the Sunday through Saturday surrounding World Suicide Prevention Day, September 10, each year as Texas Suicide Prevention Week.

**HCR 40** was read and was adopted.

**HR 262 - ADOPTED**  
**(by R. Anderson)**

Representative R. Anderson moved to suspend all necessary rules to take up and consider at this time **HR 262**.

The motion prevailed.

The following resolution was laid before the house:

**HR 262**, Welcoming visitors from the Harmony Science Academy of Grand Prairie to the State Capitol.

**HR 262** was adopted.

**HR 251 - ADOPTED**  
**(by Reynolds, C. Howard, and Zerwas)**

Representative Reynolds moved to suspend all necessary rules to take up and consider at this time **HR 251**.

The motion prevailed.

The following resolution was laid before the house:

**HR 251**, Welcoming the Central Fort Bend Chamber Alliance to Austin on the occasion of Fort Bend County Day.

**HR 251** was adopted.

**HR 184 - ADOPTED**  
**(by Raymond)**

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 184**.

The motion prevailed.

The following resolution was laid before the house:

**HR 184**, Welcoming members of the Harmony Science Academy of Laredo to the State Capitol.

**HR 184** was adopted.

**HR 230 - ADOPTED**  
**(by Branch)**

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HR 230**.

The motion prevailed.

The following resolution was laid before the house:

**HR 230**, Recognizing February 2, 2011, as Community College Day at the State Capitol.

**HR 230** was read and was adopted.

On motion of Representative Kolkhorst, the names of all the members of the house were added to **HR 230** as signers thereof.

**HR 253 - ADOPTED**  
**(by Carter)**

Representative Carter moved to suspend all necessary rules to take up and consider at this time **HR 253**.

The motion prevailed.

The following resolution was laid before the house:

**HR 253**, Recognizing February 2, 2011, as Richland College Day at the State Capitol.

**HR 253** was adopted.

### ADJOURNMENT

Representative Bonnen moved that the house adjourn until 10 a.m. tomorrow in memory of Melissa Mitchell-Manning of Katy.

The motion prevailed.

The house accordingly, at 10:55 a.m., adjourned until 10 a.m. tomorrow.

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### ADDENDUM

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#### SIGNED BY THE SPEAKER

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

**House List No. 2**

**HCR 41**

**Senate List No. 3**

**SCR 7, SCR 8**

#### 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 2, 2011

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 35** Hilderbran SPONSOR: Duncan  
 Recognizing February 1, 2011, as Texas Tech University System Day.

**HCR 43** Geren SPONSOR: Harris  
 Inviting the chief justice of the Supreme Court of Texas to address a joint session of the legislature on February 23, 2011.

**HCR 44** Geren SPONSOR: Eltife  
 Inviting the governor to address a joint session of the legislature on February 8, 2011.

Respectfully,  
 Patsy Spaw  
 Secretary of the Senate