

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIRST DAY — TUESDAY, JANUARY 11, 2011

In accordance with the laws and Constitution of the State of Texas, the members-elect of the house of representatives assembled this day in the hall of the house of representatives in the city of Austin at 12 noon. The Honorable Hope Andrade, secretary of state of the State of Texas, called the House of Representatives of the Eighty-Second Legislature of the State of Texas to order.

The invocation was offered by Archbishop Daniel Nicholas Cardinal DiNardo of Galveston-Houston, as follows:

Almighty and compassionate Lord, you have revealed your glory to all nations and have care for all. We humbly thank you for this land, our state, a land rich in resources but above all rich in its many people. May we be a people mindful of your love, justice, and kindness. Save us from violence, discord, and confusion, from pride and arrogance, and from every evil way.

God of wisdom and justice, through your authority is rightly administered, laws are enacted, and judgement is decreed. Let the light of your divine wisdom direct the deliberations of this legislature and shine forth in all its proceedings and laws, framed for our rules and governance.

May this house of representatives seek to preserve the common good and continue to bring us the blessings of liberty and equality. Assist with your spirit of council and fortitude the speaker and all the representatives, that their administration be conducted in good judgement and be eminently useful to the citizens of this state. May they encourage due respect for virtue and religion and execute laws with justice and mercy. May they have the strength and purpose to be accountable to the people and fulfill their roles with responsibility and their duties with honesty and ability. We pray for the governor, for judges, elected civil officials, and all others who are entrusted to guard our political welfare.

We also ask your mercy on those who were killed last Saturday in Tucson, and healing for those wounded. Please assist their families with your grace. We above all commend to your unfounded generosity and compassion all the citizens of this state, that we may be blessed in the knowledge and sanctified in the observance of your holy law. May we be preserved in unity within that peace the world cannot give; after enjoying the blessings of this life, may we be admitted to those that are eternal. We pray to you who are Lord and God forever and ever. Amen.

Secretary Andrade recognized the Honorable Vicki Truitt of Tarrant County who sang the national anthem.

Secretary Andrade recognized the Honorable Diane Patrick of Tarrant County who led the house in the pledges of allegiance to the United States and Texas flags.

ADDRESS BY THE SECRETARY OF STATE

The Honorable Hope Andrade, secretary of state of the State of Texas, addressed the house, speaking as follows:

Honorable members-elect, distinguished officials and guests, family and friends, and fellow Texans. Today, we welcome in the 82nd Session of the Texas Legislature, a unique session with some familiar faces and the largest number of incoming freshman members in nearly 40 years. And as we embark upon this new beginning, we pause to recognize the tradition, honor, and legacy represented within the history of this institution.

Over the weekend, the confidence of public servants and those they serve was shaken to the core as we learned of the senseless shootings at a congressional outreach event in Arizona. And as we continue to lift up in our prayers all those affected by this tragedy, our commitment to serving our fellow Texans must not be diminished. We will not alter our belief in a government of, by, and for the people.

This afternoon, we welcome the newest members of this body and applaud your commitment to serving your fellow Texans. Your energy and passion, coupled with the seasoned experience of your returning colleagues, will provide an opportunity for creative solutions, as together you take on the many issues awaiting you.

We also recognize the returning members of this body. This chamber has benefitted from your legacy of service, and we appreciate your continued commitment to the people of Texas.

In addition, we celebrate the families of the members-elect of this body for their commitment to our state's advancement. We thank you for the many sacrifices you have made, and will continue to make, as you support your loved ones in their service to the people of Texas.

It is fitting that we find ourselves in this, the people's chamber, for truly the people are the source of all political power. And through their expressed political will, much trust has been laid before you. The work ahead of you is significant; however, hard work is no stranger to this chamber. Granted, there will be no short supply of difficult decisions. But if you grow weary, you need only to draw strength from the people of Texas. For through their vote, they have manifested their belief in your ability to accomplish great things. As you prepare to address the needs of our growing state, let us pause briefly to reflect upon our progress.

Since last convening for the 81st session, Texas has been referred to in many interesting ways. We've been called a job generating machine, the poster child for the nation's recovery, and a model of governmental restraint. These praises, while flattering, are also quite fitting, as the Texas economy has outperformed the nation for the past five years, and economists predict that this will continue through 2011. And we recognize and applaud the vision of Governor Rick Perry and previous legislatures for their commitment to ensuring that Texas maintains its business-friendly environment.

In the 1800s, "GTT" was a well-known acronym nationally. Inscribed on a home or a business, it meant, quite simply, "Gone to Texas." Armed with their strong will and a spirit of adventure, people came from across the country to create a better life for their families in the Lone Star State. And centuries later, we are still welcoming a whole new wave of people who are GTT, "Going to Texas," as well. Texas is becoming a refuge for workers and companies tired of other states' high unemployment, high cost of living, and what they see as a

dysfunctional state government. Over the last decade, Texas added nearly 4.3 million residents—a 20.6 percent increase, compared to a national growth rate of only 9.7 percent. And today, 25 million people call Texas home. We do recognize that success and rapid growth often bring challenges and uncertainties, but I am confident that I would rather be in Texas with our state's economic position than in any other state in America right now. Our nation's economic downturn will not go away in a few days, or even a few weeks. But with hard work and sacrifice it will improve. And accordingly, the business of our state must go forward, for the people of Texas expect and deserve no less.

The responsibility that lies before you is considerable, but Texans have great faith in you to continue what works well for our state and to modify what you believe requires attention. As a mother and a grandmother, I would ask that you stand firm in your resolve as you ensure a Texas that is just as successful for our children and grandchildren, for they are our most precious natural resource.

Reflecting upon the tasks before you, I am reminded of an old maritime saying: "Strong ships are safe in port, but that's not what they're built for." Ladies and gentlemen of this esteemed institution, you are the strong ships that will guide our great state toward its continued prosperity. And over the course of the next 140 days, there will be times when you are sailing with the wind, and other times when you might feel as though you are working against it. But I submit to you that what matters most is the direction Texas is moving, and that direction must remain forward. As you intently chart the course of our state, I encourage you to move full speed ahead so that Texas will continue to advance, and not merely drift, or worse, become lost at sea like so many other states have during these times.

Members, as your secretary of state, it is my intent to honor your authority over this distinguished institution, proceeding with the utmost respect for this body and its established processes. May God bless the Texas House of Representatives, today's proceedings, and may he continue to bless the great State of Texas.

APPOINTMENT OF TEMPORARY OFFICERS AND EMPLOYEES

Secretary Andrade recognized the reading clerk, who announced the temporary officers and employees for the House of Representatives of the Eighty-Second Legislature.

- Parliamentarian Chris Griesel
- Chief Clerk Robert Haney
- Journal Clerk Julia Bass
- Sergeant-at-Arms Rod Welsh
- Voting Clerk Jennifer Teigen Doran
- Reading Clerk Emily Brandt
- Committee Coordinator Stacey Nicchio
- Chaplains Daniel Nicholas Cardinal DiNardo and Pastor Tyrone Gordon
- Doorkeeper Alana Gutierrez
- Honorary Pages Victoria Pilar Gutierrez, Joshua David Riddle, Isabella Denise Phelps, J. M. Lozano III, Niya Marie Farias, Xzavier Gabriel Farias, Armando Pedro Walle, Cadence Joy Elkins, Kathryn Elizabeth King, Austin Noble Stockstill, Blake Daniel Stockstill, Kirby James Lehman, Cinco Demi Guillen, Cannon Barrett Creighton, Mia Simone Patrick, Molli Ann Villarreal, Nicholas Westbrook Johnson, Averie Grasmick, Judah Christopher Riedland, Mason Lance Reams, Peyton Grace Langford, Adelyn Claire Moseley, Cade Sullivan

Workman, Jadon Finis White, Lyla Hartley White, Mark Jackson DeGroot, True Solomon Rush, Olivia Rose Lucio, Caroline Grace Strama, Lucas Austin Driver, Madison Rose Martinez, Aliana Herrero, Camilla Marie Martinez Fischer, Wilder Jacob Itenberg, McKinley Ray Miller, Eloise Grace Chick, Cullen Preston Chick, Diego David Andrade, Ramiro David Andrade, and Alejandro David Andrade

**ROLL OF MEMBERS-ELECT SHOWING
DISTRICTS REPRESENTED**

Secretary Andrade directed the chief clerk to call the roll of members-elect of the House of Representatives of the State of Texas of the Eighty-Second Legislature, according to representative districts.

The roll was called as follows:

<u>DISTRICT</u>	<u>NAME</u>
District 1	George Lavender
District 2	Dan Flynn
District 3	Erwin Cain
District 4	Lance Gooden
District 5	Bryan Hughes
District 6	Leo Berman
District 7	David Simpson
District 8	Byron Cook
District 9	Wayne Christian
District 10	Jim Pitts
District 11	Chuck Hopson
District 12	James White
District 13	Lois W. Kolkhorst
District 14	Fred Brown
District 15	Rob Eissler
District 16	Brandon Creighton
District 17	Tim Kleinschmidt
District 18	John Otto
District 19	Mike Hamilton
District 20	Charles Schwertner
District 21	Allan B. Ritter
District 22	Joe Deshotel
District 23	Craig Eiland
District 24	Larry Taylor
District 25	Dennis Bonnen
District 26	Charlie Howard
District 27	Ron Reynolds
District 28	John Zerwas
District 29	Randy Weber
District 30	Geanie W. Morrison
District 31	Ryan Guillen
District 32	Todd Hunter
District 33	Raul Torres
District 34	Connie Scott

District 35	José Aliseda
District 36	Sergio Muñoz, Jr.
District 37	René O. Oliveira
District 38	Eddie Lucio III
District 39	Armando "Mando" Martinez
District 40	Aaron Peña
District 41	Veronica Gonzales
District 42	Richard Peña Raymond
District 43	J. M. Lozano
District 44	John Kuempel
District 45	Jason A. Isaac
District 46	Dawanna Dukes
District 47	Paul D. Workman
District 48	Donna Howard
District 49	Elliott Naishtat
District 50	Mark Strama
District 51	Eddie Rodriguez
District 52	Larry Gonzales
District 53	Harvey Hilderbran
District 54	Jimmie Don Aycoc
District 55	Ralph Sheffield
District 56	Charles "Doc" Anderson
District 57	Marva Beck
District 58	Rob Orr
District 59	Sid Miller
District 60	James L. "Jim" Keffer
District 61	Phil King
District 62	Larry Phillips
District 63	Tan Parker
District 64	Myra Crownover
District 65	Burt Solomons
District 66	Van Taylor
District 67	Jerry Madden
District 68	Richard L. "Rick" Hardcastle
District 69	Lanham Lyne
District 70	Ken Paxton
District 71	Susan L. King
District 72	Drew Darby
District 73	Doug Miller
District 74	Pete P. Gallego
District 75	Chente Quintanilla
District 76	Naomi R. Gonzalez
District 77	Marisa Marquez
District 78	Dee Margo
District 79	Joseph C. "Joe" Pickett
District 80	Tracy O. King

District 81	Tryon D. Lewis
District 82	Tom Craddick
District 83	Charles Perry
District 84	John Frullo
District 85	Jim Landtroop
District 86	John Smithee
District 87	Four Price
District 88	Warren Chisum
District 89	Jodie Laubenberg
District 90	Lon Burnam
District 91	Kelly Hancock
District 92	Todd Smith
District 93	Barbara Nash
District 94	Diane Patrick
District 95	Marc Veasey
District 96	Bill Zedler
District 97	Mark M. Shelton
District 98	Vicki Truitt
District 99	Charlie Geren
District 100	Eric Johnson
District 101	Cindy Burkett
District 102	Stefani Carter
District 103	Rafael M. Anchia
District 104	Roberto R. Alonzo
District 105	Linda Harper-Brown
District 106	Rodney E. Anderson
District 107	Kenneth Sheets
District 108	Dan Branch
District 109	Helen Giddings
District 110	Barbara Mallory Caraway
District 111	Yvonne Davis
District 112	Angie Chen Button
District 113	Joe Driver
District 114	Will Hartnett
District 115	Jim Jackson
District 116	Trey Martinez Fischer
District 117	John V. Garza
District 118	Joe Farias
District 119	Roland Gutierrez
District 120	Ruth Jones McClendon
District 121	Joe Straus
District 122	Lyle Larson
District 123	Mike Villarreal
District 124	José Menéndez
District 125	Joaquin Castro
District 126	Patricia Harless

District 127	Dan Huberty
District 128	Wayne Smith
District 129	John E. Davis
District 130	Allen Fletcher
District 131	Alma A. Allen
District 132	Bill Callegari
District 133	Jim Murphy
District 134	Sarah Davis
District 135	Gary Elkins
District 136	Beverly Woolley
District 137	Scott Hochberg
District 138	Dwayne Bohac
District 139	Sylvester Turner
District 140	Armando Lucio Walle
District 141	Senfronia Thompson
District 142	Harold V. Dutton, Jr.
District 143	Ana E. Hernandez Luna
District 144	Ken Legler
District 145	Carol Alvarado
District 146	Borris L. Miles
District 147	Garnet F. Coleman
District 148	Jessica Cristina Farrar
District 149	Hubert Vo
District 150	Debbie Riddle

A quorum was announced present.

OATH OF OFFICE ADMINISTERED

Secretary Andrade recognized the chief clerk who administered the constitutional oath of office to the members-elect of the House of Representatives of the Eighty-Second Legislature of the State of Texas, all of those present rising together and repeating the following oath, prescribed by the constitution, as it was read to them, as follows:

"I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of a member of the House of Representatives of the Eighty-Second Legislature 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."

HOUSE NOTIFIED

A committee from the senate was announced at the door of the house and, being admitted, notified the house that the senate is organized and ready to transact business.

TEMPORARY RULES ADOPTED

Representatives Solomons and Turner moved to adopt the house rules of procedure from the Eighty-First Legislature as temporary rules for the election of the speaker.

The motion prevailed.

HR 1 - ADOPTED
(by Geren)

The following resolution was laid before the house:

HR 1

BE IT RESOLVED by the House of Representatives of the 82nd Legislature of the State of Texas, That pending the election of the speaker, all persons other than members of the legislature, members of their families, the secretary of state, temporary officers and their staffs, and approved guests or press representatives be barred from the floor of the house of representatives inside the rail.

HR 1 was read and was adopted.

HR 100 - ADOPTED
(by Hughes and Hunter)

The following resolution was laid before the house:

HR 100

BE IT RESOLVED by the House of Representatives of the State of Texas, That, in accordance with Sections 9(b) and 11, Article III, Texas Constitution, the House of Representatives of the 82nd Legislature shall receive nominations to elect a speaker of the house from its own membership as follows:

SECTION 1. NOMINATIONS. (a) The secretary of state shall call for nominations from the floor for the election of speaker of the house of representatives and shall recognize every member who desires to make a nomination. The order in which members desiring to make a nomination shall proceed shall be determined by lot.

(b) Each member recognized for this purpose shall immediately advance to the front microphone and make the nomination in a nominating speech not to exceed five minutes in length.

(c) After all nominations have been made, the secretary of state shall declare nominations to be closed.

SECTION 2. SECONDS. (a) A person is not considered a nominee unless the nomination is seconded by at least one member.

(b) One seconding speech shall be allowed for each nomination in the order in which nominations were made, then other seconding speeches shall be allowed in rotation in the same order.

(c) No more than five seconding speeches shall be allowed for each nominee.

(d) A seconding speech may not exceed three minutes in length.

HR 100 was read and was adopted.

ADDRESS BY REPRESENTATIVE PAXTON
ON A MATTER OF PERSONAL PRIVILEGE

Secretary Andrade recognized Representative Paxton who addressed the house on a matter of personal privilege, speaking as follows:

Madam Speaker, honored guests, members, it is truly an honor for me to be up here today. As many of you know, we had a caucus yesterday in the Republican Party and I lost. As a result, I will not be putting my name into nomination today, but I did want to explain a couple of things.

One is why I ran, and I explained this to the members of the caucus. I grew up in California for the most part. My dad was an Air Force pilot. As a matter of fact they are here; Warren and Sally Paxton are sitting over there right now. I grew up in California, and Ronald Reagan was our governor. During that time, he ran for president, and I was inspired by his vision and what he did and what he said, and since that time I've done my involvement in politics. I've been involved in the legislature, and everything I've done has been part of that vision and continuing that vision of conservative leadership; a conservative vision, an optimistic vision for America and for Texas.

So I filed as a result of my feeling that this vision was still important in this country and this state. I filed two months ago, and there are two things that I want to comment on. One is how grateful I am to some of the members of this house, all of the members of this house. Some of my closest, best friends in the world are in this house. I've been amazed at some of their courage and their friendship, and I cannot tell you how much I appreciate that. I can also say to the members of the gallery that you've got some of the finest people in Texas that are serving in this legislature. Also, I'm extremely grateful to the people of Texas. I was amazed at the outpouring of encouragement and the support and the friendship, and I'm humbled by that experience, and I thank you. I also want to say that even though we lost this race, I am encouraged to say that we have not lost the fight, that our conservative message is important, and that this is just the beginning.

Over the last couple of months, I've talked to members, I've talked to our speaker, and I'm convinced that we are going to move forward with a conservative agenda, and I hope to be a part of it. I want to say to you, be encouraged, but also watch what we're doing, hold us accountable, and make sure that we're accomplishing your agenda. You've spoken to us. You've elected a lot of new members, and I'm grateful to have them. I just want to say, the eyes of Texas are upon us, members. Let's go out and have a good session. God bless Texas, and thank you.

ELECTION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

Secretary Andrade announced that the next order of business would be the election of the speaker of the House of Representatives of the Eighty-Second Legislature of the State of Texas, and stated nominations for speaker would now be in order.

Secretary Andrade recognized the Honorable Rob Eissler of Montgomery County, who placed in nomination for speaker of the House of Representatives of the Eighty-Second Legislature of the State of Texas the name of the Honorable Joe Straus of Bexar County, speaking as follows:

First, I would like to congratulate each of you on your election to this distinguished body.

The Texas Legislature is unique. We only convene every odd-numbered year. We are only in session for 140 days. And at the end of the day, we really only have to pass one bill. Trust me, the pay reflects it.

One-hundred-and-fifty men and women, representing every square inch of this state, come to Austin to serve the people and to govern this great state. The Texas House is the people's house, a collegial body in every sense of the word, not a partisan political machine. We debate many issues and we don't always see eye to eye, but at the end of the day, we can agree to disagree. All of us—republican, democrat, and independent; urban, suburban, and rural—we share a common goal: to make Texas better. Now is the time to remember Thomas Paine's wise advice: "If we do not hang together, we shall surely hang separately."

Two years ago, Representative Joe Straus was elected speaker of the house. That was good news for the Texas House; that was good news for Texas. Many words can describe Joe: honorable, fair, trustworthy, but one word especially comes to mind and that is respectful. Joe Straus leads with respect. He respects the members, he respects the process, and he respects the house as an institution. He did not force his agenda on the membership; he allowed members to represent their constituents. He allowed the legislative process to determine the outcome, not simply one person or position. As a member of this body, that alone should resonate with you. Each one of us was elected to serve our district, and the ability to fulfill your duty is called democracy.

Today, I consider it a privilege to call Joe Straus a friend. I trust his judgment and have sought his counsel on more than one occasion. He listens, and politicians are not always known for their listening skills. But Joe is not interested in politics, he is interested in what is best for Texas.

This next session is not without its challenges. We all want economic opportunity, quality jobs, great public schools, and a cleaner environment. And I know that Joe Straus is the right man to lead us where we want to go. For those of you that know me, you know I can't resist taking a quote and putting my particular spin or flavor on it. So, to paraphrase one of our generation's great philosophers, Mick Jagger, we must remember that we can't always get what we want, but working together under the leadership of Joe Straus, we will always get what we need.

Madam Secretary, it is my great honor and privilege to respectfully place into nomination the name of the Honorable Joe Straus for speaker of the Texas House of Representatives.

Secretary Andrade recognized the Honorable Senfronia Thompson of Harris County, who seconded the nomination of the Honorable Joe Straus, speaking as follows:

Madam Secretary, Mr. Chief Justice, fellow members, and distinguished guests. It is a great honor to be standing here before you all. The opening day of the Texas legislative session has always given me a great sense of pride, honor, and renewed hope. The road here wasn't easy for some of us, and we've all seen some tough battles leading up to this day. More tough days lie ahead.

I have had the privilege of serving under six speakers. I know the type of leadership it takes to lead this house, and that leader is Joe Straus. I firmly believe that he is the right person to guide us through the difficult challenges we face ahead.

I have served in this august body for 38 years. I have never had a constituent tell me that the Texas Legislature needs to act more like the U.S. Congress in Washington, D.C. Here in Texas, we have trusted members to represent their unique constituency. We are 150 individuals elected to represent our own constituents, not just members of a two-party block. Traditionally in this chamber, we are Texans working to solve our common problems first. We do not segregate ourselves by party or labels. That has allowed our state government to run better than the federal government.

Our speaker is not a dictator. He does not rule from on high telling members to make votes that do not best reflect their constituency or their conscience. The speaker's role is to put all members in positions that allows the house to maximize its potential for making Texas an even better place to live. Last session, Joe Straus, a man of action, did just that.

I am the remaining house member of the largest freshman class in Texas history. Our class was the largest influx of republicans and minorities. There were 76 of us—a majority of the Texas House. Despite our party differences, we worked together and ushered in a new era of legislative reform. In one session, we set the standard for transparency in government, open records, open debate, true committee work, and true representation of our constituents. We addressed real issues in a true bipartisan fashion, where elected house members represented their constituents and had a real say in the process. We had meaningful debate, worked out our problems in committee, and sought input from one another. We saw past our differences, we found our common ground, and we built a Texas—and a Texas government—that gave us pride and hope. To listen and effectively work with others is the art and soul of politics.

Joe Straus as speaker will continue the traditions of a Texas Speaker by allowing each member to independently represent the unique group of people that elected them. Joe has the qualities of a great leader, and he has proven that to us time and time again. He is competent. He is fair. His word is impeccable. He is indeed a true Texan and a true statesman. In the words of Martin Luther King, Jr.: "The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy."

It is with great and distinct pleasure that I second the nomination of my colleague and my friend, Joe Straus, for speaker of the Texas House of Representatives of the 82nd Legislature.

Secretary Andrade recognized the Honorable Drew Darby of Tom Green County, who seconded the nomination of the Honorable Joe Straus, speaking as follows:

Madam Secretary, fellow members, distinguished guests, ladies and gentlemen. As I stand here, I am in awe of this hallowed chamber and of the men and women who have come before us. On the north side of the Congress Avenue bridge, there is a historical marker that describes the city of Austin during the Civil War. The citizens endured economic hardships and scarcity of resources. Hotels refused room and board unless payment was made in gold, silver, or commodities such as nails and tobacco. As a result, state legislators lived in their wagons and cooked over open fires.

Although we won't have those hardships, the challenges for this session are great and the opportunities are many, but the reality is there is not much gold or silver in the state's pockets to pay for more than essential services. The state cannot afford any extras. Therefore, there will be much negotiation and discussion among the members for the priorities of Texas. But what will we use as our nails and tobacco? What do each of us have to offer?

Members, I submit to you that there are only two commodities that have value in this house: our word and our work ethic. I am speaking of our honor and commitment to each other, this legislative body, and to the people of Texas: to work hard every day; to be committed to finding solutions to the problems facing Texas; and to conduct ourselves in a way that brings honor and respect to this house and the people of the districts we serve. There are those who want to buy your honor, but once sold, you can never buy it back.

A former speaker of this house once said, "There are no degrees of honor. You either have it or you don't." Joe Straus is an honest and honorable man and no one should question his commitment to family values, to his party, to this institution, or to our great state. Joe Straus is a proven leader who stands for fairness, honor, and integrity.

This is the day we need to put Texas first and foremost, not politics. We need to do right by those we humbly serve and not bend to pressure from those with personal agendas. We must come together as a body, for united we stand, but divided we fall, and then we would all fail Texas. We were not elected to make only the easy decisions, we were elected to honor our word and make the right decisions.

My friends and colleagues, that time is now. We need a speaker with experience, that understands the issues of Texas, that will support the legislation that Texas needs, and that will lead us during these difficult days ahead with conviction, commitment, fairness, and honor. We need Joe Straus. So today, it is my humble privilege to stand before you and second the nomination of our friend, the Honorable Joe Straus, as our speaker of the Texas House of Representatives. God bless each and every one of you, and God bless Texas.

Secretary Andrade recognized the Honorable Pete Gallego of Brewster County, who seconded the nomination of the Honorable Joe Straus, speaking as follows:

Madam Secretary, members of the house, I rise today to second the nomination of our colleague, Joe Straus, to be speaker of the Texas House during this 82nd Session of the Texas Legislature.

Those of you who know me know that my life changed dramatically some six years ago when I became a parent. Those of you who are parents or grandparents know exactly what I mean. Nicolas has become the center of my universe, the focus of all of my energy and attention.

As you watch your first—and for me only—child grow up, you struggle with a critical question: What is it I want to teach him? What core values do I want my son to learn? If we complain that modern society has lost its old-fashioned values, what are those old-fashioned values that we should try so hard to preserve?

As I pondered those values, I've come to realize that Joe Straus exemplifies many of the values we want in our kids and should look for in our leaders. Think of it this way: Stick to your principles. Do what you think is right, unless it gets too difficult or you get a lot of pressure to do something else. Then it's okay to surrender your principles and go along with the crowd. Is that what we teach? No. Convenience is not exactly the core value we want our kids to learn.

Though not many of us, except perhaps my friend Edmund Kuempel, knew Joe Straus that well when he was first elected speaker, we have all learned a lot about him over the last two years, and even more over the past few weeks. We know now that he is a man of principle and, instead of convenience, he is guided by the courage of his convictions. He handles extreme pressure gracefully and, whatever the circumstances, is unfailingly polite. Good manners—the kind our parents and grandparents tried so hard to instill in us—are extremely rare, especially in the rough-and-tumble world of politics.

Whatever the argument, whatever the debate, Joe Straus is nothing if not considerate and fair. Who among us would teach our children to be otherwise? His sense of fairness permeates all he does. Joe Straus's demeanor and sense of fairness brought this institution so many of us love back from the brink of self-destruction and restored its dignity. History will judge him kindly for that.

We all have our own views and our own opinions. We all want our views and opinions to matter. Joe Straus has empowered us all. Under his leadership, every vote counts, because you and 75 other votes can chart the course of the state. You see, Joe Straus is the conductor, but he allows us as members to choose our own music.

In my part of the world, we know the difference between work horses and show horses. With the major challenges facing this state, with the hard-core decisions that must be made, we need someone like Joe Straus. He works hard. He has a calm and steady hand. He is fair in his approach. These are qualities every Texan should admire. Who could ask for more?

Madam Secretary, I'm proud to second the nomination of Joe Straus to be speaker of the Texas House.

Secretary Andrade recognized the Honorable Beverly Woolley of Harris County, who seconded the nomination of the Honorable Joe Straus, speaking as follows:

Madam Secretary, distinguished guests, fellow members. We have achieved an incredible feat. For the first time in history, there are 101 republican members of the Texas House. When I was elected in 1994, there were 63 republican members. I am proud to see 101 republican members today. We all worked hard to get here and have many challenges ahead of us as we serve Texas. We are here, not because of one group or one incident, we are here because independents come to the republican point of view.

Do all 101 members agree on every issue? No, nor should we. We all have differences that should be respected. Each of us represent individual districts with individual needs. Each of us should be true to our constituents and our districts. While we do not all agree on every issue, we do agree on core issues. We were elected to solve Texas' problems, and we must come together to do that.

In 2005, I stood before this body and nominated my friend, Tom Craddick. I did so because I believed in his values. I still do. Today, I stand before you to nominate, Joe Straus because I believe in Joe's values. Joe Straus is a life-long republican and strong fiscal conservative. He served in both President Reagan's and President George H. W. Bush's administrations.

Did I agree with Tom Craddick 100 percent of the time? Absolutely not. Do I agree with Joe Straus 100 percent of the time? Same answer, absolutely not. Truth be told, I hope that I can get an 80 percent agreement rating with my husband of 50 years.

In 2008, the Americans for Prosperity, well known for their conservative values, awarded Speaker Straus an "A" rating—the best rating you can get, an honor shared with only 16 other legislators. Joe Straus is a fine man. He and I share the same core values: belief in limited government, low taxes, and a tight hold on spending. I am firmly convinced that Speaker Straus will lead this house forward with the dignity and respect it should have.

Madam Secretary, I second the nomination of Joe Straus for speaker of the Texas House of Representatives.

Secretary Andrade recognized the Honorable Byron Cook of Navarro County, who seconded the nomination of the Honorable Joe Straus, speaking as follows:

In closing the nomination of Speaker Joe Straus, I think it's important to note that one can tell a lot about a person by their family, their commitment to their word, and how they handle themselves under difficult circumstances. Joe Straus has shown great integrity and leadership in all these areas.

For those who have marveled at how Joe Straus, with less than two legislative terms under his belt, emerged as the republican elected choice for Texas House Speaker, must only look to the Straus family's bedrock of unwavering conservative values, with ties to the Republican Party that overlap over three centuries of our great state's existence. In 1898, Teddy Roosevelt brought his Rough Riders to San Antonio to outfit the U.S. Cavalry with saddles and other equipment made by the Straus family business. The same trust that Roosevelt placed with Joe's family back then is the same trust conservatives have overwhelmingly now placed in Texas House Speaker Joe Straus.

In the late 1950s and early 1960s, Joe's family, against incredible odds, joined with other early Republican Party pioneers and began building the foundation of our modern Texas Republican Party. Joe continued the journey to strengthen and grow the Grand Old Party through serving in the republican presidential administrations of Ronald Reagan and George Herbert Walker Bush.

In 2005, he was elected as a Republican State Representative to the Texas House of Representatives. Today, Joe is uniquely prepared to lead what will likely be a very difficult session.

In 1907, President Roosevelt offered wisdom and guidance for state legislative governance. I paraphrase: Let the public servant be extremely careful to make no promise that they cannot keep. It is not those who promise most freely who can be trusted to perform most accurately. Instead, it is the public servant who honestly and humbly faces each problem, seeking solutions with the resolute determination without being daunted or misled by foolish reactionaries.

I believe that the majority of this body and most all Texans would agree with Joe Straus, that we do not want to poison Texas with Washington-style politics. Principled and fair, Joe Straus has fought to successfully restore and protect the civility of the Texas House. His unyielding conservative leadership will prove invaluable as this body addresses the many challenges facing us this legislative session. I am confident that Joe will continue to lead with honesty, integrity, and commitment to this great state.

Representative Cook moved that nominations cease and that the Honorable Joe Straus be elected speaker of the Texas House of Representatives of the Eighty-Second Legislature by acclamation.

There being an objection, a record vote was requested.

The Honorable Joe Straus of Bexar County was elected speaker of the Texas House of Representatives of the Eighty-Second Legislature by (Record 1): 132 Yeas, 15 Nays, 2 Present, not voting.

Yeas — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Branch; Brown; Burnam; Button; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Harcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; 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; Patrick; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zerwas.

Nays — Berman; Burkett; Cain; Christian; Flynn; King, P.; Landtroop; Laubenberg; Parker; Paxton; Perry; Simpson; Taylor, V.; White; Zedler.

Present, not voting — Hughes; Isaac.

Absent — Davis, Y.

COMMITTEE APPOINTED

Secretary Andrade announced the appointment of the following committee to escort Speaker-elect Straus to the speaker's rostrum: Keffer, Lucio, Larson, Johnson, Gonzalez, Beck, Menendez, Garza, S. King, Torres, Scott, Nash, Hochberg, Price, Schwertner, S. Miller, Coleman, Frullo, J. Davis, and Alvarado.

HOUSE AT EASE

At 1:17 p.m., Secretary Andrade announced that the house would stand at ease.

Secretary Andrade called the house to order at 1:26 p.m.

OATH OF OFFICE TAKEN BY THE SPEAKER OF THE HOUSE

Speaker-elect Straus and his party were escorted to the speaker's rostrum.

The Honorable Joe Straus of Bexar County took the constitutional oath of office as speaker of the House of Representatives of the Eighty-Second Legislature of the State of Texas, which was administered by the Honorable Wallace Jefferson, chief justice of the Texas Supreme Court, as follows:

"I, Joe Straus, do solemnly swear, that I will faithfully execute the duties of the office of speaker of the Texas House of Representatives of the Eighty-Second Legislature 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."

INTRODUCTION OF GUESTS

Secretary Andrade introduced Representative Harless who introduced the Speaker Straus and the following members of his family: Joe, Jr. and Jocelyn Straus, Julie Brink Straus, and Robyn and Sara Straus.

ADDRESS BY THE SPEAKER

Speaker Straus addressed the house, speaking as follows:

Thank you all very much. Thank you, Patricia. I have some eyeglasses here you can borrow anytime. Thank you, Chief Justice Jefferson. Thank you for being here to administer this oath, and Madam Secretary. Hope, thank you for chairing our proceedings today. Both are proud San Antonians like me and dear friends. Welcome to all state and federal officials, families, and our fellow Texans who have joined us here today. You honor the house of representatives with your presence.

Governor Perry is expected to arrive shortly. We look forward to your arrival, and thank you for your service starting in the house, then as presiding officer of the senate, and now, as the longest-tenured governor in our state's history.

The Texas House of Representatives looks forward to working with you, Lieutenant Governor Dewhurst, and the members of the Texas Senate to achieve our shared goals for the best interests of the people we all represent. Together, we will keep Texas strong, secure, and a great place to do business, live, and raise a family.

To my colleagues in the Texas House, thank you from the bottom of my heart for your friendship and trust. I am truly humbled by your overwhelming support for my re-election as your speaker. Together, we can and we will faithfully fulfill the solemn oaths of office we have all taken today. To Rob, Senfronia, Drew, Pete, Beverly, and Byron, thank you for your extraordinarily kind words. I will do my very best to live up to them, and I promise that I will once again exercise the responsibilities of this office fairly, judiciously, and with respect.

The value of respect is a lesson I learned at an early age and for that, I want to thank my parents. For my sisters and me, our mother and dad identified fundamental values of faith, respect, responsibility, honesty, and through their lives and example, an unwavering commitment of service to others. I thank them today for that and for their love and support.

My wife, Julie, is the greatest blessing in my life. When we met, she was working for Secretary James Baker as an assistant in the Reagan Administration. She outranked me then and she still outranks me now at our house, where she is the powerful chairman of all of our committees. Julie and I have been given two great gifts, our wonderful daughters. Robyn and Sara, I'm very proud of you, and I love you.

I know all the members of the house join me in thanking the people of Texas for giving us the privilege and the opportunity to serve. We thank all our families for making sacrifices that allow us to be here. We appreciate your love, support, encouragement, and counsel. Legislative spouses are often left alone to keep our households running while we serve in this house. It's not an easy task. Though I have heard from several legislative wives who shall go unnamed that sometimes more gets done when we are not around. For so many of us, our families inspire our service. We want to leave a better Texas for our children and their children.

This is a day of great purpose and meaning for each of us. To those members who have just taken the oath of office for the first time, you have become part of a great institution where ordinary Texans do extraordinary things by serving causes greater than self. You have become part of a grand tradition of public service, and we all share in the responsibility of upholding it.

I regret that one of our greatest role models and a fine servant of this institution is no longer with us. This house will not be the same without our friend, the late Representative Edmund Kuempel. To Birdie, Margaret, Michelle, and the rest of the Kuempel family, including our newest colleague, his son John, we embrace you and mourn the passing of a great man. No one did more to bring

a spirit of civility and unity and a great sense of humor to this house. He was a sterling example of how enjoying the work we do here leads us to do a better job for the people of Texas. Edmund believed the members who served with him were colleagues, not enemy combatants.

We have differences of philosophy, and party, but we are all Texans first. With that always in mind, as I promised when I first became speaker two years ago, I'll do my best to empower members so that they can do what is right for their constituents and for the people of Texas.

I know that in recent weeks members of the house have withstood threats, harassment, and attempts at intimidation because of the fair and respectful way in which you want this house to operate. Division, threats of retribution, attacks on people's religious beliefs, and distortions of people's records have no place in this house. Members, I hope you will work with me to make the Texas House a place where decent and honorable people want to come and serve our state, a place where we can learn from the differences that make up our great state without letting them divide us.

I want Texans to look at the house and see leaders who can debate the most contentious issues of the day in a spirit of respect and civility. I want our citizens to know that the rules of the people's house are not subject to the whims of the chair or the pressure of powerful special interests. This house is where truth rules and where reason prevails. The will of the house should guide this house. And the will of the house does not begin in the speaker's office. It begins in the homes and office buildings, on the farms and in the cities, in the suburbs and in the high tech centers. It begins with the 25 million people who are proud to call themselves Texans. These are the people who sent us here and if we fail to respect each other, we fail to respect them.

Every member of this house deserves to be heard and have a voice, to contribute his or her best because every member was sent here by the people of Texas. In the months ahead, we will face tough issues, from balancing the budget, to the always difficult job of redistricting. Yet we also face a challenge as great as improving education, securing our border, and creating jobs: the challenge to restore people's confidence in public service.

A recent study from the Pew Center found that "just 22 percent say they can trust the government in Washington, among the lowest measures in half a century." That same study indicated that "rising criticism was not limited to the federal government." We can rebuild trust by the way we conduct ourselves and the way we treat others. We will disagree at times, because we are passionate about the principles we hold dear, but we can choose to make our arguments constructive rather than destructive. We can rebuild trust by setting high ethical standards, by being transparent, and always making government accountable to the people it serves. We can rebuild trust by making Texas' state government live within its means. In November's election, the people of Texas made it clear: they want a more conservative government that is limited and fiscally responsible. We can rebuild trust by conducting ourselves in ways that Washington might learn from.

Our state faces many challenges, but is blessed with even more opportunities. None of us here would want to trade places with legislators in any other state. Texas continues to be the place where businesses want to locate and expand, where people want to raise their families and realize their dreams. Great challenges require great leaders. Together, we will work for a Texas that continues to be America's frontier of innovation and opportunity. My favorite Texas historian happens to also be my constituent, T. R. Fehrenbach, and he wrote in his epic book *Lone Star*, "Men who exist get overrun by men who act." Men and women of the Texas House, we were sent here to act and to act on behalf of the people. We may not all share the same ideology, but we share a common identity: we are all Texans. We have inherited a birthright of independence, a spirit of boldness, a vision of what is possible. The great promise of this state is inclusive. It belongs to all who work hard, respect the rules, and persevere. The men and women who are remembered beyond their years are not those who sow the seeds of discord, but those who plant for a future they may never see. May the laws we write reflect an understanding of the best that Texas can be, not only today, but tomorrow and for decades to come. I am grateful to start this new session with each of you. May God bless the great State of Texas, and always keep her brave and strong.

ADDRESS BY THE GOVERNOR

Speaker Straus recognized Representative Kolkhorst who introduced the Honorable Rick Perry, governor of the State of Texas, who addressed the house, speaking as follows:

Howdy. It's mighty good to be back in this chamber again. Mr. Speaker, congratulations to you and your beautiful family, well done. Lois, you look fabulous in that purple. Another good reason they need to get rid of the BCS, right?

It's an honor to be in this chamber, to stand in front of some of the most capable jurists in America and some of the finest men and women who serve our state in their elected capacity statewide. To be on the floor of this house with not only its great memories for me, but also, Senfronia, great legislation that you and your colleagues have crafted throughout the years.

We're commencing a historic legislative session. As we begin, I think it's fitting for us to take a moment and to reflect for a moment on the shootings Saturday in Arizona and to keep those people in our prayers and our thoughts for those forever affected by this senseless tragedy. It's incidents like that one that provide a stark reminder of the fragility of life and the importance of making one's positive mark on life every day.

As elected officials, we're called to make an even bigger mark. The decisions we make shape economies, affect employers, and they touch the lives of all Texans.

I'm really happy to get to see all these new faces. We have quite a new bunch of faces in here, Aaron. The actions we take can make the difference between success and failure for all walks of life in this place we call home. I have a bit of advice from, shall we say, a "seasoned" individual—my 24 years of being

able to serve the people of the State of Texas. And that is to simply take a deep breath, relax. It's all going to be all right. I know it's uncharted territory for a lot of you and the learning curve in this session is going to be pretty steep, but I assure you that we're going to get the job done.

Texas sent us a real loud and a real clear message on Election Day. They expect us to balance this budget without taking more money from employers and working families. They want state government to be leaner and more efficient. I'm confident we will heed that message. Many of your colleagues can attest that we've handled similar challenges before in the not too distant past. In 2003, we heard the same doom and gloom stories and pronouncements about the budget from many of the same sources—and generally it's from the same sources that we're hearing them from today—2003 was no cakewalk. But we balanced the budget and we set the stage for our state's job creation and economic success throughout the rest of the decade. That growth helped us weather the recent economic storms in better condition than almost anywhere else in the country. As we did in '03, we'll balance the budget this time, too, by setting priorities and making tough choices—not by raising taxes. Together, we can make government work leaner and smarter and set the stage for Texas to emerge even stronger in job creation and educational opportunities, in public safety, and in quality of life.

While the budget is our top priority, there are other pressing issues that have waited too long. That's why I'm declaring emergency items for the upcoming session, starting with the pressing need for tougher eminent domain laws in this state. Property ownership remains an essential freedom for Texans, and we must continue our efforts to properly protect it. I've been working with Senator Estes, Representative Geren, and other stakeholders on this issue for a number of years, and we're in agreement that their current bill will resolve the key issues of eminent domain in Texas for now and the future.

Next, we must abolish sanctuary city rules in this state and free up our peace officers to do their job of keeping our families and neighborhoods safe. Although immigration laws and their enforcement are the responsibility of the federal government, we cannot compound their failure by preventing Texas peace officers from doing their jobs. We must empower officers to apply their training, experience, and judgment in enforcing the laws and to keep municipalities from tying their hands.

These are just a few of the issues we'll address in the next 140 days, but they merit our closest attention as they relate to the safety and security of our citizens and, most of all, their liberty. I look forward to working with Speaker Straus and each of you in doing the people's business over the next 140 joyous days. Now, is the work going to be easy? Probably not. Will there be disagreements within this building? That's probably the best bet in this Capitol today. At the end of the day, though, I'm certain you'll work together in the best interest of our state and merit the faith placed in you by the millions of Texans who love and call this wonderful place home. God bless you, and, through you, may God continue to bless the great state of Texas.

COMMITTEES APPOINTED

The speaker announced the appointment of the following committee to notify the governor that the house is organized and ready to transact business: Hilderbran, chair; Fletcher, Carter, Giddings, Gooden, Hancock, and Marquez.

The speaker announced the appointment of the following committee to notify the senate that the house is organized and ready to transact business: Dutton, chair; Aliseda, Button, Martinez, Strama, Shelton, and Lavender.

INTERPRETER FOR THE DEAF

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

CAPITOL PHYSICIAN

The speaker presented Dr. Melissa Gerdes of Whitehouse, president of the Texas Academy of Family Physicians, as the "Doctor for the Day."

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

**PROCLAMATIONS BY THE GOVERNOR
OF THE STATE OF TEXAS**

The speaker laid before the house and had read the following proclamations by the governor:

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-SECOND TEXAS LEGISLATURE, REGULAR SESSION:

I, RICK PERRY, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by this special message, do hereby submit the following emergency matter for immediate consideration to the Senate and House of Representatives of the 82nd Legislature, now convened:

Legislation to protect private property rights and address eminent domain issues.

Respectfully submitted,

Rick Perry
Governor

Austin, Texas
January 11, 2011

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Legislation to abolish sanctuary cities in Texas.

Respectfully submitted,
Rick Perry
Governor

Austin, Texas
January 11, 2011

The speaker recognized Representative Truitt who sang "Texas, Our Texas."

The benediction was offered by Tyrone Gordon, senior pastor, St. Luke "Community" United Methodist Church, Dallas, as follows:

O God, our creator and sustainer, we thank you for life and the opportunities you provide us to make a difference in this world you have created and in the lives of all of your children. We give you praise for who you are and your spirit which breathes new opportunities and possibilities within us. We ask your blessings on these, your public servants, that the decisions they make and the policies they set are in accordance to your will and direction. Cover them all with the power of your spirit so that they will see what you see, feel what you feel, and think what you think. Through them, may your will be done on earth, as it is in heaven.

Keep them and protect them as they dedicate themselves to public service. May your peace prevail in their lives, their debates, their deliberations, and their decisions. May we all recommit ourselves to helping others and investing in our future. Help us to know that we are all intricately intertwined with one another and that we need each other to survive. Keep us now in our going out and in our coming in; in our rising and in our waking; in our working and in our rest; until we come to that day and hear your calming and assuring voice saying, "Well done, my good and faithful servants." In your name do we pray and ask these blessings. Amen.

Representative Geren moved that staff members employed by house committees at the end of the 81st Legislature continue to be employed by the house subject to available funding until all committee assignments have been made for the 82nd Legislature.

The motion prevailed.

ADJOURNMENT

Representative Craddick moved that the house adjourn until 10 a.m. tomorrow in memory of the Honorable Edmund Kuempel, the Honorable Dolph Briscoe, Jr., the Honorable Jamie H. Clements, the Honorable Elwin D. "Ed" Mayes, the Honorable Hudson Moyer, the Honorable Frank Eikenburg, the Honorable Leo Alvarado, Jr., the Honorable Leonard Edward Briscoe, Sr., the Honorable D. H. "Buck" Buchanan, the Honorable James Calvin Markgraf, the Honorable Randall George Pendleton, the Honorable Richard H. "Dick" Cory, the Honorable Walter Earl Parker, Sr., the Honorable Milton D. Wilkinson, the Honorable Charles D. Kirkham, Jr., the Honorable Ralph Eugene "Peppy" Blount, the Honorable Bob Glaze, the Honorable Lynn Nabers, the Honorable

Anita Blair, the Honorable David Graves Stubbeman, the Honorable Gene Norris Fondren, the Honorable Arthur K. Vance, the Honorable Charles H. "Charlie" Jungmichel, the Honorable Carl Calvin Conley, Thomas Welsh, and Jack Colley.

The motion prevailed.

The house accordingly, at 2:16 p.m, adjourned until 10 a.m. tomorrow.

