

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SECOND DAY — WEDNESDAY, JANUARY 12, 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 2).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; 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; 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; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent — Anchia; Beck; Carter; Coleman; Garza; Larson; Raymond; Rodriguez; Veasey.

The invocation was offered by Representative Dutton.

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

(Carter and Raymond now present)

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).

MOMENT OF SILENCE OBSERVED

The speaker recognized Representative Gallego who addressed the house, speaking as follows:

Mr. Walle and I would like to have a moment of silence. As many of you know, over the last few days we've all been kind of glued to our televisions watching, listening, and learning about the events in Arizona. And I want to spend a second or two to tell you a little bit about the folks who were killed and injured and ask that we have a moment of silence in their honor and in their memory.

The youngest victim, Christina Taylor Green, was nine years old, not much older than my own son. She was born on September 11th of 2001 and had been featured in a book, Faces of Hope, of kids that were born on that day. She was the daughter of LA Dodgers scout, John Green, and Roxanna Green, and the granddaughter of former major league baseball player and hall-of-famer, Dallas Green. She was in the third grade; she had recently been elected to the student council at Mesa Verde Elementary School, and she went to this event with a neighbor just because she wanted to learn more about politics.

Dorothy "Dot" Morris was 76; she was a retired secretary from Oro Valley. Her husband, George, survived two gunshot wounds while attempting to protect her.

John Roll, 63, was the chief judge for the U.S. District Court in Arizona; a native of Pennsylvania; and a 1969 graduate of the University of Arizona. He started his legal career as a bailiff in the Pima County Superior Court, was appointed to the Arizona appeals court in 1987, and named to the federal bench by President George H. W. Bush in 1991. He had served as presiding judge since 2006. Ironically, Congresswoman Giffords had sent a letter supporting an emergency docket in Arizona, and he went over there just simply for the purpose of saying thank you to her.

Phyllis Schneck, 79, was a homemaker from Tucson.

Dorwan Stoddard, 76, was a retired construction worker. He was shot in the head while shielding his wife, Mavy, from the gunman. He and his wife had both married before, they both had been widowed, but they dated in sixth grade. And so years afterwards they reconnected and had been married for 15 years. She was able to speak with him, though, for 10 minutes before he died.

Gabriel Zimmerman was 30 years old; he worked on Congresswoman Giffords' staff as a community outreach director and had been a member of her staff since 2006. He had just gotten engaged to be married.

The wounded, we know, were: Congresswoman Gabrielle Giffords, from Arizona. She had been in the Arizona House and in the Arizona Senate, and those of us who have been around a while and active in NCSL and other things may have had the opportunity to meet her because she was very active in several organizations.

Bill Badger was a retired colonel in the Army National Guard. His head was grazed by a bullet just moments before he was able to subdue the suspect. Ron Barber, deputy director for Congresswoman Giffords' office, he was shot in the leg and in the cheek. Eric Fuller, a military veteran and retired limousine driver, who was also hit in the leg and back by bullet fragments. Susan Hileman, 58, was shot in the leg and hip and abdomen and chest. She was the neighbor who had taken young Christina Taylor Green to see this congresswoman. George

Morris was a retired marine and former airline pilot. He survived two gunshot wounds while trying to protect his wife, Dorothy. Mary Reed attended with her family—she was shot in the back and both arms while shielding her 17-year-old daughter against a wall. Pam Simon, a congressional staffer, who had worked with Ms. Giffords for a while, and Mavy Stoddard who was shot in the leg three times. Again, she was married to Dorwan. They dated in grade school and reconnected and years later had gotten married.

All of those folks, their lives have been changed irreparably. The families, the victims—the world is a different place for them now. And so I'd ask that in their honor and in their memory we take a moment of silence, in silent prayer, to pray for the dead and pray for the living, as well.

REMARKS ORDERED PRINTED

Representative Raymond moved to print remarks by Representative Gallego.

The motion prevailed.

CAPITOL PHYSICIAN

The speaker recognized Representative Morrison who presented Dr. David Watson of Yoakum as the "Doctor for the Day."

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

(Rodriguez now present)

SCR 3 - ADOPTED (Geren - House Sponsor)

The following resolution was laid before the house:

SCR 3, Providing for procedures for the canvass of votes for the governor and lieutenant governor and the inauguration of the governor and lieutenant governor.

SCR 3 was adopted.

[In accordance with Article III, Section 12(b) of the Texas Constitution, on Thursday, January 13, 2011, Representative Gallego moved that the journal of Wednesday, January 12, 2011, be modified to show a record vote on adoption of **SCR 3** as follows: (Record 4): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; 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; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hartnett; Hernandez Luna; Morrison; Riddle.

Absent — Coleman; Garza; Madden; Paxton; Veasey.

STATEMENT OF VOTE

When Record No. 4 was taken, my vote failed to register. I would have voted yes.

Veasey

(Larson now present)

PROCLAMATION BY THE SPEAKER APPOINTMENT OF SELECT COMMITTEE ON ELECTION CONTEST

The speaker laid before the house and had read the following proclamation:

Pursuant to Rule 1, Section 16, House Rules, and Section 241.011, Election Code, I, Joe Straus, speaker of the Texas House of Representatives, create the House Select Committee on Election Contest and refer the contest initiated by Dan Neil for the election of state representative, District 48, to the committee.

The committee shall conduct its investigation of the issues raised by the contest in accordance with Chapters 221 and 241, Election Code, and report to the house of representatives in accordance with that law. For purposes of the contest, proceedings before the committee shall be considered proceedings before a tribunal under the Texas Disciplinary Rules of Professional Conduct and those rules shall govern the conduct of parties and their counsel before the committee.

The committee consists of nine members. The following members are hereby appointed to the House Select Committee on Election Contest: Hunter, chair; Eiland, vice chair; Bonnen, Giddings, Guillen, Kolkhorst, Lewis, Madden, and W. Smith.

January 12, 2011

Joe Straus
Speaker of the House

PROCLAMATION BY THE SPEAKER ORDER REAPPOINTING MASTER OF DISCOVERY

The speaker laid before the house and had read the following proclamation:

As speaker of the house, acting under the authority of Section 241.009, Election Code, I hereby reappoint Representative Will Hartnett as master of discovery in the matter of the contest of the election for state representative, District 48, that was held November 2, 2010.

In accordance with Section 241.009, Election Code, the master shall continue to supervise discovery proceedings, issue any necessary process, receive and report evidence, and perform any other assigned duties in assisting the committee to which the contest is referred and the house of representatives in disposing of the contest in accordance with Chapters 221 and 241, Election Code.

An order, ruling, finding, or other determination made by the master before January 11, 2011, is continued in effect.

January 12, 2011

Joe Straus
Speaker of the House

**HCR 26 - ADOPTED
(by Craddick)**

The following resolution was laid before the house:

HCR 26, Congratulating the Midland High School Bulldogs football team on its success during the 2010 season.

HCR 26 was adopted.

(Anchia and Beck now present)

REMARKS ORDERED PRINTED

Representative Hilderbran moved to print the text of speeches from the opening day's proceedings.

The motion prevailed.

ADJOURNMENT

Representative S. Miller moved that the house adjourn until 9:30 a.m. tomorrow in memory of Dr. W. O. "Bill" Trogdon of Stephenville.

The motion prevailed.

The house accordingly, at 10:34 a.m., adjourned until 9:30 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, January 12, 2011

The Honorable Speaker of the House

