

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TENTH DAY — TUESDAY, FEBRUARY 3, 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 16).

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; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; 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.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Absent, Excused — Alvarado; Vaught.

The invocation was offered by Dr. Paul Armes, president, Wayland Baptist University, Plainview.

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

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of illness in the family:

Vaught on motion of Farabee.

The following member was granted leave of absence for today because of a family emergency:

Alvarado on motion of Raymond.

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).

CAPITOL PHYSICIAN

The speaker recognized Representative Gutierrez who presented Dr. Francisco Barrera of San Antonio as the "Doctor for the Day."

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

**HR 55 - ADOPTED
(by Heflin)**

Representative Heflin moved to suspend all necessary rules to take up and consider at this time **HR 55**.

The motion prevailed.

The following resolution was laid before the house:

HR 55, Honoring the centennial of Wayland Baptist University in Plainview.

HR 55 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Heflin who introduced Dr. Paul Armes and students from Wayland Baptist University.

**HR 155 - ADOPTED
(by Strama)**

Representative Strama moved to suspend all necessary rules to take up and consider at this time **HR 155**.

The motion prevailed.

The following resolution was laid before the house:

HR 155, Honoring Vernagene Mott of Pflugerville on her election to the Texas Association of School Boards board of directors.

HR 155 was adopted.

**PROCLAMATION BY THE GOVERNOR
OF THE STATE OF TEXAS**

The chair laid before the house and had read the following proclamation by the governor:

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
EIGHTY-FIRST 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 matters for immediate consideration to the Senate and House of Representatives of the 81st Legislature, now convened:

Legislation making appropriations to state agencies and institutions to pay for costs associated with the hurricanes of 2008.

Legislation assisting public and private entities with recovery from the hurricanes of 2008.

Legislation reforming the Texas Windstorm Insurance Association.

Legislation funding the Catastrophe Reserve Trust Fund.

Legislation to reform and improve state schools and centers operated by the Department of Aging and Disability Services and the Intermediate Care Facilities for Persons with Mental Retardation component of Rio Grande State Center operated by the Department of State Health Services.

Legislation providing state appropriations to the Texas Department of Criminal Justice to implement contraband and personnel screening technology; mobile contraband screening units; a complete video surveillance system for the Polunsky Unit, comprehensive security equipment for maximum-security facilities; and/or video surveillance systems at all remaining correctional facilities.

Respectfully submitted,
Rick Perry
Governor

Austin, Texas
February 3, 2009

HR 1 - ADOPTED
(by Eiland)

Representative Eiland moved to suspend all necessary rules to take up and consider at this time **HR 1**.

The motion prevailed.

The following resolution was laid before the house:

HR 1, Suspending the constitutional order of business.

HR 1 was adopted by (Record 17): 140 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycok; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Gattis; 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; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Crabb; Flynn; Miller, S.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alvarado; Vaught.

Absent — Cohen; Fletcher; Geren; Riddle.

STATEMENTS OF VOTE

When Record No. 17 was taken, I was in the house but away from my desk. I would have voted yes.

Fletcher

When Record No. 17 was taken, I was temporarily out of the house chamber. I would have voted yes.

Geren

When Record No. 17 was taken, I was in the house but away from my desk. I would have voted yes.

Riddle

HCR 32 - ADOPTED (by Hartnett)

Representative Hartnett moved to suspend all necessary rules to take up and consider at this time **HCR 32**.

The motion prevailed.

The following resolution was laid before the house:

HCR 32, Inviting the chief justice of the Supreme Court of Texas to address a joint session of the legislature on February 11, 2009.

HCR 32 was adopted by (Record 18): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; 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; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; 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; 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.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alvarado; Vaught.

Absent — Branch; Geren; Giddings; Hamilton; Kolkhorst; Marquez; Phillips.

STATEMENTS OF VOTE

When Record No. 18 was taken, I was in the house but away from my desk. I would have voted yes.

Branch

When Record No. 18 was taken, I was temporarily out of the house chamber. I would have voted yes.

Geren

When Record No. 18 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

When Record No. 18 was taken, I was temporarily out of the house chamber. I would have voted yes.

Kolkhorst

When Record No. 18 was taken, I was in the house but away from my desk. I would have voted yes.

Marquez

When Record No. 18 was taken, my vote failed to register. I would have voted yes.

Phillips

HR 215 - ADOPTED
(by B. Brown)

Representative B. Brown moved to suspend all necessary rules to take up and consider at this time **HR 215**.

The motion prevailed.

The following resolution was laid before the house:

HR 215, Recognizing February 3, 2009, as Cedar Creek Lake Area Day at the State Capitol and welcoming members of the Leadership Cedar Creek Lake class.

HR 215 was read and was adopted.

(C. Howard in the chair)

HR 223 - ADOPTED
(by Dukes)

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 223**.

The motion prevailed.

The following resolution was laid before the house:

HR 223, Recognizing February 3, 2009, as Entertainment Software Day in Texas.

HR 223 was read and was adopted.

(Speaker in the chair)

On motion of Representative Rodriguez, the names of all the members of the house were added to **HR 223** as signers thereof.

ADJOURNMENT

Representative Bonnen moved that the house adjourn until 10 a.m. tomorrow in memory of Dr. Robert Ling of Houston.

The motion prevailed.

The house accordingly, at 10:58 a.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
Tuesday, February 3, 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:

SCR 9 West, Royce

Requesting that the Texas Legislature send a letter of congratulations to President Barack H. Obama.

Respectfully,
Patsy Spaw
Secretary of the Senate

