

# HOUSE JOURNAL

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EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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THIRTEENTH DAY — MONDAY, FEBRUARY 9, 2009

The house met at 2 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 21).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; 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; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, 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.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Absent, Excused — Gattis; Kent; King, S.; Zerwas.

Absent — Eiland.

The invocation was offered by Dr. Barry Roberts, pastor, Evangelistic Temple, Palestine, as follows:

Heavenly Father, we come before your throne today to give you thanks. Father, we thank you for your mercy and your grace. We thank you for your hand of protection upon this state and its leadership. We thank you for the godly leadership that you have provided for us and for the citizens they represent here today. Father, we thank you for the freedoms that we have, and we humbly ask today for your continued hand of protection upon this state, her leaders, and her people.

Father, we know that this land was founded upon your word, and we are reminded today of that word. Solomon, when given the opportunity to ask you for anything, made this profound request. He said, "Father, give me wisdom to rightly govern your people." This is our prayer today as well. We ask not for selfish gain, but for wisdom for our leadership; the strength to make the right decisions even if those decisions are not in our best personal interest; the wisdom to stay the course even in the face of insurmountable odds, knowing that our hope and faith are in you, not our own abilities; wisdom to stand for what is just and fight for what is honorable. Father, today we acknowledge you as our sovereign leader and lean not to our own understanding, but trust you to guide our every decision. We ask these things in the name of Jesus, our Lord. Amen.

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

### **CAPITOL PHYSICIAN**

The speaker recognized Representative D. Howard who presented Dr. John Egerton and Dr. Judith Egerton of Austin as the "Doctors for the Day."

The house welcomed Drs. Egerton and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Eiland 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).

### **LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of important business in the district:

Gattis on motion of Sheffield.

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

Zerwas on motion of Flynn.

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

Kent on motion of Sheffield.

The following member was granted leave of absence for today because of a travel delay:

S. King on motion of Hancock.

### **INTRODUCTION OF GUESTS**

The speaker recognized Representative Keffer who introduced Cisco High School football players Josh Bridges and Robert Medina and sponsors from Cisco Independent School District.

**HR 131 - ADOPTED**  
**(by Keffer)**

Representative Keffer moved to suspend all necessary rules to take up and consider at this time **HR 131**.

The motion prevailed.

The following resolution was laid before the house:

**HR 131**, Honoring the Cisco High School football team on its outstanding 2008 season.

**HR 131** was read and was adopted.

**RESOLUTIONS ADOPTED**

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 202 - HR 206, HR 269, HR 271, and HR 288**.

The motion prevailed.

The following resolutions were laid before the house:

**HR 202** (by Peña), Congratulating Benjamin H. Garza of Edinburg on his receipt of the Lone Star FFA Degree from the Texas FFA.

**HR 203** (by Peña), Congratulating Melissa Castano of Edinburg on being named a 2008 Student of the Year by the Migrant Student Graduation Enhancement Program of The University of Texas at Austin.

**HR 204** (by Peña), Recognizing Avery Garcia as Miss Pre-Teen Edinburg 2009.

**HR 205** (by Peña), Congratulating Alexis Renae Garcia on her selection as Miss Edinburg 2009.

**HR 206** (by Peña), Honoring Judge Juan R. Partida for his contributions to the community of the Rio Grande Valley.

**HR 269** (by Peña), Commending Brian Iglesias of Edinburg for his achievements.

**HR 271** (by Peña, Gonzales, Guillen, and Martinez), Honoring Dr. Blandina Cardenas on her distinguished service as president of The University of Texas-Pan American.

**HR 288** (by Peña), Honoring Leadership Edinburg Class XX.

The resolutions were adopted.

**HR 145 - ADOPTED**  
**(by Herrero)**

Representative Herrero moved to suspend all necessary rules to take up and consider at this time **HR 145**.

The motion prevailed.

The following resolution was laid before the house:

**HR 145**, Honoring Melvin A. Arnold on his retirement from the Jim Wells County Sheriff Department.

**HR 145** was read and was adopted.

On motion of Representative Ortiz, the names of all the members of the house were added to **HR 145** as signers thereof.

#### **INTRODUCTION OF GUESTS**

The speaker recognized Representative Herrero who introduced Melvin A. Arnold and members of his family.

#### **RESOLUTIONS ADOPTED**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 346 - HR 348**.

The motion prevailed.

The following resolutions were laid before the house:

**HR 346** (by Dutton), Commemorating the black history program at Northwest Preparatory Academy Charter School in Houston.

**HR 347** (by Dutton), Honoring the Houston Asian Junior Chamber of Commerce.

**HR 348** (by Dutton), Honoring the Gamma Sigma Chapter of the Sigma Gamma Rho Sorority on the occasion of its 2009 scholarship luncheon.

The resolutions were adopted.

On motion of Representative Olivo, the names of all the members of the house were added to **HR 347** as signers thereof.

(Deshotel in the chair)

#### **HR 232 - ADOPTED (by Miklos)**

Representative Miklos 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**, Congratulating Mesquite city secretary Judy Womack on the occasion of her retirement.

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

(Speaker in the chair)

#### **HR 289 - ADOPTED (by Alonzo, Lucio, Flores, Peña, Gonzales, et al.)**

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 289**.

The motion prevailed.

The following resolution was laid before the house:

**HR 289**, Welcoming Hamid Name Pineda, mayor of Valle Hermoso, Tamaulipas, Mexico, on the occasion of his visit to the Texas Capitol.

**HR 289** was read and was adopted.

### INTRODUCTION OF GUEST

The speaker recognized Representative Alonzo who introduced Hamid Name Pineda, mayor of Valle Hermoso, Tamaulipas, Mexico.

### ADJOURNMENT

Representative Phillips moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 2:47 p.m., adjourned until 10 a.m. tomorrow.

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### ADDENDUM

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### 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

Monday, February 9, 2009

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HCR 24**

Craddick

SPONSOR: Seliger

Recognizing February 17, 2009, as Midland-Odessa Day at the State Capitol.

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**ENROLLED**

**February 5 - HCR 25, HCR 32**

**SIGNED BY THE GOVERNOR**

**February 6 - HCR 17, HCR 20**