

# HOUSE JOURNAL

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EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

EIGHTH DAY — TUESDAY, JANUARY 25, 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 31).

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

Absent, Excused — Miller, D.

The invocation was offered by Dennis Wiles, pastor, First Baptist Church, Arlington, as follows:

Dear God, today we bow humbly in your presence with hearts that are filled with gratitude. As a nation, we are a blessed people. We live in freedom. We are free to speak our minds and live out our dreams. We are free to choose our own paths and chart our own course in life. Indeed, we live in a land of opportunity, and we are glad.

We also are grateful as Texans for our rich heritage. Our state is blessed with vast natural resources and a unique spirit among its people. We thank you for the people across our state who serve to make Texas such a wonderful place to live and raise our families.

As blessed as we are, we also recognize that we are facing challenging times on every front. Economically, we are emerging from a devastating recession that has left many people in our state homeless and many more jobless. The violence just across our border is unprecedented as thousands of lives have been senselessly ended, and there seems to be no solution. Communities across Texas are facing the challenge of trying to provide for the education of their children, the protection of their citizens, and opportunities for businesses to remain solvent and productive.

Lord, these are complex and challenging times. I come before you on behalf of the members of this legislative body. I thank you for each one's willingness to serve our state. I thank you for each one's unique abilities, life experiences, and potential for excellent leadership. I ask you to grant wisdom to the members of this house. Give them wisdom to craft legislation that is fair, honest, and just—legislation that will contribute to the health and well-being of the citizens of our state. Give them courage to face the challenges of our day with conviction and resolve. Grant them the ability to reach across the aisle and put the needs of Texans above their respective opinions.

I ask you to lead these men and women to serve honorably and live up to the standards that we expect from them. I ask you to bless them with a willingness to be accountable and responsible for how they govern. I ask you to breathe across this body the breath of humility and servanthood. May the members of this body never forget this is the people's house and they are here to conduct the business of the people they serve. Thank you, Lord, for these legislators. May your peace rest upon their homes and may your strength fuel their character and may your grace temper their behavior.

I humbly ask you to bless America, and I humbly ask you to bless Texas. As a follower of Jesus, I offer my prayer to you in his name. Amen.

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

#### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for today and the remainder of the week because of illness:

D. Miller on motion of C. Anderson.

#### **CAPITOL PHYSICIAN**

The speaker recognized Representative Hochberg who presented Dr. Rosanne Popp of Houston as the 'Doctor for the Day.

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

**HR 158 - ADOPTED****(by Button, et al.)**

Representative Button moved to suspend all necessary rules to take up and consider at this time **HR 158**.

The motion prevailed.

The following resolution was laid before the house:

**HR 158**, Honoring the Turquoise Council of Americans and Eurasians on the occasion of the 2011 Turkic-Texan Friendship Reception and Awards Dinner.

**HR 158** was read and was adopted.

On motion of Representative Allen, the names of all the members of the house were added to **HR 158** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representatives Button and Lucio who introduced a delegation of the Grand National Assembly of Turkey.

(McClendon in the chair)

**HR 162 - ADOPTED****(by C. Anderson)**

Representative C. Anderson moved to suspend all necessary rules to take up and consider at this time **HR 162**.

The motion prevailed.

The following resolution was laid before the house:

**HR 162**, Recognizing January 25, 2011, as Hewitt Day at the State Capitol.

**HR 162** was read and was adopted.

**HR 194 - ADOPTED****(by Gallego)**

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 194**.

The motion prevailed.

The following resolution was laid before the house:

**HR 194**, Paying tribute to the Honorable Gabrielle Giffords for her outstanding public service and extending best wishes to her and her family as she begins treatment and rehabilitation in the Lone Star State.

**HR 194** was adopted.

On motion of Representative Menendez, the names of all the members of the house were added to **HR 194** as signers thereof.

(Speaker in the chair)

**HR 185 - ADOPTED**  
**(by Raymond)**

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 185**.

The motion prevailed.

The following resolution was laid before the house:

**HR 185**, Honoring the 2011 Washington's Birthday Celebration in Laredo.

**HR 185** was read and was adopted.

On motion of Representative Riddle, the names of all the members of the house were added to **HR 185** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Raymond who introduced representatives of the Washington's Birthday Celebration Association of Laredo.

(Kleinschmidt in the chair)

**HR 193 - ADOPTED**  
**(by Lewis)**

Representative Lewis moved to suspend all necessary rules to take up and consider at this time **HR 193**.

The motion prevailed.

The following resolution was laid before the house:

**HR 193**, Honoring Jack Wood and Don Wood on being named 2010 Outstanding Citizens of the Year by the Odessa Chamber of Commerce.

**HR 193** was adopted.

(Hilderbran in the chair)

**HR 163 - ADOPTED**  
**(by Frullo, et al.)**

Representative Frullo moved to suspend all necessary rules to take up and consider at this time **HR 163**.

The motion prevailed.

The following resolution was laid before the house:

**HR 163**, Recognizing January 25, 2011, as Lubbock Day at the State Capitol.

**HR 163** was read and was adopted.

On motion of Representative Hardcastle, the names of all the members of the house were added to **HR 163** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Frullo who introduced a delegation from Lubbock.

**HR 127 - ADOPTED  
(by Kleinschmidt)**

Representative Kleinschmidt moved to suspend all necessary rules to take up and consider at this time **HR 127**.

The motion prevailed.

The following resolution was laid before the house:

**HR 127**, Congratulating the Round Top Brass Band on its 40th anniversary.

**HR 127** was read and was adopted.

**HR 128 - ADOPTED  
(by Oliveira and Lucio)**

Representative Oliveira moved to suspend all necessary rules to take up and consider at this time **HR 128**.

The motion prevailed.

The following resolution was laid before the house:

**HR 128**, Recognizing January 25, 2011, as Brownsville Day at the State Capitol.

**HR 128** was read and was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Oliveira who introduced a delegation from Brownsville.

**HR 160 - ADOPTED  
(by Madden and V. Taylor)**

Representative Madden moved to suspend all necessary rules to take up and consider at this time **HR 160**.

The motion prevailed.

The following resolution was laid before the house:

**HR 160**, Congratulating Thomas H. Muehlenbeck on the occasion of his retirement as city manager of Plano.

**HR 160** was adopted.

**HR 126 - ADOPTED  
(by Pitts, Callegari, Nash, and Gooden)**

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 126**.

The motion prevailed.

The following resolution was laid before the house:

**HR 126**, Congratulating Danny F. Vance of Arlington on his retirement from the Trinity River Authority of Texas.

**HR 126** was read and was adopted.

On motion of Representative Berman, the names of all the members of the house were added to **HR 126** as signers thereof.

#### INTRODUCTION OF GUESTS

The chair recognized Representative Pitts who introduced Danny F. Vance, his wife Janet Vance, and members of the Trinity River Authority of Texas.

(C. Anderson in the chair)

#### **HR 192 - ADOPTED** (by Hernandez Luna)

Representative Hernandez Luna moved to suspend all necessary rules to take up and consider at this time **HR 192**.

The motion prevailed.

The following resolution was laid before the house:

**HR 192**, Recognizing January 25, 2011, as East End Chamber of Commerce Day at the State Capitol.

**HR 192** was read and was adopted.

On motion of the Houston Delegation, the names of all the members of the house were added to **HR 192** as signers thereof.

#### INTRODUCTION OF GUESTS

The chair recognized Representative Hernandez Luna who introduced members of the East End Chamber of Commerce in Houston.

#### **HR 175 - ADOPTED** (by Hilderbran)

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HR 175**.

The motion prevailed.

The following resolution was laid before the house:

**HR 175**, Honoring the efforts of the Boot Campaign and its contributions to United States active duty service members and veterans.

**HR 175** was read and was adopted.

On motion of Representative Hilderbran, the names of all the members of the house were added to **HR 175** as signers thereof.

#### INTRODUCTION OF GUESTS

The chair recognized Representative Hilderbran who introduced Ginger Giles, Leigh Ann Ranslem, Sherri Reuland, Mariae Bui, and Heather Fordham.

**HR 179 - ADOPTED**  
**(by Berman)**

Representative Berman moved to suspend all necessary rules to take up and consider at this time **HR 179**.

The motion prevailed.

The following resolution was laid before the house:

**HR 179**, Honoring the Texas Merchandise Vending Association.

(Speaker in the chair)

**HR 179** was read and was adopted.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Berman who introduced Dale and Patrick Moran.

**ADJOURNMENT**

Representative Kolkhorst moved that the house adjourn until 10 a.m. tomorrow in memory of Michael Todd Green of Grimes County.

The motion prevailed.

The house accordingly, at 11:30 a.m. adjourned until 10 a.m. tomorrow.

