

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FOURTH DAY — TUESDAY, JANUARY 18, 2011

The house met at 9:30 a.m. and, at the request of the speaker, was called to order by Representative Madden.

The roll of the house was called and a quorum was announced present (Record 9).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; 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; 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, D. Miller, S. Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; 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; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Alvarado; Riddle.

Absent — Eiland.

The invocation was offered by Don Garner, pastor, Capitol Commission, Austin, as follows:

Father, I pray that these leaders might know you as their creator, sustainer, and redeemer. I thank you for their willingness to serve our state and I ask you to provide all the means necessary for them to carry out their responsibilities. I ask you to protect them and their families from the special pressures of public service. Use them as instruments of your righteousness, peace, and blessing for all the people of the State of Texas. In the name of our Lord Jesus Christ, I pray. Amen.

The chair recognized Representative Schwertner 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 to attend a funeral:

Alvarado on motion of Harless.

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

Riddle on motion of Fletcher.

CAPITOL PHYSICIAN

The chair recognized Representative S. Davis who presented Dr. Stephen Spann of Houston as the 'Doctor for the Day.

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

LEAVE OF ABSENCE GRANTED

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

Eiland on motion of Strama.

PROVIDING FOR ADJOURNMENT

Representative Hamilton moved that, at the conclusion of the joint session for inauguration of the governor and lieutenant governor, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

INAUGURATION OF THE GOVERNOR AND LIEUTENANT GOVERNOR

(The House of Representatives and the Senate in Joint Session)

At 11 a.m. today, the members of the house reconvened at the south entrance of the Capitol and were joined by the senate in a joint session for the purpose of inaugurating the governor, the Honorable Rick Perry, and the lieutenant governor, the Honorable David Dewhurst.

With the Ross Volunteers of Texas A&M University forming a sabre arch, the governor and Mrs. Perry and lieutenant governor and Mrs. Dewhurst and their party were escorted to seats on the platform. The color guard presented the colors.

The University of Texas Longhorn Band played the national anthem.

Senator Ogden called the senate to order and announced that a quorum of the senate was present.

Speaker Straus called the house of representatives to order and announced that a quorum of the house of representatives was present.

Speaker Straus stated that the house and senate were in joint session for the purpose of inaugurating the governor and lieutenant governor.

Speaker Straus presented Dr. Ed Young, senior pastor, Second Baptist Church, Houston, who offered the invocation.

Captain Daniel P. Moran (ret.) led the pledges of allegiance to the United States and Texas flags.

Speaker Straus stated that the oath of office would be administered to the lieutenant governor, the Honorable David Dewhurst, by the Honorable Wallace Jefferson, chief justice of the Supreme Court of Texas.

The Honorable David Dewhurst then took the constitutional oath of office as lieutenant governor of the State of Texas.

Senator Ogden introduced the lieutenant governor of Texas, the Honorable David Dewhurst, who addressed the joint session and assemblage, speaking as follows:

Thank you, Senator Ogden. My friends, Governor Perry, Speaker Straus, Chief Justice Jefferson, members of the legislature, my fellow Texans. I'm deeply honored to once again take the oath of office as your lieutenant governor, to serve the greatest people on this planet—the people of Texas. You have my profound gratitude.

It's very special for me to take this oath with Tricia by my side and with our little daughter, Carolyn. For me, there are no greater blessings in life than a wonderful wife and family. I learned that from a very special woman who loved her children unconditionally, who overcame great adversity, who put her children's future ahead of her own—my mom. A member of the 'Greatest Generation, she was prepared to sacrifice so her boys might grow up and be half the man their dad was.

When I first told Mom that I had decided to run for public office, I'll never forget what she told me. She said, "David, have you completely lost your mind?" And then she thought about it, and with moist eyes she said, "David, you have my blessing as long as you promise me every day you are in politics, you'll push the envelope, you'll help people who have no one else to help them. And the day you don't, you'll get out of office.

I stand before you today the lieutenant governor of Texas on the shoulders of that very special woman and also with a very special wife. As long as I have the opportunity to serve the people of Texas, I will keep my solemn vow to help those who cannot help themselves, to ensure that the promise of opportunity is available to all without favoring the few. To the good people of Texas, I'm honored by the responsibility you have given me, and I promise to use the power you have loaned me humbly to help all people.

There's a lot that is special about being a Texan; we are independent, optimistic, and occasionally stubborn. Those men and women who made their way to Texas, who settled these unforgiving plains, who sought neither a handout nor a stimulus check—they simply sought freedom. What makes Texas great is not cattle, cotton, or crude oil; it's people.

We have big challenges facing us in this 2011 Legislative Session. But we will be successful because our challenges are not bigger than the sheer will and determination of the people of Texas. I know this for a fact because eight years ago when I was sworn in for the first time, we faced some of the same problems. But we didn't shrink from these challenges. We looked at the mountain in front of us and began to climb. And working together, we passed major lawsuit reform, school finance, and we balanced four state budgets without raising taxes, while protecting essential services for our most vulnerable.

Job one is to balance the budget without raising taxes. In the worst economy in 70 years with unemployment at its highest in decades, now is not the time to ask families to make do with less so government can spend more. As President Ronald Reagan once said, "There are no easy answers, but there are simple answers. Simply put, government must live within its means. This last election, Texans spoke clearly about excessive government spending when they said, "No, to the Washington way, where they spend \$5 for every \$3 they take in. In contrast to Washington, we offer limited government to create unlimited opportunity. We know people agree because they are voting with their feet and moving to Texas in larger numbers than any other state. Last year, more than 200,000 people moved to Texas from the other 49 states, and it's not because of our weather. It's because we are a fortress of economic freedom, a lone bastion of opportunity in the midst of a global economic crisis.

Let me tell you what I hear from Texans. Over the past 18 months, as I crisscrossed the state, I heard neither a clamoring for more taxes nor a call for more government. What I heard was anger over reckless spending in Washington. I listened to ranchers, lawyers, doctors, factory workers, small business owners—some of the same men and women who formed a grassroots rebellion against reckless spending: the patriots of the Tea Party. From Boston Harbor in 1773 to Austin, Texas, in 2011, the cry of everyday citizens is to be freed from a distant government which doesn't listen to us but tries to control our lives at the expense of our liberty.

Washington should listen to the people and look to the states—the laboratories of innovation and governing. The Tea Party, independents, republicans, and conservative democrats should all be proud of Texas as a shining example of limited government, low taxes, and economic growth. I'm proud of the role I played with Governor Perry, the speaker, and the legislature cutting the size of government in 2003 and in 2010 and again this year. Working together, we've held the line on spending for the last eight years.

In Texas, we will never concede our freedom to Washington because we believe government exists to empower people, not rule over them. Like many of you, I've studied the constitution, and I have a profound respect for its enduring wisdom. But as amazing as our constitution is for what it does, it's just as amazing for what it doesn't do. It does not make Washington all-powerful. Our Founding Fathers had the chance to centralize power in a government that they themselves would run; yet, they chose to give it away. They gave power to the

people enshrined in the Declaration of Independence, the constitution, and the 10th Amendment—in peace, on purpose. Theirs was an act of courage rare in the annals of history.

Our Founding Fathers knew that absolute power in the hands of a few meant lost liberty for the many. The same is true today. The only thing as outrageous as the amount of money Washington is borrowing from foreign creditors is the amount of money they withhold from states unless we comply with their edicts. Washington has run roughshod over state sovereignty.

The examples are more and more outrageous: the offshore drilling ban, misguided congressmen blocking almost \$1 billion of funding for our Texas school children, the EPA taking over 167 clean air permits, cap-and-trade which will increase your taxes, and Obamacare—the largest expansion of government in a generation.

What the Obama Administration has failed to achieve through legislation, they are instead trying to pass through regulation. And unfortunately, Texas has been forced to use our last option: litigation.

And while Washington intrudes upon the rights of states, they have yet to meet their most basic constitutional obligation: to secure our borders. Today, our borders are under siege by gangs and cartels that traffic in drugs, weapons, and human beings. Border Security is a federal job, but the states pay the price. That's why Texas has spent more than a quarter billion dollars over the last four years, putting state troopers, helicopters, and local law enforcement on the border. And you know what we've found? Manpower is the key to securing the border. Every time we do surge operations, massing personnel on our southern border, nothing moves. Criminal activity virtually shuts down in the area. Therefore, today I'm asking the federal government to triple the number of border patrol agents on our borders. If that doesn't secure our borders, then I will keep demanding additional boots on the ground until we have sufficient manpower to seal it, control it, and enforce it. When it comes to our sovereignty and security, there is no compromise.

My priorities this session are clear. In addition to securing our borders, we will pass legislation to encourage more job creation; to protect the integrity of our elections, we will again pass voter ID; we will continue to improve our public schools because a quality education gives every child a chance to realize their dreams; we will continue building a world-class transportation system because quality roads without congestion are the economic arteries of future prosperity; we will make healthcare more accessible and more affordable with better medical outcomes at a lower cost by passing reforms that will lead the nation because Texans deserve better healthcare, not more bureaucracy; and we will achieve all these goals while balancing our budget without raising taxes because I want a budget that grows the Texas economy, not the Texas government.

Can we do all these things? You bet! Eight years ago, at our inaugural prayer service, my friend Dr. Ed Young joked that Texans are accused of having an accent that causes us to mispronounce some words. We pronounce the word 'c-r-i-s-i-s' as 'opportunity.' Our economic ascent is the result of bedrock conservative principles: limited government, low taxes, creating a level playing

field and a predictable, dependable business climate. For years, the Texas landscape has bloomed with opportunity. One of the many things I love about Texas, and which I've experienced, is that the Texas of today is a place where any day anyone from any background can climb heights as improbable as they are breathtaking. We are Texans, and we can do anything we set our minds to. But our optimism of the Texas that is and the Texas that can be cannot, and should not, cause us to lose sight of the jobless, the helpless, the hopeless.

I want everyone to have the opportunity to be all they can be. To me, the best investments are those that give Texans the tools of self-sufficiency: a world-class education; quality, affordable healthcare; a stable, dependable business climate so that entrepreneurs can build successful companies and workers can make better wages. These are the kinds of investments we must make in good times or bad. But government cannot solve every problem or address every ill. Centralized government that attempts too much achieves too little.

So for those of us who have been blessed, we have a special calling to serve and sacrifice to help people. Service and sacrifice are what define our "Greatest Generation"—the men and women who fought the forces of tyranny in the trenches of Europe, on the islands of the Pacific, on the high seas and at high altitudes. During World War II, 750,000 Texans—including 12,000 women—served our country. My father was one: an ordinary Texan who went to war, did his job, and became a highly decorated B-26 bomber pilot, flying 85 missions over Nazi Europe. Every time he roared down the runway, he knew it might be his last. But he did it anyway, just like your fathers and your grandfathers. I've been to the shores of Normandy where thousands and thousands of brave Americans are buried, Americans who made the ultimate sacrifice. An indescribable peace permeates such hallowed ground; where heroes rest, the silence speaks.

It was not just my father and the millions of servicemen who sacrificed; it was all of American society. It was the factory workers; it was the women who not only raised families without their husbands, but worked in plants to support the war; it was citizens who bought war bonds and prayed every night for the safe return of their loved ones. Each had a role to play, and virtually all rose to the challenge. We see that same spirit of sacrifice alive and well today in our fighting men and women in Afghanistan and Iraq. They are freedom's greatest ambassadors: warriors willing to sacrifice all, including their own safety, for a greater good. We must never become oblivious to their sacrifice or fail to remember the generations that came before them. We, too, as individual citizens and civilians must be willing to sacrifice for the good of our state and our country.

Many in America have been trained to believe we can have all we want when we want it. But at the core of being a Texan and an American is not what we get from society, but what we give back. For most of us Texans, the question is not what government can do for us, but what we can do if government doesn't stand in our way. Government cannot replace the role of parents in families,

cannot legislate personal responsibility, cannot replace the private sector in creating jobs, and cannot govern an individual's life better than his own conscience.

Texas still offers the promise of a better tomorrow, where a little boy or girl can grow up with nothing, work hard, and have the storybook ending they would never dare to imagine as a child. I know because that's my story. And it's the story of millions of Texans who have lived the American Dream in this state so abundant with opportunity—those who sacrifice, those who persevere, those who dust off their boots and get back up every time they get knocked down. They are the ones who know the meaning of the American Dream, the Texas Dream.

The promise of Texas is a light on the distant horizon piercing the darkness. It's a promise available to any and all who are willing to work hard, sacrifice, and never give up. This has never been more true than today with thousands of new pilgrims settling here each day in this modern promised land we call Texas. We who have inherited that promise must preserve and protect it. We must never allow its light to lose its luster. We must be united in our quest for a better Texas, a Texas rich in values, abundant in opportunity, wealthy in spirit. One people, one star, one destiny.

May God bless each and every one of you, and may he continue to bless the great State of Texas. Thank you.

At the conclusion of the lieutenant governor's address, Speaker Straus stated that the oath of office would be administered to the governor, the Honorable Rick Perry, by the Honorable Wallace Jefferson, chief justice of the Supreme Court of Texas.

The Honorable Rick Perry took the constitutional oath of office as governor of the State of Texas.

Following a nineteen-gun salute, Speaker Straus introduced the governor of Texas, the Honorable Rick Perry, who addressed the joint session and assemblage, speaking as follows:

Thank you, Speaker Straus. You have been a strong, conservative partner, and I look forward to working with you again this session. Governor Dewhurst, It has been a distinct honor to serve with you over the last eight years, and I look forward to the next four. My fellow statewide elected officials, members of the judiciary, members of the house and senate, friends and Texans, it is an honor to once again take the oath of office as your governor. It took 154 years to get an Aggie into the governor's office, and some of you are probably wondering if he'll ever leave.

I know this, though. If I never served a day in this office, I'd still be the most blessed man on earth because of my wife, Anita Thigpen Perry. Anita, you have served as First Lady with grace and dignity, and simply put, I love you. And like you, I thank God every day for the gift of our wonderful children: Sydney, Griffin, and his wonderful new wife, Meredith.

I am also blessed with the best parents a guy could ever ask for, Ray and Amelia Perry, and wonderful in-laws Dr. Joe and Mrs. Thigpen. With fathers who fought in World War II, Anita and I don't have to look beyond family to find true heroes.

There are many heroes here today, some the ordinary kind, who work hard, pay taxes, and teach their children values that will sustain them. There is also the extraordinary kind, those who know the enormous price of freedom because they've paid it with their own blood. I speak of the veterans of our nation's wars. Men and women who answered the call of our country, trained for the rigors of battle, then pushed their bodies, minds, and spirits to the limit. Their service required sacrifices that no man or woman should ever endure: the terror of battle, the death of friends, the lasting injuries, both seen and unseen. For these men and women, sacrifice is not a word, it's a way of life. I'm talking about Texans like R. V. Burgin from Lancaster, who fought his way across the Pacific Islands of Pelelieu and Okinawa; John Keith Wells of Abilene, a Navy Cross recipient who led a platoon of Marines through the hell of Iwo Jima; Ben Berger, who hit the Normandy beaches on D-Day with Earl Rudder and the 5th Ranger Battalion; teenage Marine Jay Kimbrough of Dallas, who was badly wounded when his assault helicopter was shot southwest of Danang; and Marine Captain Dan Moran, who was hit by an IED in Iraq's Al-Anbar province. If anyone here in the audience today defended freedom as a member of our armed forces, please stand or wave so we can recognize you. On behalf of those assembled, and more than 25 million Texans, I want to thank all of our men and women in uniform for your service and your sacrifice. Those of us fortunate enough to work in this building must always remember it is an honor and a privilege to serve. Words like 'sacrifice' should be reserved for those who made that service possible. As we reflect together on all that has transpired since the icy cold of the last Texas inaugural, much has changed in our world. While conditions have improved for our troops in Iraq, they have worsened in Afghanistan.

Here at home, we've seen catastrophic events in the marketplace that have unleashed an economic recession unlike anything we've experienced in 70 years. The failure of major financial institutions led to tighter credit, massive foreclosures, and staggering layoffs. Risky practices in the private sector were compounded by poor spending decisions in the public sector. With bloated stimulus spending, record debt, and massive entitlement programs, Washington has America on a collision course with bankruptcy. While Texas has fared better than most states, we have not gone untouched by this global recession, and we cannot forget those Texans who are dealing with the fear and uncertainty of joblessness.

While much has changed in the last four years, one thing will never change: the character, resilience, and resourcefulness of our citizens. Texans just don't like the word 'impossible. If something has never been done, it's because we simply haven't tried. We tamed the frontier, formed our own republic, discovered oil, pioneered space, and transformed the marketplace. The first word spoken on the moon was, "Houston, a city whose namesake was not Texan by birth but Texan by choice, like millions more who would follow.

While our budget challenges are substantial, for the good of the 25 million pioneers we call Texans, for a people who work hard to get ahead, we must balance our budget without raising their taxes. Since the last legislative session ended, I have traversed this great state, meeting with Texans from every walk of life and I have listened. I heard their belief that tough economic times require strong leadership and tough choices for everyone. I have heard their calls for government that is smarter, leaner, and more accountable. They reminded me that there is no such thing as government money; it's the people's money in government's hands. Texas families have endured this long season of economic trouble by tightening their own budgets, and making tough choices. Texas employers have streamlined operations, becoming more innovative and efficient. Making their lives harder just to make our jobs easier would be a failure of leadership.

As Texans, we always take care of the least among us: the frail, the young, the elderly on fixed incomes, those in situations of abuse and neglect, people whose needs are greater than the resources at their disposal. They can count on the people of Texas to be there for them. We will protect them, support them, and empower them, but cannot risk the future of millions of taxpayers in the process. We must cut spending to keep our economic engine on track. As legislators do the hard work of trimming agency budgets, the headlines will be dominated by impacted constituencies, but these tough times dictate government doing more with less. That's what we campaigned on, and that's what we'll deliver. We need to prioritize and justify every penny and validate every investment made. During this session, Texas will prove again that fiscal responsibility, sound policy making, and a passion for individual liberty are essential to the success of employers, institutions, and families. If we cannot exercise fiscal discipline in governing Texas, I doubt it can be achieved anywhere, least of all in Washington.

With our nation mired in more than \$14 trillion of debt, accountability and fiscal responsibility will not come from Washington, it will come from places like Texas. Texas is still the engine of America's economy, and we're proud to lead the nation in Fortune 1000 companies, international exports, and job creation. Those jobs are more than statistics. They provide wealth and opportunity for our citizens and families. The jobs aren't just going to our big cities, but also to towns like Cuero and Seguin, where employers have relocated or expanded their operations thanks to the job friendly climate we've worked so hard to create.

Texans are also creating new technologies that will save lives at companies like Falcon International in Odessa, whose new body armor technology will protect troops who go into harm's way to protect the American way. Texans are also on the leading edge of discovery in the race to find cures for various forms of cancer, a disease that has extinguished the hopes of too many, too young. Through initiatives like the Cancer Prevention and Research Institute of Texas in conjunction with our universities, medical centers, and high-tech firms, we are doing groundbreaking medical research that will save lives that would otherwise be lost.

As Texans continue to invent and innovate, and change the face of medicine, science, and business, we must apply the same creativity and commitment to creating a safe and secure border. With us today is a delegation of governors and businessmen from our neighboring states in Mexico. I am grateful for the honor of their presence today and appreciate our excellent working relationship. We not only share a common border with these leaders, but a common past, present, and future. We are not only joined together by geography and economics, but by cultural ties and family roots as well. We share great opportunity and great challenges.

On this day of celebration, the drug-related violence along our border may seem a million miles away but, in reality, it has arrived on our doorstep. While it should be addressed by our respective federal governments, we cannot stand idly by when our citizens are threatened. Our state's efforts to secure the border have made our citizens safer and must be continued to prevent the flow of cross-border violence. For all of us, a secure border means a more stable economy, safer families, and a brighter future.

Throughout history, in good times and bad, Texans have endured identifying opportunities, counting the cost, and then just outworking everyone else in the race for success. As their elected leaders, we have an obligation to govern as we promised. As elected leaders, we have sworn to uphold the constitution of this great state, in whose Bill of Rights this key phrase resides, 'All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. As we do so, our vision must extend beyond the next 140 days, across this new decade, and the rest of this century. We must continue investing in our people, developing young minds, grooming and attracting the best and brightest in the fields of science and medicine, giving individuals the tools and the freedom to prosper. Given our state's economic success compared to that of other states and Washington's ongoing irresponsibility, I believe Texas will lead the way out of this turmoil. You might say historians will look back on this as the 'Texas Century.'

Americans once looked to the East Coast for opportunity and inspiration, then to the West Coast. Today they are looking to the Gulf Coast, they are looking to Texas. Our state is the new, best hope for entrepreneurs and small businesses, the place where Americans can redeem their promise and fulfill their potential. We have the resources to meet our challenges, and the vision to apply them for a more prosperous future. This is our time; this is our place in history. We must seize the moment. We must plant the seeds of opportunity that bloom beyond our years. We must show the world the endless possibilities of freedom and free enterprise. If I've said it once, I've said it a thousand times, and will say it a thousand more: there is still a place where opportunity looms large in this country, and that place is called Texas. Let's do all we can to keep her moving forward. May God bless you all and, through you, may he continue to bless the great State of Texas.

At the conclusion of the governor's address, Speaker Straus presented Bishop Joe S. Vásquez of Austin, who offered the inaugural blessing.

Speaker Straus presented David Robinson of San Antonio, who pronounced the benediction.

Speaker Straus presented the Texas A&M University Singing Cadets who sang 'Eternal Father, Strong to Save.

The assemblage sang 'Texas, Our Texas.

Speaker Straus extended an invitation, on behalf of Governor Perry and Lieutenant Governor Dewhurst, to all guests to the remaining inaugural festivities.

SENATE RECESS

Senator Ogden stated that the purpose for which the joint session was convened having been completed, the senate would stand recessed until 11 a.m. tomorrow.

ADJOURNMENT

Speaker Straus stated that the purpose for which the joint session was convened had been completed. In accordance with a previous motion, the house, at 12:14 p.m. adjourned until 10 a.m. tomorrow.

APPENDIX

ENROLLED

January 13 HCR 26

January 14 HR 3, HR 107, HR 111, HR 117, HR 118

