

HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIRST DAY — TUESDAY, JANUARY 9, 2007

In accordance with the laws and Constitution of the State of Texas, the members-elect of the house of representatives assembled this day in the hall of the house of representatives in the city of Austin at 12 noon. The Honorable Roger Williams, secretary of state of the State of Texas, called the House of Representatives of the Eightieth Legislature of the State of Texas to order.

The invocation was offered by Most Reverend Gregory Aymond, bishop, Roman Catholic Diocese of Austin, as follows:

Loving and faithful God, we gather today for the eightieth legislative session of the State of Texas. Before any work begins, we turn to you and ask for your blessings upon our state and all those who lead us. May what we do and the laws we enact be pleasing in your sight and serve the common good of our citizens.

For our legislators, we ask you to guide them with your wisdom and love. In this chamber may they clearly recognize the strengths as well as the challenges and concerns that face the State of Texas. In order to address these we ask you to give them your enlightenment, a genuine spirit of collaboration, a hunger for justice, ears to hear the needs of our citizens, and the courage to continue to be women and men of integrity, faithfully representing those who have elected them.

Lord God, we ask you also to bless Governor Perry and all those who work with him; bless our country, President Bush, and all who lead us in government. May all of our government leaders seek your wisdom daily and in so doing may they have the confidence and humility to fulfill the words of the prophet Micah: "To do what is right; to love tenderly; and to work humbly with their God." (Micah 6:8)

Lord God, we ask this of you in faith, for you live and reign forever.

Secretary Williams recognized Edward Pleasant of Midland who sang the national anthem.

Secretary Williams recognized the Honorable Tony Goolsby who led the house in the pledges of allegiance to the United States and Texas flags.

ADDRESS BY THE SECRETARY OF STATE

The Honorable Roger Williams, secretary of state of the State of Texas, addressed the house, speaking as follows:

Honorable Representatives-elect, families, friends, and distinguished guests. Today is a momentous day as we open the 80th legislative session, and I am honored you have given me the responsibility of presiding over this distinguished body in this historic chamber.

Members, your responsibility as representatives of the people is crucial to preserving this democracy and the freedom we all enjoy. As a state, Texas is faced with great challenges and opportunities in the upcoming years—strengthening our school systems, creating more jobs, managing a responsible budget, and border security just to name a few—and it is important that we all work together to get the best results for the 23 million individuals who proudly call ourselves Texans.

As Henry Ford said, "Coming together is a beginning, keeping together is progress, working together is success." This body will no doubt have some vigorous and healthy debate over the next 140 days. You will have disagreements in this chamber on how to move Texas forward. But you are here today with one common goal: to secure a bright and solid future for the State of Texas by having a successful legislative session. Our state government has been serving the people for more than 150 years and I am confident that this group of exemplary men and women will continue in that legacy and pave the way for a strong future for Texas.

A democracy is a system in which the power lies within the citizens who elect people to represent them. As I look out into this chamber, I see that Texans elected strong leaders this past November and I look forward to what this legislative session will produce for Texas.

Thank you for your service and commitment to Texas, her people, and the future of this greatest state in America, the Lone Star State. May God bless all of you today and may God continue to bless this chamber.

APPOINTMENT OF TEMPORARY OFFICERS AND EMPLOYEES

Secretary Williams recognized the reading clerk, who announced the temporary officers and employees for the House of Representatives of the Eightieth Legislature.

- Parliamentarian Denise Davis
- Chief Clerk Robert Haney
- Journal Clerk Julia Bass
- Sergeant-at-Arms Rod Welsh
- Voting Clerk Jennifer Teigen
- Reading Clerks Connor Nix and Sarah Seidlits
- Committee Coordinator Stacey Nicchio
- Chaplain Bishop Gregory Aymond
- Doorkeeper Vernon Effenberger
- Honorary Pages Thomas Russell "Tripp" Craddick III, Andrea Herrero, Christopher John Marc Toureilles, Langston Warner Hartnett, Gregory James Bonnen, Marcos Diego Villarreal, Reagan Askew Bohac, Ella Simone Perry, Abel Herrero, Jr., Carson Marie Gattis, Maia Margo Anchia, Adam Clayton Veasey, Justus Taylor Reidland, Tatum Francis Dutton-Lewis, Mason Matthew Harris, Siena Grace Welsh, Milania Faith Welsh, William Keller, Reid Charles Alexander, Nicholas Holt Cutrone, Anna Catherine Cox, Desmond Matthew Bigler, Doc Thomas Loiselle, Royce Anthony McDonald, Colin M. Hancock,

Chloe A. Hancock, Joseph Griesel, Charlotte Griesel, Tyler David Watts, Bradford Drake Watts, Jacqueline Alexis Green, Grayson Cole Nicchio, Miles Cooper Nicchio, Peyton Reed Nicchio

**ROLL OF MEMBERS-ELECT SHOWING
DISTRICTS REPRESENTED**

Secretary Williams directed the chief clerk to call the roll of members-elect of the House of Representatives of the State of Texas of the Eightieth Legislature, according to representative districts.

The roll was called as follows:

<u>DISTRICT</u>	<u>NAME</u>
District 1	Stephen J. Frost
District 2	Dan Flynn
District 3	Mark S. Homer
District 4	Betty Brown
District 5	Bryan Hughes
District 6	Leo Berman
District 7	Tommy Merritt
District 8	Byron Cook
District 9	Wayne Christian
District 10	Jim Pitts
District 11	Chuck Hopson
District 12	Jim McReynolds
District 13	Lois W. Kolkhorst
District 14	Fred Brown (absent)
District 15	Rob Eissler
District 16	C. Brandon Creighton
District 17	Robby Cook
District 18	John Otto
District 19	Mike Hamilton
District 20	Dan M. Gattis
District 21	Allan B. Ritter
District 22	Joe Deshotel
District 23	Craig Eiland
District 24	Larry Taylor
District 25	Dennis Bonnen
District 26	Charlie Howard
District 27	Dora Olivo
District 28	John Zerwas
District 29	(vacant)
District 30	Geanie W. Morrison
District 31	Ryan Guillen
District 32	Juan M. Garcia
District 33	Solomon P. Ortiz, Jr.
District 34	Abel Herrero
District 35	Yvonne Gonzalez Tourelles
District 36	Ismael "Kino" Flores
District 37	Rene O. Oliveira
District 38	Eddie Lucio III

District 39	Armando "Mando" Martinez
District 40	Aaron Peña, Jr.
District 41	Veronica Gonzales
District 42	Richard Raymond
District 43	Juan Manuel Escobar
District 44	Edmund Kuempel
District 45	Patrick M. Rose
District 46	Dawna Dukes
District 47	Valinda Bolton
District 48	Donna Howard
District 49	Elliott Naishtat
District 50	Mark Strama
District 51	Eddie Rodriguez
District 52	Mike Krusee
District 53	Harvey Hilderbran
District 54	Jimmie Don Aycok
District 55	Dianne White Delisi
District 56	Charles "Doc" Anderson
District 57	Jim Dunnam
District 58	Rob Orr
District 59	Sid Miller
District 60	James L. "Jim" Keffer
District 61	Phil King
District 62	Larry Phillips
District 63	Tan Parker
District 64	Myra Crownover
District 65	Burt Solomons
District 66	Brian McCall
District 67	Jerry Madden
District 68	Richard L. "Rick" Hardcastle
District 69	David Farabee
District 70	Ken Paxton
District 71	Susan King
District 72	Drew Darby
District 73	Nathan Macias
District 74	Pete P. Gallego
District 75	Chente Quintanilla
District 76	Norma Chavez
District 77	Paul C. Moreno
District 78	Patrick B. Haggerty
District 79	Joe C. Pickett
District 80	Tracy O. King
District 81	G. E. "Buddy" West
District 82	Tom Craddick
District 83	Delwin Jones
District 84	Carl H. Isett
District 85	Joe Heflin
District 86	John Smithee
District 87	David Swinford
District 88	Warren Chisum
District 89	Jodie Laubenberg

District 90	Lon Burnam
District 91	Kelly Hancock
District 92	Todd Smith
District 93	Paula Hightower Pierson
District 94	Diane Patrick
District 95	Marc Veasey
District 96	Bill Zedler
District 97	Anna Mowery
District 98	Vicki Truitt
District 99	Charlie Geren
District 100	Terri Hodge
District 101	Thomas Latham
District 102	Tony Goolsby
District 103	Rafael Anchia
District 104	Roberto R. Alonzo
District 105	Linda Harper-Brown
District 106	Kirk England
District 107	Allen Vaught
District 108	Dan Branch
District 109	Helen Giddings
District 110	Barbara Mallory Caraway
District 111	Yvonne Davis
District 112	Fred Hill
District 113	Joe Driver
District 114	Will Hartnett
District 115	Jim Jackson
District 116	Trey Martinez Fischer
District 117	David McQuade Leibowitz
District 118	Joe Farias
District 119	Robert R. Puente
District 120	Ruth Jones McClendon
District 121	Joe Straus
District 122	Frank J. Corte, Jr.
District 123	Mike Villarreal
District 124	Jose Menendez
District 125	Joaquin Castro
District 126	Patricia Harless
District 127	Joe Crabb
District 128	Wayne Smith
District 129	John E. Davis
District 130	Corbin Van Arsdale
District 131	Alma A. Allen
District 132	Bill Callegari
District 133	Jim Murphy
District 134	Ellen Cohen
District 135	Gary W. Elkins
District 136	Beverly Woolley
District 137	Scott Hochberg
District 138	Dwayne Bohac
District 139	Sylvester Turner
District 140	Kevin Bailey

District 141	Senfronia Thompson
District 142	Harold V. Dutton, Jr.
District 143	Ana E. Hernandez
District 144	Robert E. Talton
District 145	Richard J. "Rick" Noriega
District 146	Borris L. Miles
District 147	Garnet F. Coleman
District 148	Jessica Cristina Farrar
District 149	Hubert Vo
District 150	Debbie Riddle

A quorum was announced present.

OATH OF OFFICE ADMINISTERED

Secretary Williams recognized the chief clerk who administered the constitutional oath of office to the members-elect of the House of Representatives of the Eightieth Legislature of the State of Texas, all of those present rising together and repeating the following oath, prescribed by the constitution, as it was read to them, as follows:

"I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of a member of the House of Representatives of the Eightieth Legislature of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state. So help me God."

HOUSE AT EASE

At 12:38 p.m., Secretary Williams announced that the house would stand at ease pending departure of guests.

Secretary Williams called the house to order at 12:47 p.m.

TEMPORARY RULES ADOPTED

Representatives Van Arsdale and Miller moved to adopt the house rules of procedure from the Seventy-Ninth Legislature as temporary rules for the election of the speaker.

The motion prevailed.

HR 33 - ADOPTED

(by Geren, Hartnett, Eiland, and Merritt)

The following resolution was laid before the house:

HR 33

BE IT RESOLVED by the House of Representatives of the State of Texas, That, in accordance with Sections 9(b) and 11, Article III, Texas Constitution, the House of Representatives of the 80th Legislature shall elect a speaker of the house from its own membership as follows:

SECTION 1. NOMINATIONS. (a) The secretary of state shall call for nominations from the floor for the election of speaker of the house of representatives and shall recognize every member who desires to make a nomination. The order in which members desiring to make a nomination shall proceed shall be determined by lot.

(b) Each member recognized for this purpose shall immediately advance to the front microphone and make the nomination in a nominating speech not to exceed five minutes in length.

(c) After all nominations have been made, the secretary of state shall declare nominations to be closed.

SECTION 2. SECONDS. (a) A person is not considered a nominee unless the nomination is seconded by at least one member.

(b) One seconding speech shall be allowed for each nomination in the order in which nominations were made, then other seconding speeches shall be allowed in rotation in the same order.

(c) No more than five seconding speeches shall be allowed for each nominee.

(d) A seconding speech may not exceed three minutes in length.

HR 33 was adopted.

HR 34 - ADOPTED
(by Chisum and Geren)

The following resolution was laid before the house:

HR 34

BE IT RESOLVED by the House of Representatives of the 80th Legislature of the State of Texas, That pending the election of the speaker, all persons other than members of the legislature, members of their families, temporary officers, and approved press representatives be barred from the floor of the house of representatives inside the rail.

HR 34 was adopted.

HR 35 - ADOPTED
(by Hartnett and Eiland)

The following resolution was laid before the house:

HR 35

BE IT RESOLVED by the House of Representatives of the State of Texas, That, in accordance with Sections 9(b) and 11, Article III, Texas Constitution, the House of Representatives of the 80th Legislature shall elect a speaker of the house from its own membership as follows:

SECTION 1. VOTING PROCEDURES. (a) The chief clerk shall prepare paper ballots containing a space for a member to write in the member's choice for speaker. One ballot shall be prepared for each member and must contain the member's name and district number and a space for the member's signature. The house sergeant shall distribute each ballot to the appropriate member at the member's desk.

(b) The chief clerk shall designate a voting area and shall provide a voting box for the marked ballots. A member may mark and sign the member's ballot either at the member's desk or at the voting area.

(c) Each member shall be called individually by the reading clerk in order of the member's district number and the member shall proceed to the voting area when called. After arriving at the voting area, the member shall fold the marked and signed ballot and deposit it in the voting box.

(d) After all members have voted, the chief clerk shall count the ballots on the house floor. The secretary of state and the state auditor shall observe the count. A ballot may not be counted unless it bears the signature of the member for whom it was prepared.

SECTION 2. RUNOFF (a) If a nominee receives a majority of the votes cast, the secretary of state shall declare that nominee to be elected to the office of speaker of the house of representatives. For purposes of determining a majority of the votes cast for speaker under this resolution, only a ballot indicating the name of a single nominee is considered a vote cast.

(b) If no nominee receives a majority of the votes cast, the two nominees receiving the largest number of votes in the initial vote shall be in a runoff conducted in accordance with the voting procedures for the initial vote. The secretary of state shall announce the results of the runoff and declare the nominee receiving a majority of the votes cast to be elected.

SECTION 3. TIE VOTES. (a) If in the initial vote no nominee receives a majority of the votes cast and it is not possible to determine the two nominees receiving the largest number of votes cast because of a tie vote, additional rounds of voting shall occur in the same manner as the initial vote among the same nominees, other than a nominee who withdraws, until a nominee receives a majority of the votes cast or, if no nominee receives a majority of the votes cast, until it is possible to determine the two nominees who receive the largest number of votes cast.

(b) If in a runoff between two nominees no nominee receives a majority of the votes cast because of a tie vote, additional rounds of runoff voting shall occur in the same manner as the initial runoff between the same two nominees until one of the nominees in the runoff receives a majority of the votes cast.

SECTION 4. OATH. After the election, the secretary of state shall direct the administration of the oath of office to the speaker-elect. The speaker shall take the chair immediately after taking the oath of office.

SECTION 5. BALLOT RETENTION. The chief clerk shall retain the paper ballots used in electing the speaker in a secure location.

HOUSE NOTIFIED

A committee from the senate was announced at the door of the house and, being admitted, notified the house that the senate is organized and ready to transact business.

HR 35 - (consideration continued)**Amendment No. 1**

Representatives Hartnett, Kolkhorst, Rose, Parker, Van Arsdale, Bonnen, Branch, Taylor, Dukes, Crownover, Morrison, Puente, and T. Smith offered the following amendment to **HR 35**:

Amend **HR 35** as follows:

(1) In Section 1, strike Subsection (d) and substitute the following:

(d) After all members have voted, the chief clerk shall count the ballots on the house floor. The secretary of state and the state auditor shall observe the count. A ballot may not be counted unless it bears the signature of the member for whom it was prepared. The chief clerk shall prepare a tally sheet indicating how each member voted, the total votes received by each nominee, and the total number of members who are present, not voting.

(2) In Section 1, add a new Subsection (e) to read as follows:

(e) All votes taken shall be record votes with the vote of each member entered in the House Journal.

(3) In Section 2, add a new subsection (a) to read as follows and reletter the existing subsections as appropriate:

(a) The secretary of state shall announce the results of the election. The chief clerk shall release a copy of the tally indicating how each member voted as soon as possible after the secretary of state announces the results.

Amendment No. 2

Representative Geren offered the following amendment to Amendment No. 1:

Amend **HR 35** as follows:

(1) Strike Section 3 and substitute the following:

SECTION 3. VOTING. (a) The secretary of state shall direct the chief clerk to distribute to each member, at the member's desk, a ballot to be used in the election of the speaker. The ballot shall be a blank sheet of paper sized 8 1/2 inches by 11 inches.

(b) Each member shall complete the member's ballot by:

- (1) writing the name of the nominee for whom the member votes;
- (2) printing only the member's district number on the ballot; and
- (3) folding the ballot.

(c) The chief clerk shall designate a voting area near the reading clerk's desk and shall provide a voting box for the marked ballots. Upon completing the member's ballot, the member shall proceed to the voting area and deposit the member's folded ballot in the voting box. As each member deposits the member's ballot in the voting box, the chief clerk shall record, on a roster of the members elected to the 80th Legislature, that the member has deposited the member's ballot in the voting box. When it appears that all ballots have been deposited in the box, the secretary of state shall ask if all ballots have been cast and provide those members who have not cast their ballots a final opportunity to deposit their ballots in the voting box.

(d) After all ballots have been cast and placed in the voting box, the chief clerk shall sign the roster indicating which members cast ballots and deliver the roster to the sergeant-at-arms. The ballots shall then be counted by the sergeant-at-arms and the secretary of state on the house floor. The sergeant-at-arms and secretary of state shall prepare and sign a tally sheet indicating the total votes received by each nominee. The secretary of state shall announce only the total votes cast for each nominee, as reflected on the tally sheet. Immediately after the results are announced, the sergeant-at-arms and secretary of state shall securely seal the ballots and the chief clerk's roster in an envelope, sign the outside of the envelope, and deliver the envelope to the chief clerk. The envelope containing the ballots shall be kept sealed and secure by the chief clerk until all committee assignments have been made of the 80th Legislature, at which time the envelope shall be presented to the journal clerk, who shall record each member's vote for speaker in the journal.

(2) Strike Section 4(a) and reletter subsequent subsections accordingly.

Amendment No. 2 - Point of Order

Representative P. King raised a point of order against further consideration of Amendment No. 2 under Article III, Section 12 of the Texas Constitution and Rule 5, Section 51 of the temporary House Rules on the grounds that the amendment would not allow for the yeas and nays of the members of the house to be immediately entered in the journal.

HOUSE AT EASE

At 3:28 p.m., Secretary Williams announced that the house would stand at ease.

Secretary Williams called the house to order at 4:09 p.m.

Secretary Williams overruled the point of order and had read the following statement:

Representative King raises a point of order against further consideration of the Geren amendment in that the Geren amendment would not immediately release the results of the members' votes for speaker until "all committee assignments have been made for the 80th Legislature." Representative King argues that the Geren amendment constitutes a secret ballot and Article III, Section 12, of the Texas Constitution, which requires the "yeas or nays of the members on any question shall, at the desire of any three members present be entered on the journals" as well as Rule 5, Section 51, of the Temporary Rules and other temporary rules of the house relating to the recording of votes and entry of the votes on the journal.

Specifically, Representative King states that the very nature of a secret ballot is such that a member's vote for speaker cannot be ascertained or cannot be ascertained for a set period of time and the purpose of Article III, Section 12, and Rule 5, Section 51, and other temporary rules, the entering of the "yeas and the nays" on the House Journal is thwarted. Strong policy arguments for and against a secret ballot have also been raised in the argument and in the accompanying debate to this amendment.

First, as a general rule and as noted in explanatory note 1 to Rule 1, Section 9, of the Rules of the 79th Legislature, the presiding officer of the house "though many sessions. . . have followed a plan of refusing to rule on constitutional points not related to legislative procedure. . . ." The point of order in this case deals with such a legislative procedure and it is in order for the presiding officer to consider it.

Turning to the merits of the point of order, the resolution of which requires examining the Texas constitutional provision relating to the election of a speaker, the past practices of the house, and recent decisions of the Texas Supreme Court in the case entitled, *In Re Texas Senate*. Each of these points will be examined in turn:

A) Constitutional Provisions Relating to the Election of a Speaker

In addition to reviewing Article III, Section 12, there are three provisions of the Texas Constitution that relate the ability of the house to select procedures to elect a speaker. Article III, Section 9, requires that the house "shall, when it first assembles, organize temporarily, and thereupon proceed to the election of a speaker from its own members." Article III, Section 11, makes it clear that this house may determine the rules of its own procedures, which includes adopting rules for the procedure for electing a speaker. And finally, Article III, Section 41, states that "in all elections by" the house, the vote "shall be given viva voce, except in the election of their officers." All of these provisions, as well as Article III, Section 12, were included in the 1876 Constitution.

Examination of these rules indicates some tension between the four constitutional provisions. Representative King and others argue that Article III, Section 12, mandates the recording of the "yeas and nays" despite the Article III, Section 41's language that appears to indicate that the house may use a method other than a viva voce method to elect a legislative officer. Opponents of the point of order argue Article III, Section 12, does not apply to a non-viva voce vote conducted under Article III, Section 41, because either the selection of a candidate in a speaker election is not either a "yea" or a "nay" on a "question." Finally, opponents argue that if Article III, Section 12, were read to require all votes to be recorded at the request of three members, no election of officers could be done by nonrecord ballot, including a secret ballot, effectively writing out the provision of Article III, Section 41. There appears to be no recorded Texas cases or attorney general opinions examining the tension between these two provisions, the issue has not been discussed and recorded in the House Journal, and the members have offered no authority on this issue.

It is important to note that Texas courts do have a well-established standard in dealing with conflicting constitutional provisions. "In construing apparently conflicting constitutional provisions, a general provision must yield to a special provision." (*See Carrollton-Farmers Branch I.S.D. v. Edgewood I.S.D. (Tex. 1992); San Antonio & A.P. Ry. Co. v. State (1936); County of Harris v. Shepperd, (1956); City of San Antonio v. Toepperwein (1911)*). The only provisions of the four constitutional provisions that specifically deal with the election of a speaker

are the timing requirements of Article III, Section 9, and the explicit recognition of non-viva voce voting requirements for the election of legislative officers under Article III, Section 41.

B) House Practice Regarding Election of Speakers

The history of the house must also be considered. Beginning with the first regular session of the Texas Legislature in 1846, secret ballots (or ballots in which the vote of each member can not be ascertained by recording in the Journal) have been used 50 times as a method for selecting the speaker of the house. The last time that the secret ballot method of speaker selection was used was in the 58th Legislature in 1955. In addition to election by secret ballot, the members of the house have also used a record vote using the voting machine or paper ballot, acclamation, and acclamation following the announcement of the results of a secret ballot to select a speaker. It is clear that the history and practice of the house has allowed the members wide latitude to determine the method of election for speaker. But the fact that secret ballots have been allowed in the past is not determinative. The journals of the house for the years in which a secret ballot was used do not disclose whether there was any objection to the use of the secret ballot under any general objection or a specific Article III, Section 12, objection.

In fact, to the best of our knowledge, only one public written opinion by a presiding officer or parliamentarian on the matter has ever been issued. In 1992, Representative John Hirschi requested the parliamentarian to make a determination of whether a secret ballot was constitutional. A copy of the letter and the response of the parliamentarian is attached. The parliamentarian, in responding to the letter, wrote that Article III, Section 41, of the Texas Constitution, allowing other votes other than viva voce votes for the election of a speaker, does not govern such an election. Rather, the parliamentarian determined that "a principle of constitutional interpretation requires that all applicable provisions be read together and, to the extent possible, each be given effect. The parliamentarian wrote "the house can adopt any procedure it chooses for electing a speaker, including a secret ballot, a voice vote, a record vote, or some other method, unless three members request a record vote. If a record vote is requested by three members, the only way to give effect to Section 12 is to conduct a record vote." The parliamentarian continued, "The House has used secret ballots, I believe, because a majority of its members chose to do so and no three members requested a record vote."

Because this is the only written document on the issue by a parliamentarian or a presiding officer and because it was distributed to all members of the 72nd Legislature, it is a useful barometer of the state of mind as to the parliamentarian's thoughts in 1992, but the value of this written opinion is tempered by the fact that it was not raised by a member during a legislative proceeding, was not considered by or debated by the body, or determined by the house's presiding officer. So, it is unclear whether the letter was anything more than an expression of the parliamentarian's opinion.

C) In Re Texas Senate

In the years since the parliamentarian's written interpretation, a significant case was determined by the Texas Supreme Court, *In Re Texas Senate*. In 2000, members of the Texas Senate determined that the chamber would vote for the replacement of the departing lieutenant governor by a secret ballot. Members of the news media sued the Texas Senate and the senate's presiding officer contending that the senate was prohibited by the Texas Open Meetings Act from electing one of its members to perform the duties of lieutenant governor by any method other than a viva voce vote in open session. In their initial petition to the trial court, the media plaintiffs, much like the 1992 parliamentarian's letter, argued that Article III, Section 12, required the senate to hold a non-secret record vote if requested by three or more members.

In briefing the case before the supreme court, the senate noted that Article III, Section 41, of the Texas Constitution was recognition that "the framers did not intend all votes to be public." They expressly provided in the Constitution that voting for the election of officers in the house of representatives and the senate could be properly closed. In Footnote 4 of the senate's brief, the senate noted that an open vote is required by Article III, Section 12, if requested by any three senators "is not supported by the text of Section 12, [and . . .] is inconsistent with the constitution's express approval of closed votes in elections for officers The senate argued that Section 12 requires that the "yeas and nays" of the members be recorded, "but it presupposes a viva voce vote; otherwise there are no "yeas and nays." Further the senate argued, if Section 12 were read to require all votes to be recorded at the request of three members, no election of officers could be done by nonrecord ballot except on near unanimity. That would be inconsistent with Section 41, which contemplates closed voting in any or all elections for officers." (See Brief of Petitioners, The Texas Senate, In Re Texas Senate and the Honorable Rodney Ellis, Cause Number 00-1321, at page 6, Footnote 4).

The supreme court determined that the senate could proceed by secret ballot. (See *In Re Texas Senate (Tex. 2000)*). While the court's opinion did not directly address the effect of Article III, Section 12, on the ability to request a secret ballot, the unanimous court made very clear several principles:

First, Article III, Section 41, "clearly gives each house of the legislature the authority to elect its officers by means other than a viva voce vote." *Id.* at 120.;

Second, Article III, Section 41, authorizes each legislative chamber "to elect its officers by secret ballot, should it choose to do so." *Id.*; and

Third, arguments based on policy concerns for or against a secret ballot are not for the court (or a presiding officer) to consider. The Constitution, by allowing but not requiring a secret ballot, commits that choice to this chamber. *Id.* at 121.

Examining the history of these Texas constitutional provisions and the special specific provision regarding Article III, Section 41, the practice of the house in actually conducting elections by secret ballot and other methods, and the unanimous Texas Supreme Court decision in *In Re Texas Senate* which included the court's strong recognition of each legislative chamber's authority under

Article III, Section 41, of the Texas Constitution to elect its officers by means the chamber determines is best, the presiding officer is of the opinion that the Texas Constitution leaves solely to the members of this house the authority to determine the manner of election of the speaker of the house, including by a means other than a viva voce vote, including by a secret ballot.

Additionally, the Texas Constitution is clear that arguments based on policy concerns for or against a secret ballot are not for the presiding officer to consider but are rather properly and wisely entrusted to the members of the Texas House. In short, the members must make this determination themselves.

Accordingly, the point of order is respectfully overruled.

Representative Hartnett moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 1): 80 Yeas, 68 Nays, 0 Present, not voting.

Yeas — Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Callegari; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dutton; Eissler; England; Flores; Flynn; Gattis; Giddings; Goolsby; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Laubenberg; Lucio; Macias; Madden; McClendon; Miller; Morrison; Mowery; Murphy; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Puente; Riddle; Rose; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Turner; Van Arsdale; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Cohen; Coleman; Cook, R.; Davis, Y.; Dunnam; Eiland; Elkins; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Gonzales; Gonzalez Toureilles; Haggerty; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Jones; Kuempel; Latham; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miles; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Pitts; Quintanilla; Raymond; Ritter; Rodriguez; Smith, T.; Strama; Straus; Talton; Thompson; Vaught; Veasey; Villarreal; Vo; West.

Absent — Brown, F.

A record vote was requested.

Amendment No. 1 was adopted by (Record 2): 96 Yeas, 51 Nays, 0 Present, not voting.

Yeas — Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Callegari; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; England; Farabee; Farias; Flores; Flynn; Gattis; Geren; Giddings; Goolsby; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Homer; Hopson; Howard, C.;

Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; McReynolds; Miles; Miller; Morrison; Mowery; Murphy; Olivo; Orr; Otto; Parker; Paxton; Peña; Phillips; Puente; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Cohen; Coleman; Davis, Y.; Dunnam; Eiland; Escobar; Farrar; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Haggerty; Heflin; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; Hughes; Jones; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; Menendez; Merritt; Moreno; Naishtat; Noriega; Oliveira; Ortiz; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rodriguez; Strama; Talton; Thompson; Vaught; Veasey; Villarreal; Vo.

Absent — Brown, F.; Patrick.

STATEMENT OF VOTE

When Record No. 2 was taken, my vote failed to register. I would have voted yes.

Patrick

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).

HR 35 - (consideration continued)

Amendment No. 3

Representative Merritt offered the following amendment to **HR 35**:

Amend **HR 35** as follows:

(1) Strike SECTION 1 (d) and substitute the following:

(d) After all ballots have been cast and placed in the voting box, the chief clerk shall sign the roster indicating which members cast ballots and deliver the roster to the sergeant-at-arms. The ballots shall then be counted by the sergeant-at-arms and the secretary of state on the house floor. The sergeant-at-arms and secretary of state shall prepare and sign a tally sheet indicating the total votes received by each nominee. The secretary of state shall announce only the total votes cast for each nominee, as reflected on the tally sheet. After the votes cast have been announced and the secretary of state has either declared that a nominee has been elected or announced that additional voting is necessary, the ballots shall be immediately destroyed in the presence of the house.

(2) Add the following to the end of SECTION 2 (b):

The ballots shall be destroyed in the manner and at the time prescribed by SECTION 1 (d).

(3) Add the following Subsection (c) to SECTION 3:

(c) The ballots shall be destroyed in the manner and at the time prescribed by SECTION 1 (d).

(4) Strike SECTION 5.

Representative Hartnett moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 3): 91 Yeas, 57 Nays, 0 Present, not voting.

Yeas — Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Callegari; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dutton; Eissler; England; Farabee; Flores; Flynn; Garcia; Gattis; Geren; Giddings; Goolsby; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Laubenberg; Lucio; Macias; Madden; Martinez; McClendon; Miller; Morrison; Mowery; Murphy; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Puente; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Cohen; Coleman; Davis, Y.; Dunnam; Eiland; Elkins; Escobar; Farias; Farrar; Frost; Gallego; Gonzales; Gonzalez Toureilles; Haggerty; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Jones; Kuempel; Latham; Leibowitz; Mallory Caraway; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miles; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pierson; Pitts; Quintanilla; Raymond; Rodriguez; Strama; Talton; Thompson; Vaught; Veasey; Villarreal; Vo; West.

Absent — Brown, F.

A record vote was requested.

HR 35, as amended, was adopted by (Record 4): 132 Yeas, 16 Nays, 0 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miller; Morrison; Mowery; Murphy; Naishtat; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett;

Pierson; Pitts; Puente; Quintanilla; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Alonzo; Burnam; Coleman; Davis, Y.; Dutton; Escobar; Farrar; Jones; Merritt; Miles; Moreno; Noriega; Oliveira; Raymond; Talton; Thompson.

Absent — Brown, F.

**HR 36 - MOTION TO ADOPT
(by Vaught)**

The following resolution was laid before the house:

HR 36, Relating to speeches by candidates before the house.

HR 36 was withdrawn.

**ADDRESS BY REPRESENTATIVE PITTS
ON A MATTER OF PERSONAL PRIVILEGE**

Secretary Williams recognized Representative Pitts who addressed the house on a matter of personal privilege.

**ADDRESS BY REPRESENTATIVE TALTON
ON A MATTER OF PERSONAL PRIVILEGE**

Secretary Williams recognized Representative Talton who addressed the house on a matter of personal privilege.

**ELECTION OF THE SPEAKER OF
THE HOUSE OF REPRESENTATIVES**

The secretary of state announced that the next order of business would be the election of the speaker of the House of Representatives of the Eightieth Legislature of the State of Texas, and stated nominations for speaker would now be in order.

Secretary Williams recognized the Honorable Geanie Morrison of Victoria County, who placed in nomination for speaker of the House of Representatives of the Eightieth Legislature of the State of Texas the name of the Honorable Tom Craddick of Midland County, speaking as follows:

Thank you, Mr. Secretary, members, distinguished guests, family, and friends. I am honored today to stand before you to nominate a man, who since 1998 I have come to know and respect. He is a man of character, a man of integrity, and most importantly, a man who understands this institution and the immense responsibility placed on the shoulders of this body, my good friend and colleague, Tom Craddick.

As members of the Texas House, we first and foremost represent the people of our districts and then, on a much grander scale, the 20 million-plus residents of this great state. As many of you know, I had the opportunity to run for the Texas Senate when Senator Armbrister decided not to seek another term. It was one of the most difficult decisions I have ever had to make. In the end, I made the

decision not to run, and after consideration for my family, the main reason I made that decision was because of the fact that I could better represent the people of my area under the leadership of Tom Craddick.

As I have explained to many of my constituents when a vote did not go their way, the Texas House is made up of a diverse cross section of this state, and it is important for that diversity to be reflected in the Texas House, whether our philosophies are aligned or not. And then I go on to tell them that at no time in our state's history has a more diverse group of individuals had the opportunity to demonstrate their leadership. Tom Craddick has appointed more women and more minorities to chair powerful house committees than at any time in the state's history. He has a proven record of making appointments based on ability, not whether a person has an "R" or a "D" behind their name or whether they come from a rural or an urban part of the state.

Tom Craddick has effectively led the Texas House through some of the best times and some of the most difficult times. Under Tom's leadership, we were able to overcome a \$10 billion budget shortfall. His stewardship and the relentless commitment of the members of this body are what enabled us to enact a balanced budget and ensure that the state operates in a more efficient manner. And that brings us to where we are today. I can proudly say that I believe that the combination of Tom's leadership and the commitment of this body is what led to yesterday's announcement of a \$14.3 billion budget surplus.

And in thinking about that, I also reflected back on something a former member once said. He said a budget shortfall is a lot easier to deal with than a budget surplus because with a shortfall you just tell everyone no, which is a very important point to consider when electing a speaker. A budget surplus is not something that magically appears, and by no means is it just money to be spent. It is the taxpayers' money and it is critical that we have a speaker who recognizes this fact, but who also recognizes the need to fund the critical initiatives that will keep Texas competitive both nationally and globally. I believe Tom Craddick is that individual.

Tom is a successful businessman who understands the vast impact of the actions taken by this body. He chaired the House Ways and Means committee for three sessions and has probably worked on more appropriations bills than 99 percent of us here today. He understands the important balance of generating revenue in fair manner, while providing essential services, and just as importantly, he understands the importance of ensuring accountability to the taxpayer while doing both, because, just like you and I, he answers to the people of his district.

I also believe that I would be remiss if I did not speak about another component of Tom's understanding, his understanding that he did not get to where he is today by himself. His exceptional wife, Nadine, his wonderful

children, Christi, Tommy and Laura, and his grandson Tripp are always there by his side, just as they are today, and just as they have been for all of us. As we all know, the Craddick family is extended to each and every member of this body.

I want to close with a quote from Henry Ford who once said, "The question, 'Who ought to be boss?' is like asking 'Who ought to be tenor in a quartet?' Obviously, the man who can sing tenor." That same logic applies when electing a leader. Tom Craddick has proven his leadership in good times and difficult times. He is the right person for the job and that is why I am supporting Tom Craddick to continue his leadership as speaker of the Texas House.

Secretary Williams recognized the Honorable Aaron Peña of Hidalgo County, who seconded the nomination of the Honorable Tom Craddick, speaking as follows:

Mr. Secretary, members, distinguished guests, family, and friends. The currents of history are constantly crashing around us. Throughout it all, this Texas House and the Texas ideals and values it represents remain. In 2003 after 130 years, not since the aftermath of the Civil War, had this institution seen those currents bring such change that came with the election of Tom Craddick as speaker.

A lot has happened in the past four years. Say what you want about this period, but often missed in the headlines and greater issues of the day is one of the single greatest achievements of this administration and in the advancement of Texas. In unprecedented numbers, the diversity that is Texas has gained a significant role in the leadership of their government.

People like me and the people I represent for the first time in significant and meaningful numbers have assumed leadership roles in the Texas House these past two sessions.

It is no mistake that I, a son of the border, am addressing you today. I have also not failed to note that the others who also rise to speak with me are part of the new face of Texas. I stand here because the people I represent do not have the luxury to tilt at windmills. We were not elected to be partisans, to war with each other over questions of style. We were elected to create substance, to work on improving the lives of the people of Texas and the state we love. We come looking for a seat at the table, not as adversaries but as brothers and sisters, diverse in our perspectives but singular in our purpose.

We see hope in a new partnership, not blinded by illusion, placing our full faith in the pragmatic politics of reality. Whereas the pessimist sees difficulty in every opportunity; the optimist sees opportunity in every difficulty. History tells us that when the crusaders entered the holy land, they came as conquerors to dominate the land and its people. Their experience left them, however, more changed by the people they sought to dominate. This maxim of history is not forgotten here, to change the direction of policy not through confrontation and partisanship but rather through the time honed value of pragmatic

politics—respect, trust, and honor—placing value in a man's word. Above all values, the reason I am here is because one man extended his hand and I responded with my word and my honor.

Mr. Secretary, fellow members. It is my great honor to second the nomination of Tom Craddick for speaker of the Texas House of Representatives.

Secretary Williams recognized the Honorable Warren Chisum of Gray County, who seconded the nomination of the Honorable Tom Craddick, speaking as follows:

Mr. Secretary and honored guests and members, it's been a long a day. I've got a great speech here. I'm going to forgo that speech and tell you that I also nominate, or second the nomination, of Tom Craddick of Midland County for the speaker of the 80th Legislative Session.

Secretary Williams recognized the Honorable Patrick Rose of Hays County, who seconded the nomination of the Honorable Tom Craddick, speaking as follows:

I stand before you today as a proud democrat, and I look forward to one day casting my vote for a democratic speaker of the Texas House, but today is not that day.

Speaker Craddick has been criticized for not working well with democrats over the last four years. And I think that criticism has validity. On the other hand, we as democrats could have done a better job of working with the speaker and I hope, as we go forward, that we come together, and learn to work better with one another, to make this process one that belongs to each of us, a process that we can all be proud of.

We have been through four, tough years. And we have made difficult decisions. Where we once faced a \$10 billion deficit, today we have a surplus. Where we once faced a school finance court order, we now have a fair and broad based business tax. To get where we are today took leadership.

There have been winners and there have been losers, and it has not been easy. But I believe that the house has learned and grown over these last four years. I believe that Speaker Craddick has learned and grown over these last four years. And I believe in this house. Because I believe in this house, because I believe we have learned, because I believe that it took leadership to get from where we were to where we are today, I second the nomination of Tom Craddick for speaker of our Texas House.

Secretary Williams recognized the Honorable Dan Gattis of Williamson County, who seconded the nomination of the Honorable Tom Craddick, speaking as follows:

Mr. Secretary, members, honored guests, when I first ran for the Texas Legislature almost five and a half years ago I came to this building. I came to this building to pay respects to the speaker, Speaker Pete Laney. I did so because it was the right thing to do. I did so because he is a man who I respect and who my family has known for a long time. He told me something that day, two things. He told me that he would help me in any way that he could—we both figured out that the best thing was for him to deny that he knew me, me being a republican in Williamson County. The second thing he told me was this, "Dan, you will be amazed at what you can accomplish if you work hard in this house—if you put your nose to the grindstone, if you won't care about the golf and the parties, but you care about your constituents."

And he's right. But coupled with that, accomplishments require two things. They require hard work, but they also require the opportunity to work on those things that matter. That opportunity is just as important as the ability or willingness to work hard.

I will tell you that when you are a freshman, you're often told that you are to be seen and not heard—you've heard it. Speaker Craddick, who was my speaker my freshman year, never told us that. He said you are to be heard. Your constituents sent you here to represent them and you are to do so to the fullest of your ability. And he backed those words up with more than just words. He backed it up with action when as freshmen in the 78th Legislature we had members that served as vice-chairs on important committees and freshmen that served on Appropriations. That was not unique to the freshmen of the 78th Legislature. It was again repeated in the 79th Legislature. It was not unique to those that are in my party who were given those opportunities. It was not unique to those of my gender who were given those opportunities. In fact, women had an unprecedented ability to serve in this house. It wasn't unique to those from my culture, from those of my socioeconomic status, from my area of Texas.

He gave us opportunity to have a voice. He gave Texas, the diverse state that it is, every citizen to have a voice through their representatives. To be able to voice their concerns, even when those concerns and those opinions differed from his. I know some have criticized him and said that is not the case and that is not true. That is not what I've seen. I've seen a man who is willing to let you fight the fight for your people if you're willing to work hard and do so. And it is for that reason that I'm honored to second the nomination of Tom Craddick for speaker of the house of representatives. God bless this wonderful house and God bless Texas.

Secretary Williams recognized the Honorable Sylvester Turner of Harris County, who seconded the nomination of the Honorable Tom Craddick, speaking as follows:

I had so much to say when the galleries were full and the cameras were all here and my daughter was still sitting in my chair. Now that the gallery is somewhat empty, the cameras from Houston are gone, and my daughter has taken her plane. Please put my comments in the record. Let me just say, I wanted so badly to talk about electricity. I wanted a competitive rate. To talk about the electric utility companies. Well, that won't take place either, now. Then the last speech. And knowing the fact that it is close to six o'clock, cameras are gone, gallery is empty, my daughter's on a plane, I second the nomination of Tom Craddick.

Representative Dunnam moved to suspend all necessary rules and the provisions of **HR 35** to allow members to vote for the election of speaker from their desks.

The motion prevailed.

Representative Turner moved that nominations cease and that the Honorable Tom Craddick be elected speaker of the Texas House of Representatives of the Eightieth Legislature.

A record vote was requested.

The Honorable Tom Craddick of Midland County was elected speaker of the Texas House of Representatives of the Eightieth Legislature by (Record 5): 121 Yeas, 27 Nays, 0 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Callegari; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; England; Farabee; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Alonzo; Burnam; Castro; Coleman; Davis, Y.; Dunnam; Eiland; Escobar; Farias; Farrar; Gallego; Garcia; Hernandez; Herrero; Hodge; Leibowitz; Mallory Caraway; Martinez Fischer; Miles; Moreno; Noriega; Olivo; Ortiz; Raymond; Rodriguez; Thompson; Veasey.

Absent — Brown, F.

COMMITTEE APPOINTED

Secretary Williams announced the appointment of the following committee to escort Speaker-elect Craddick to the speaker's rostrum: Representatives Hilderbran, co-chair; T. King, co-chair; Crownover, Chavez, Hardcastle, Bailey, Callegari, Isett, Lucio, S. King, Guillen, Truitt, Rose, Straus, McClendon, Laubenberg, Giddings, and Deshotel.

Speaker-elect Craddick and his party were escorted to the speaker's rostrum.

On motion of Representative Geren and by unanimous consent, all member's guests were allowed to remain on the floor for the remainder of today's session.

OATH OF OFFICE TAKEN BY THE SPEAKER OF THE HOUSE

The Honorable Tom Craddick of Midland County, having been escorted to the speaker's rostrum, took the constitutional oath of office as speaker of the House of Representatives of the Eightieth Legislature of the State of Texas, which was administered by the Honorable James R. Nowlin, Chief Justice of the United States District Court, Western District of Texas, as follows:

"I, Tom Craddick, do solemnly swear, that I will faithfully execute the duties of the office of speaker of the Texas House of Representatives of the Eightieth Legislature of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state. So help me God."

INTRODUCTION OF GUESTS

Secretary Williams introduced the Honorable Tony Goolsby of Dallas County who introduced Nadine Craddick, first lady of the Texas House of Representatives.

Secretary Williams introduced the Honorable Dennis Bonnen of Brazoria County who introduced the following members of the speaker's family: Christi, his daughter; Tommy, his son; Laura, his daughter-in-law; Tripp, his grandson; and Bonnie Kelly, his sister.

ADDRESS BY THE SPEAKER

Representative Bonnen recognized the Honorable David Swinford of Moore County who introduced Speaker Craddick. Speaker Craddick addressed the house as follows:

Mr. Secretary, members of the house, families and friends, welcome to the Texas House of Representatives and the 80th Texas Legislature.

I would like to extend a special thank you to Representative Morrison, Representative Peña, Representative Rose, Representative Gattis, Representative Chisum, and Speaker Turner for nominating me. I want to also thank God for giving us this opportunity to gather here this legislative session.

I want to start by acknowledging the efforts made by other speaker candidates to win this post. Anyone who has run for this position or held it knows its importance to all members of this body. I want to congratulate all who sought to be elected and, through their efforts, encouraged serious dialogue about our legislative process. I had numerous conversations with members during this election period, and I can assure you I listened carefully. The conversations are always instructive because people speak from their heart in these private meetings.

I have served many terms in the house. This is the only elected position for which I have ever run, because this is the body for which I have the utmost respect and zeal. I have worked under six speakers. I tried to observe each of their styles closely and to know each of them personally. Like all things, I was more successful doing so with some than others.

The lesson I have learned over the long haul has been that this body works well because members care about their issues and care about their constituents. That is not to say there aren't disagreements within this body or disagreements between the house and senate, or between us and the governor. That is part of politics in a democracy.

I want to assure each and every one of you today that I believe my primary responsibility as your elected leader is to fulfill your elected purpose. I hope it is done efficiently and thoroughly, because six months is not long to perform two years' worth of work. I want to be responsive to your personal needs, and I want you to go forth and do the work for which you were elected. Do it with passion, and do it with decorum.

We belong to the greatest legislative institution is all the 50 states. Our diversity, intellect, and passion are unmatched by any other. Take your talents where they lead you, and I will help you succeed. If in some way I fall short of your expectations or needs, please tell me, and I will do my best to correct that shortcoming.

Thank you all, again, for electing me speaker of the Texas House of Representatives. I am greatly honored and humbled by your vote today. As a husband, a father, and a grandfather, I also want to thank my family for the love and support they have given me. And I want to especially thank Nadine, my lovely wife, my partner, and my best friend.

Enjoy the rest of this beautiful day with your families and friends. May God bless us all in this great endeavor.

ADDRESS BY THE GOVERNOR

Speaker Craddick introduced the Honorable Rick Perry, governor of the State of Texas. Governor Perry briefly addressed the house.

COMMITTEES APPOINTED

The speaker announced the appointment of the following committee to notify the senate that the house is organized and ready to transact business: Representatives T. Smith, chair; Flores, Hamilton, Raymond, and Patrick.

The speaker announced the appointment of the following committee to notify the governor that the house is organized and ready to transact business: Representatives Solomons, chair; Delisi, Dukes, Martinez, and Darby.

INTERPRETER FOR THE DEAF

The speaker presented Sandra Rouse and Buddy Bauer who provided the interpretation of the proceedings of the house.

CAPITOL PHYSICIAN

The speaker presented Dr. Douglas Curran of Athens, president of the Texas Academy of Family Physicians, as the "Doctor for the Day."

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

The speaker recognized Edward Pleasant who led the house in singing "Texas Our Texas."

ADJOURNMENT

Representative Jones moved that the house adjourn until 9 a.m. tomorrow in memory of Evelyn Frances Brown, Mary Ruth Smith, the Honorable Joe E. Moreno, the Honorable Glenda Dawson, the Honorable E. H. Thornton, Jr., the Honorable Garfield Thompson, the Honorable Gordon Davis, the Honorable Howard Green, the Honorable James Kaster V, the Honorable James Yancy, Jr., the Honorable Joseph Pentony, the Honorable Leroy Wieting, the Honorable Thomas Stilwell, the Honorable Travis Peeler, the Honorable Washington Whiteside, the Honorable William Stump, Jr., the Honorable Doyle Willis, Sr., the Honorable Dudley Harrison, the Honorable J. C. Zbranek, the Honorable Jack Vowell, Jr., the Honorable Jake Johnson, the Honorable James "Buddy" Adams, Sr., the Honorable John Kimbrough, the Honorable Myra Banfield Dippel, the Honorable Robert Nichols, the Honorable Ronald Roberts, the Honorable Stanley Boysen, the Honorable Vernon Stewart, the Honorable Frates S. Seeligson, the Honorable Temple Dickson, the Honorable Frank Madla, and the Honorable Bill Clayton.

The motion prevailed.

The house accordingly, at 6:45 p.m., adjourned until 9 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, January 9, 2007

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 6

Janek

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

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

NOTICE FILED WITH SECRETARY OF STATE

In accordance with Section 572.0531, Texas Government Code, the following notice was filed with the Texas Ethics Commission and the Chief Clerk of the House of Representatives regarding notice filed by a legislator concerning a relative who is a lobbyist (Form Leg-Rel):

January 8

Name of Member: Charlie Howard

Lobbyist Name and Bill/Measure Information: Julie Drenner, all bills of the 80th Legislative Session