

HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTH DAY — TUESDAY, JANUARY 16, 2007

The house met at 8:30 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 34).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Noriega; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler.

Absent, Excused — Mowery; Oliveira; Zerwas.

Absent — Bolton; Castro; Chisum; Creighton; Escobar; Gonzales; Hernandez; Herrero; Howard, D.; Keffer; Mallory Caraway; Moreno; Naishtat; Olivo; Orr.

(Chisum now present)

The invocation was offered by Craig Davidson, CrossPointe Church, Austin.

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

(Gonzales now present)

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today and tomorrow because of illness:

Oliveira on motion of Chisum.

The following members were granted leaves of absence for today because of important business in the district:

Mowery on motion of Chisum.

Zerwas on motion of Hardcastle.

The following members were granted leaves of absence for the remainder of today because of inclement weather:

Eiland on motion of Chisum.

Kolkhorst on motion of Chisum.

Ritter on motion of Chisum.

PROVIDING FOR ADJOURNMENT

Speaker Craddick stated that, at the conclusion of the joint session for inauguration of the governor and lieutenant governor, the house adjourn until 1 p.m. tomorrow.

HOUSE AT EASE

At 8:40 a.m., the speaker stated that the house would stand at ease.

INAUGURATION OF THE GOVERNOR AND LIEUTENANT GOVERNOR

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

At 10 a.m. today, the members of the house reconvened in the house chamber 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, arrangements having been made in the house chamber for holding of the inaugural ceremonies.

The governor and Mrs. Perry and lieutenant governor and their party were escorted to seats on the speaker's rostrum. The color guard presented the colors.

The assemblage sang the national anthem.

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

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

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

Speaker Craddick presented Pastor Joel Osteen of Lakewood Church, Houston, who offered the invocation.

Lieutenant General Joseph F. Weber led the pledges of allegiance to the United States and Texas flags.

Speaker Craddick 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 Whitmire introduced the lieutenant governor of Texas, the Honorable David Dewhurst, to the joint session and the assemblage.

Lieutenant Governor Dewhurst addressed the joint session and assemblage, speaking as follows:

Governor Perry, Speaker Craddick, Chief Justice Jefferson, Attorney General Abbott, Comptroller Combs, Commissioners Patterson, Staples, Ames-Jones, Williams, and Carrillo, senators, representatives, elected officials, Mrs. Pataki, my fellow Texans.

Standing before you today, I feel so many different emotions. I am honored. I am appreciative, as we all join in celebration of the people's sovereignty—the hallmark of freedom, and the enduring wisdom of our democratic republic.

When I was elected your lieutenant governor four years ago, it was exciting and very moving. But today is even more fulfilling. When you elected me the first time, it had to be in part an act of faith. This time, I trust I've earned your confidence. So I thank you for your support and for giving me the opportunity to keep working for you, and for a better Texas future.

If you'll permit me just for a moment as I think back to when I first decided to run for state-wide office. When I finally sat down with my mother and told her my decision—I'll never forget—she blinked several times, leaned toward me, touched my arm, and said in that way only mothers can say, "Son, have you completely lost your mind?" But then we got to talking about my grandfather, and how proudly he had served in the Texas Legislature. And then I remember, she paused and said with tears in her eyes, "Son, bless your heart. Go for it. But promise me one thing: That as long as you're in politics—every day you're in office—you'll push the envelope. Help people who don't have anyone to help them. And never give up."

You see, my mother believed in me. And let me tell you, I believe in the people of Texas. With your help, we've pushed the envelope. We've fought the good fight. We took the fight to our financial crisis and against all odds, we wiped out a huge deficit, and now created a multi-billion dollar surplus. We took the fight to an oppressive local school property tax and passed a \$14 billion tax cut—the largest in Texas history. We took the fight to higher education, working to improve our great universities, keep colleges affordable, and put students on a faster track to graduation. We fought to make Texas the most business-friendly state in the entire United States, and we created hundreds of thousands of new jobs, lowering workers' compensation costs, working to end frivolous lawsuits, and keeping our good doctors practicing medicine right here in Texas. And I'm so proud that we passed more pro-family legislation during my first term than during any comparable period in Texas history, protecting our families, the unborn, and the vulnerable.

We accomplished all this and more because we worked together as a bipartisan action team for Texas. We recognized that we may be republicans or democrats or independents, but first, we are Texans. And by doing this, we made progress and partnership the legacy of the last four years, and we restored the people's faith in our Texas government.

Now as we look ahead, to the blessings of a new day, a time of renewal, a time to remember that for all that might appear to divide us, core values of far greater significance unite us. And that begins with a fundamental goal for all of us: making Texas a better place to live, work, and raise a family.

We know that runaway government spending makes it harder for families and businesses to succeed. So we must be conservative with the taxpayers' money, and we must continue to grow the economy and create more good jobs. We know that getting every dollar we can into the classroom, instead of feeding the bureaucracy, improves the quality of education. So we must be accountable for every penny we spend on our schools. We know that illegal immigration puts a strain on our public services and our security. So we must be fair and firm as we deal with our border. We know that our prosperity and quality of life depend on our air, our water, and all our natural resources. So we must make our economy and our environment grow healthy together. These are important priorities in my second term, and I know that by working together, we can keep the momentum going.

Now, we also know that everything we do is designed to set the stage for the next generation, to safeguard their claim to the future. So in this session of the legislature I am offering a bold plan to protect and nurture the most precious resource of all: our children.

Texas Children First is a package of legislation based on a simple, unassailable premise: that safe and healthy children learn. Safe and healthy children learn, they grow, and they go on to lead lives that strengthen our state and make us proud. By protecting our children, we protect our future. My plan will give our children every chance to become the next generation of Texas leaders, builders, and givers. We know, for instance, that there are many violent crimes, but perhaps none more insidious than violent sex crimes against our children. Today, we have 46,000 registered sex offenders walking our streets in Texas, and more than half have victimized children. Every single instance of this crime strikes at the heart of our civil society. And yet under Texas law, a first offense can result in as little as probation. That's not deterrence. That's a disgrace. And we will not wait for more lost lives, shattered innocence, and broken families before we bring ultimate justice to these monsters.

That's why I asked Mark Lunsford to be with us today. Mark lost his beautiful daughter Jessica to the hands of a repeat sex-offender, and I cannot imagine the pain he has gone through. The horror of this crime has sparked a revolution in the way we punish these predators. Twenty-six states have passed a Jessica's Law. And Mark, I want you to know that Texas is going to have its own Jessica's Law. Our law will do justice to the memory of your daughter and every child who has been made a victim.

As part of Texas Children First, I am proposing the toughest sexual predator law in the nation. If you're convicted of a sexually violent crime against a child under 14 here in Texas, you're going to jail for a minimum of 25 years, with lifetime GPS monitoring if you get out. We're going to have our eyes on you 24/7. And if you ever get out and, God forbid, you do it a second time, prosecutors will be able to seek the death penalty. Two strikes and you're out—forever.

Our message is this: there's tough, and then there's Texas tough. And if you're going to commit an unthinkable crime against a child, we'll show you what Texas tough means.

Now, another battlefield for child safety is the Internet, that these monsters use to get at our children right in our own homes. One in five children has been approached sexually on the Internet. Our children shouldn't have to walk through a predator minefield every time they go on-line. So my plan will give the police better tools to catch these cyber-criminals, and stiffen the penalties for using the Internet to solicit a child.

Next, we all want to know that our children are safe, not just when they're outside or online, but on campus as well. My plan will help us create a safer school environment by requiring criminal background checks for anyone who works on the campus of a public school; random testing of high school athletes to attack the scourge of steroids and performance enhancing drugs; and provide every Texas public school with a portable defibrillator—like the one that saved the life of a young football player Matt Nader of Westlake High School, who is with us today. An investment of just a few thousand dollars made the difference between life and death for Matt. And we should resolve to make that difference at every public school in Texas.

Finally, Texas Children First gets right to the heart of why we send our children to school in the first place: academics. My plan, created with the help of some key legislators, will allow us to build on what we've done the last few years to improve scholastic performance, reward good teachers, lower drop-out rates, and expand college readiness programs for high school students. I want to give our children great schools, see them through all the way to graduation, and make sure that a Texas diploma is a passport to their dreams. Texas Children First will give our children the freedom to imagine every possibility.

I see Texas as the place of big dreams and quiet miracles. A place where everyday anybody from any background or any community can scale heights as improbable as they are breathtaking. But we must always ensure that our government is not an obstacle to hope, but a partner in prosperity.

Standing in the chambers of the Texas Senate and House, you can observe the large, majestic chandeliers above, and you will see upon each lights positioned to spell out a single word: TEXAS. It's a vivid reminder of the solemn duty bestowed upon our elected leaders—to put Texas above all. I have always thought of this light as one that illuminates the accountability to which we must always be held. Or put in simpler terms: "The Eyes of Texas are Upon You."

With those eyes upon us I make this pledge: we will not be held back by partisanship. We will move forward in partnership. We will not confuse motion with progress. We will forge real solutions. We will not allow events to shape our future. We will shape our future, guided by justice, common sense, and by the will of the people.

Thank you, and may God bless you, and may God bless the great State of Texas.

At the conclusion of the lieutenant governor's address, Speaker Craddick stated that the oath of office would be administered to the Honorable Rick Perry, governor of the State of Texas, 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.

A nineteen-gun salute was fired.

Speaker Craddick introduced the governor of Texas, the Honorable Rick Perry, to the joint session and assemblage.

Governor Perry addressed the joint session and assemblage, speaking as follows:

Lieutenant Governor Dewhurst, Speaker Craddick, Chief Justice Jefferson, members of the legislature, my fellow Texans. The oath that I have taken this morning confers upon me not only a public office, but a public trust. I accept it with humility, knowing to whom much is given much is expected in return.

Texas has given me more than I could ever give back. It was here that I discovered life and met my first love: the First Lady of Texas, Anita Perry. Had we not served one day in office we would feel eternally blessed because of the gift of two wonderful children: Griffin and Sydney.

I am also glad to be joined by two Texans that raised me in a home filled with love, and who taught me the value of respecting everyone: my parents, Ray and Amelia Perry. Mom and Dad, how can I sum up more than five decades of love and sacrifice but to say thank you, and I love you.

As a state that has always proudly rolled out the welcome mat, please join me in giving a Texas-sized reception to four special guests from Mexico, Governor Gonzalez of Nuevo Leon, Governor Hernandez of Tamaulipas, Governor Herrera of Vera Cruz, and Governor Garcia of Zacatecas.

As we gather today, there is great reason for optimism in Texas. We have a record budget surplus, jobs are at an all-time high, children's test scores are improving, home and medical insurance costs are decreasing, school finance is out of the courts and school property tax rates are on the way down. On top of that, the Aggie basketball team is ranked in the top ten in the nation. Apparently, hell has frozen over. I don't mention these successes to downplay our great challenges, but because they stand in great contrast to uncertain events across the world.

We are now in an era of great global anxiety. Two conflicts on Israel's border and one in Iraq, threaten the stability of the entire Middle East, as well as the safety of America's bravest men and women.

Our greatest threat is no longer a Cold War enemy that advances a Godless ideology, but fanatics that kill the innocent and themselves in the name of a higher power. Rogue states and terror cells have made nuclear proliferation a greater threat, and leaders in Europe and Latin America have risen to power and popularity based on anti-American appeals. We face not only a war on terror, but a war on drugs that brings violence to our border and carnage to millions of American families.

The 21st Century has begun with no shortage of human suffering. New treatments for the American victims of AIDS have seemingly insulated us from rampant suffering on two continents: Asia and Africa. And an even more insidious disease, human hatred, has claimed many more lives, infecting tribes, ethnic groups, and nations that commit genocide in places like the Sudan while much of the world stands idly by.

We cannot ignore the challenges beyond our borders any more than we can the problems we face at home, whether it is poverty in Mexico, hopelessness in Africa, or homelessness in Austin. It is this perspective that shapes my view on immigration. We are both a nation of laws and immigrants; the former protect us, the latter enrich us. Every nation has a sovereign right to control its borders. Our porous international border is one of the greatest threats to this nation's security. Securing our border is more complex, however, than building a border-wide barrier. Strategic fencing makes sense in densely populated areas, but a comprehensive border security solution requires additional manpower and the use of technology. We have shown Washington what works. With Operation Rio Grande, we have increased patrols, cut off common illegal crossings, and reduced crime in sheriff-patrolled areas by 60 percent during intensive surge operations. I believe we can secure the border without compromising our economy, and we can implement a guest worker program without compromising our security.

Illegal immigration drains the resources of our schools, our hospitals, and our law enforcement agencies. But I do not believe it is realistic to deport 12 million people already here illegally. We have to understand why millions of people come here, and why many more have died trying, it is for something as basic as the freedom to find a job and feed their families.

I know illegal immigration and border security are polarizing issues. To those on both sides of the issue, I simply make one request based on the words of the prophet Isaiah: "Come now, and let us reason together." Let us choose to sit down together and be a part of the solution rather than a source of division.

I start from this premise: we must secure the border with manpower, not unmanned walls. We must have a guest-worker program that recognizes the economic contributions of foreign workers and the desperate conditions that bring them here. And we must oppose amnesty because those who come here illegally should not be able to receive citizenship ahead of those who migrate here legally.

My vision for Texas is a tremendous tapestry of diversity woven together by common threads. We are of many faiths, traditions, heritages, but we are all Texans. And in Texas, it is not your identity that matters most, but your ideals. There are no black, white, Asian or Hispanic dreams. Take away what's on the outside, and you see a common thread on the inside, the human desire to live a life of meaning, purpose, and fulfillment. And even when we disagree, we can engage our differences in a discussion that unifies rather than divides, that lifts up the hopes, dreams, and aspirations of all people without casting a single soul aside.

For much of the world, age-old conflicts derive from differences of tribe and tongue. It produces a cycle of violence that never seems to end. Yet, here we are, as diverse a people as any state in the union, and we share a bond that is much deeper than what could ever divide us, our common bond as Texans. It's not that we have a history of solidarity. One hundred forty years ago a segment of our people was enslaved and considered less than equal. But we are overcoming past prejudice for the sake of the common good. On this stage is the descendent of a slave who was once sold as property on the steps of a Central Texas courthouse. Today, Wallace Jefferson walks up the steps of our highest civil court in Texas, not only a peer among nine equals, but as our chief justice.

I believe hatreds that are centuries old can be extinguished by one courageous generation. If hatred is something that can be taught, then so can the greatest attributes of any society: "love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, and self-control." As the Apostle Paul wrote, "Against such there is no law."

We are a nation of great ideals, the greatest of which is the belief that all men and women were born to be free. For freedom to work, we must all be committed to another important ideal, "that all men are created equal, that they are endowed by their creator with certain unalienable rights." I don't believe in prescribing equal outcomes, but I do believe in preserving equal opportunities.

And I also believe no great society can be built or maintained if we cultivate in our children the vanity of self rather than the virtue of selflessness. Young Texans must never be taught about rights without also learning about responsibilities. Only when we embrace the responsibilities of a free society can we achieve the greater social good.

As a society, we have a responsibility to those who languish in poverty, to empower them with the tools needed to live a life of self-sufficiency. We have a responsibility to the most vulnerable among us, the young and the aged, those who are sick and those who live with disabilities, and that is to protect them, nurture them and empower them to overcome all obstacles. And we have a responsibility to future generations, to leave them a world that is safe, an environment that is healthy, an economy that is strong, and a government that is honest. But we must not proclaim the responsibilities of a free society and ignore the responsibilities of free individuals.

For more than a generation our culture has emphasized a message of self-indulgence at the expense of social obligation. We have reaped the consequences in the form of teen pregnancies, divorced and broken families, and a cycle of incarceration that joins young men with their fathers behind bars.

The fabric of our society is not government or individual freedom, it is the family. And the demise of the family is the demise of any great society. Past generations have not fought and died so that children would have the freedom to gun down other children. No, they didn't die so that parents would have the freedom to starve their babies so they could spend their last dime on the next drug-induced high. And no, they didn't die so that video games, television, and the Internet could raise our children instead of two loving parents.

We must never mistake freedom for license; one is a right, the other leads to bondage.

While there are limits to what government can accomplish, there are some things it must do. When a child is born into an abusive home, government must intervene and provide safe sanctuary. When a child is sent to a school that doesn't educate them, government must demand change, not defend the status quo. And when a child goes down the wrong path because they have no one to look up to, they must not only learn about sobering consequences, but life-redeeming second chances.

There is nothing so powerful as the testimony of a changed life and a redeemed soul. Without forgiveness and compassion, there can be no redemption. And where would sinners like me be if there weren't? There were times in my life when the only solace I could find was the quiet outdoors where I could wrestle with my thoughts and talk to God. It was then that I asked the pointed questions: what exactly am I doing with my life, and what does it all mean?

Over the last 30 years, because of the grace of God, I have learned my purpose. It is not to build a majority political party, nor to hold power for the sake of holding power, it is to build a Texas of limitless possibility. And it starts with our children. Imagine the possibilities in a Texas where every child is educated, every graduate has access to a good job, every life deemed precious. Imagine the possibilities in a Texas blind to color, class and ethnicity, where no one is invalidated because of their heritage, but valued because of their humanity. Imagine the possibilities in a Texas where every man, woman, and child is able to put behind the past, to grab hold of their promise, to press on to be who they were created to be. We have our differences. But, we cannot bridge those differences as long as we live in the past. Reconciliation requires forgiveness and a forward-looking spirit.

Texas is better off when republicans and democrats work together. Our potential is too vast to be spoiled by a politics leavened with partisanship. There is so much we must do together. Together, we must work to make our border more secure and our neighborhoods safer. Together, we must find solutions to the high rate of the uninsured and to the high cost of health insurance. Together, we must commit to excellence in higher education as it prepares the workforce of the future. Together, we must ensure that property tax relief is not only substantial,

but long-lasting. Together, we must pass budget reforms that protect the taxpayers. And together, we must engage in a debate and a dialogue characterized by civility and consensus.

We have come together before to solve the greatest of problems. A little more than a year ago, when hundreds of thousands of our neighbors and fellow Texans suffered through two devastating natural disasters, Texans showed the power of example and the power of our ideals. With open arms we embraced those with nothing but the shirts on their backs. We opened our homes and houses of worship, our convention centers, and our modern day coliseums.

We nursed the sick, we fed the hungry, we housed the homeless. For every first responder there were many more volunteers. And the world saw in us, for that brief moment in time, what it means to reach beyond the comfort of our own existence to aid the least among us. They saw the concern of the Good Samaritan, with neighbor helping neighbor. What they saw, in short, was the Texas we know and aspire to every day. If we live lives of selfless sacrifice and love, the meaning of our lives reaches beyond the grave and transcends space and time to leave an enduring mark of eternal goodness. I wish from this grand stage our government might be so noble, so compassionate, so visionary as the highest aspirations of our people. That we might surrender to causes greater than self, that we might give voice to the voiceless, and hope to those yet born. And that we might use this great opportunity, just this one chance, to do that which endures forever. The world is watching. Once again, let's show them what it means to live with one another, to love one another and to be Texans.

At the conclusion of the governor's address, Speaker Craddick presented Reverend Manson B. Johnson II, Holman Street Baptist Church, Houston, who pronounced the benediction.

Speaker Craddick presented Frederick D. McClure who sang "God Bless America."

The assemblage sang "Texas Our Texas."

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

SENATE RECESS

Senator Whitmire 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 Craddick stated that the purpose for which the joint session was convened had been completed. As previously provided, the house, at 11:22 a.m., adjourned until 1 p.m. tomorrow.