

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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THIRD DAY — THURSDAY, JANUARY 11, 2007

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 8).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; 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; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; 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; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Absent, Excused — Isett; Menendez; Talton.

Absent — Brown, F.

The invocation was offered by Dr. Michael S. Lewis, senior pastor, Great Hills Baptist Church, Austin, as follows:

Dear Heavenly Father, we humbly bow before you as we open this session on this 11th day of January in the year of our Lord 2007.

We lovingly acknowledge you as the all-wise and all-powerful God. You are the sovereign king of the universe, and you are the one who established all principalities, powers, rulers, and government bodies under your authority. You are the father of lights from whom every good and perfect gift comes from above. You are our creator and maker who spoke and the universe came into existence. You are our redeemer who gave your son, Jesus Christ, as the Savior of the world and who reigns as the king of kings and lord of lords over this world.

We call humbly upon you to guide us in all of the decisions and discussions of this session today. We recognize that we are finite beings with limited understanding; therefore, we ask for your infinite wisdom. We confess we are sinners who are like straying sheep; therefore, we need you, the shepherd of our souls, to guide us in all our ways. May righteousness and compassion fill our hearts with light from above. May the laws and decisions that are established in this session bring glory and honor to your name. May we be pleasing to you by promoting peace and spiritual prosperity for the residents of this great State of Texas. We acknowledge that all that we are and all that we have comes from you. O God, bless Texas! O God, bless America! Be with our men and women who are serving our country in our military forces in Iraq and foreign lands this day.

Lord, with respect to all those of diverse religious faiths, we humbly submit this prayer to you in the name of our Lord Jesus Christ. Amen.

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

#### **CAPITOL PHYSICIAN**

The speaker recognized Representative Hardcastle who presented Dr. T. David Greer of Henrietta as the "Doctor for the Day."

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

(Chisum in the chair)

#### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

#### **LEAVES OF ABSENCE GRANTED**

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

Menendez on motion of Hopson.

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

Isett on motion of Eissler.

Talton on motion of Naishtat.

(Speaker in the chair)

#### **HR 57 - ADOPTED**

**(by Peña)**

The following resolution was laid before the house:

**HR 57**, Congratulating Estella L. Trevino of Edinburg on her receipt of the Hall of Fame award from the Texas chapter of the National Association of Housing and Redevelopment Officials.

**HR 57** was adopted.

**SCR 7 - ADOPTED**  
**(C. Howard - House Sponsor)**

The following resolution was laid before the house:

**SCR 7**, Granting the legislature permission to adjourn for more than three days during the period beginning on Thursday, January 11, 2007, and ending on Tuesday, January 16, 2007.

**SCR 7** was read and was adopted.

**HR 54 - ADOPTED**  
**(by Giddings)**

The following resolution was laid before the house:

**HR 54**, Declaring that the House of Representatives will not meet on Monday, January 15, 2007, in observance of Martin Luther King Day.

**HR 54** was read and was adopted.

On motion of Representative Turner, the names of all the members of the house were added to **HR 54** as signers thereof.

**HOUSE AT EASE**

At 10:38 a.m., the speaker announced that the house would stand at ease pending arrival of guests.

**CANVASSING THE VOTES CAST FOR GOVERNOR AND  
LIEUTENANT GOVERNOR**  
**(The House of Representatives and Senate in Joint Session)**

In accordance with the provisions of **SCR 6** providing for a joint session of the house and senate for the purpose of counting the votes for the governor of Texas and the lieutenant governor of Texas cast at the general election, held on November 7, 2006, the honorable senators, at 11 a.m., were admitted to the hall of the house and occupied seats arranged for them.

Senator Janek was escorted to a seat on the speaker's rostrum.

Senator Janek called the senate to order.

A quorum of the senate was announced present.

Speaker Craddick called the house of representatives to order at 11:09 a.m.

A quorum of the house was announced present.

Speaker Craddick stated that the house and senate were in joint session pursuant to **SCR 6** for the purpose of counting the votes for governor of Texas and lieutenant governor of Texas cast at the last general action, held on November 7, 2006.

The joint tellers were announced present who were appointed as follows: Senators Janek, chair; Fraser, Nichols, Watson, Hinojosa, and Ellis on the part of the senate; and Representatives Harper-Brown, chair; Puente, Quintanilla, Hopson, Creighton, and Harless on the part of the house.

Speaker Craddick made the following announcement:

As provided in the constitution and laws of Texas, as speaker of the house of representatives, I now officially turn over to the joint committee, heretofore appointed, the official returns of the last general election, held November 7, 2006, for the offices of governor of Texas and lieutenant governor of Texas, said returns having been turned over to me by the Honorable Roger Williams, secretary of state of the State of Texas.

### JOINT SESSION AT EASE

At 11:19 a.m., the speaker announced that the joint session would stand at ease.

The speaker called the joint session to order at 12:59 p.m.

### REPORT OF THE JOINT COMMITTEE OF TELLERS

Speaker Craddick stated to the joint session that the joint tellers had completed the count of the votes and the joint session was now ready to receive the result and the report of the joint tellers. The report was read, as follows:

Austin, Texas  
January 11, 2007

The Honorable Mario Gallegos, Jr.  
President Pro Tempore of the Senate

The Honorable Tom Craddick  
Speaker of the House

Sirs:

We, the joint committee appointed by the presiding officers of the senate and house of representatives to canvass the votes cast at the last general election held in the State of Texas on November 7, 2006, for governor and lieutenant governor of the State of Texas, as shown by returns delivered to us by the secretary of state, beg leave to report that we have performed that duty and that the result of our canvass is as follows:

The votes cast for governor are as follows:

Rick Perry, Republican Party	1,716,792
Chris Bell, Democratic Party	1,310,337
James Werner, Libertarian Party	26,749
Richard "Kinky" Friedman, Independent	547,674
Carole Keeton Strayhorn, Independent	796,851
James "Patriot" Dillon	713

The votes cast for lieutenant governor are as follows:

David Dewhurst, Republican Party	2,513,530
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Maria Luisa Alvarado, Democratic Party	1,617,490
Judy Baker, Libertarian Party	188,206
Others	0

Respectfully submitted,

Janek, Chair	Harper-Brown, Chair
Fraser	Puente
Nichols	Quintanilla
Watson	Hopson
Hinojosa	Creighton
Ellis	Harless
On the part of the Senate	On the part of the House

The report was adopted.

Speaker Craddick made the following announcement:

The Honorable Rick Perry having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and the laws of the State of Texas, declare him duly, legally, and constitutionally elected governor of the State of Texas for the ensuing term of four years.

The Honorable David Dewhurst having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and the laws of the State of Texas, declare him duly, legally, and constitutionally elected lieutenant governor of the State of Texas for the ensuing term of four years.

Speaker Craddick delivered the official returns of the election to the secretary of state.

**SENATE RECESS**

At 1:02 p.m., Senator Janek stated that the purpose of the joint session was concluded and the senate would stand recessed until 10 a.m. Tuesday, January 16.

**HOUSE AT EASE**

At 1:02 p.m., Speaker Craddick stated that the purpose of the joint session having been concluded, the house would stand at ease pending the departure of guests.

The speaker called the house to order at 1:05 p.m.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 1).

**LEAVE OF ABSENCE GRANTED**

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

Krusee on motion of Driver.

**ADJOURNMENT**

Representative Taylor moved that the house adjourn until 9 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 1:06 p.m., adjourned until 9 a.m. tomorrow.

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**ADDENDUM**

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**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**Senate List No. 1**

**SCR 6**

**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

Thursday, January 11, 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 7**

Whitmire

SPONSOR:

Howard, Charlie

Granting the legislature permission to adjourn for more than three days during the period beginning on Thursday, January 11, 2007, and ending on Tuesday, January 16, 2007.

Respectfully,  
Patsy Spaw  
Secretary of the Senate