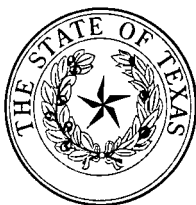


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OF THE
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OF THE
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OF THE
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SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIRST DAY—TUESDAY, JANUARY 11, 2005

8

79th LEGISLATURE — REGULAR SESSION

HR 2 - ADOPTED (by Turner and Hill)

The following resolution was laid before the house:

HR 2

BE IT RESOLVED by the House of Representatives of the State of Texas, that, in accordance with Section 9(b), Article III, Texas Constitution, the House of Representatives of the 79th 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.

(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.

SECTION 3. VOTING. All votes taken shall be record votes entered in the House Journal.

SECTION 4. RESULTS; RUNOFF. (a) The secretary of state shall announce the results of the election. If a nominee has received 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.

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

SECTION 5. 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.

HR 2 was read and was adopted.

**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 Seventy-Ninth Legislature of the State of Texas, and stated nominations for speaker would now be in order.

Secretary Connor recognized the Honorable Beverly Woolley of Harris County, who placed in nomination for speaker of the House of Representatives of the Seventy-Ninth Legislature of the State of Texas the name of the Honorable Tom Craddick of Midland County, speaking as follows:

Mr. Secretary, honored guests, and fellow members. It is always a special honor when you are asked to say nice things about someone whom you consider a close friend. Such an honor is mine today.

Nearly forty years ago, a 25-year-old freshman legislator named Tom Craddick from Midland entered this room to cast his vote for the speaker of the house. It did not occur to him that day that a Republican would ever be so honored. After all, his own oath of office as a member of the Texas House was shared by only seven other Republicans. Other than Tom, every single member of the house of representatives who was there that day has departed this body.

Tom Craddick has persevered and endured, and his personal characteristics from that day remain unchanged. He has an undying love for his lovely wife, Nadine, and his children, Christi and Tommy, and his daughter-in-law, Laura. He also has a deep commitment to his faith. Additionally, Tom's dream for a Texas where we nurture education and create economic opportunity for all Texans carries forward from that day.

In some respect, Tom's personal history in this chamber is a map of roller-coaster rides. As most of you know, he has held and lost chairmanships on numerous occasions. Certainly his experience became modern-day political history when, two years ago, this body elected him as speaker of the house. His rise to that office ended a 130-year drought for Republicans in the speaker's position. And the Boston Red Sox think they had it tough!

I have great comfort in Tom Craddick as speaker. The best speakers always understand the importance of small talk and grand gestures, operate from strength, and know the importance of institutional knowledge. To that end, our own body elects a speaker who we trust will work with the vast talents, enormous creativity, and sometimes quiriness of 149 individuals operating in a historic setting under enormous pressure.

Our body is an intellectually aggressive, highly emotional, very opinionated group of men and women. Thus described, it comes as no surprise our debates occasionally become fierce and sometimes legendary. Last session, we successfully met a \$10 billion budget shortfall and did not increase taxes on Texans. We also passed a long list of noteworthy achievements, many of which are today considered national models. The committee appointments made by Speaker Craddick better reflected equality among all our members more than any other time in our history. Members were given the power to move legislation and encouraged to shape our state's present and future. It is a testament to Tom Craddick's vast knowledge, legislative experience, and even-keel approach to leadership that the problems we experienced were reduced in scope and shorter in duration than could have otherwise been expected.

The future will be what we make it. With Tom Craddick as speaker, each of you can expect the opportunity to represent your district and persuade your colleagues to join you on issues. It is a unique, wonderful time. With fairness,

strength, and opportunity as the benchmarks of his leadership style, I am honored to nominate as speaker of the Texas House my friend and colleague, Tom Craddick of Midland.

Secretary Connor recognized the Honorable Terry Keel of Travis County, who seconded the nomination of the Honorable Tom Craddick, speaking as follows:

Mr. Secretary, distinguished guests, fellow members. The first Texas Legislature convened on February 16, 1846, here in Austin. In his capitol office, Tom Craddick still has the desk in which he sat as a freshman during that 1846 session of the Texas House. Actually, that is only a slight exaggeration.

Ladies and gentlemen, among the qualities valued in a leader, few compare with experience. Bear in mind that when Tom Craddick campaigned for his first race for the Texas House, L.B.J. was President, The Beatles were recording their "White Album" in Abbey Road studios, and Representative Patrick Rose would not be born for another ten years.

When we ask citizens for their vote, we pledge that we will represent them and their interests. As members of the Texas House of Representatives, we therefore embody the diverse viewpoints, attitudes, hopes, and aspirations of the people who elected us. These ideas and beliefs come into play through a process where competing philosophies inevitably conflict. Bringing order out of chaos to accomplish the serious business of the people we represent requires extraordinary skill and talented leadership.

Martin Luther King Jr. once said that the ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy. I have witnessed in Tom Craddick the qualities that define that measure of a man. Tom Craddick possesses not only the experience and leadership traits essential to be effective as speaker of the house, but equally important, he also possesses the temperament, humility, and humanity that uniquely qualifies him to hold this special and most vital of state leadership posts.

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 Connor recognized the Honorable Robert Puente of Bexar County, who seconded the nomination of the Honorable Tom Craddick, speaking as follows:

Secretary of State Geoffrey Connor, guests, and members. First of all, it is a pleasure and an honor to have the opportunity to second the nomination of Tom Craddick as speaker of the Texas House of Representatives.

The second Tuesday of every odd numbered year is just like baseball spring training. Great expectations. Renewed hope. A feeling of invincibility, and we are going to need it. We need to find a fair and just way to pay for the education of our children—again. We face another challenge in trying to balance our budget—again. To do this, we are going to need great leadership. Leadership to do what is right for our districts and the State of Texas. Leadership that Tom Craddick can provide—again.

Last session, Speaker Craddick could have taken the safe and easy route to get his agenda across. For the first time in 100 years, Texas had a Republican speaker with a Republican majority. However, a true leader is inclusive. A leader takes risks. A leader goes beyond his comfort zone and appoints a woman to head the powerful Calendars Committee. A leader questions conventional wisdom and appoints an urban Democrat to be chairman of the statewide water committee. An African American to be Speaker Pro Tempore.

In the Seventy-Eighth Legislative Session, Speaker Tom Craddick's determined leadership resulted in tackling a \$10 billion budget shortfall, insurance and tort reforms, and a far-reaching transportation bill. All measures that I and many fellow Democrats not only voted against but vehemently opposed. Yet Speaker Craddick respected our views and never pressured me to vote or support an issue that was contrary to my position or that of my district.

But then there was Ardmore. Ardmore, Oklahoma. After the contentious four days that a group of Democrats spent in exile, it was time to come home. And for some of Tom Craddick's Democratic chairmen, it was time to face the music. Upon our arrival, I immediately sought out the speaker to try and meet with him to explain myself. Speaker Craddick did not make me wallow in uncertainty. He agreed to see me within two hours of my request. So, I had roughly two hours to prepare myself. Prepare to accept his wrath. The riot act. Taken to the wood shed. All those things came to mind. So, I thought, I'll mention that even he stood up to a system that he believed was wrong. Even he fought against the powers that be and became one of the respected "Dirty Thirty."

I went into his office expecting the worst. The speaker came in, had me sit down, and the first thing he said was, "How the hell did you get 51 people to get on a bus at the same time?" His second question was, "Why did you pick Ardmore, Oklahoma?" He never raised his voice. He never made me explain myself. A leader does not seek retribution. Speaker Craddick looked beyond this revolt and sought only to get back to work. A leader looks beyond the past. Speaker Craddick looked at our house and knew that in the future we could work together. Leaders do that.

All of us have made pre-session comments about non-partisanship, about extending a hand across the aisle. Let's mean it this time. Let us look with ourselves and truly be the one that is accepting to the other side. And, Speaker Craddick, on behalf of the Bexar County Legislative Delegation, I proudly second the nomination of Tom Craddick as speaker of the Seventy-Ninth Legislative Session. This is day one of 140 days that we need to put Texas first and foremost.

Secretary Connor recognized the Honorable Geanie Morrison of Victoria County, who seconded the nomination of the Honorable Tom Craddick, speaking as follows:

Thank you, Mr. Secretary, members, distinguished guests, family, and friends. I am honored today to stand before you to second the nomination of a man, who over the past several years, I have come to know well. A man of character, a man of integrity, a man of compassion, and most importantly, a man of understanding. My good friend, Tom Craddick.

Ever since being elected in 1968, Tom understood that just like you and I, he is one of 150 members in the Texas House sent here to represent the people of his district and, on a much grander scale, the people of Texas. And by the people of Texas, I do not mean just the ones who voted for him, or the ones who share his position on certain issues. I mean the people of Texas as a whole.

As all of you know, we each have an "R" or a "D" beside our name in the Capitol directory, but Tom understands that this letter is not what defines a member, and, more importantly, he understands that these letters are not what define the Texas House. He knows that the Texas House is made up of men, women, mothers, fathers, doctors, small business owners, farmers, and yes, even a couple of lawyers. He understands that we come from different backgrounds, different parts of the state, and different philosophies, but that the one thing we all have in common is that we are all Texans. And while we may not agree on every issue, Tom knows that every member in this chamber, Republican or Democrat, is here because they want to do what is best for their constituents and what is best for the future of Texas.

Tom also understands that Texas is a rapidly changing state, and that nowhere are those changes more reflected than in this chamber. When you look at the composites on the walls, you will notice a difference in the pictures from when Tom first began his career. You will notice that this body is becoming as diverse as our great state. And if you look back to the Seventy-Eighth Legislature, you will remember that Tom understood the importance of this diversity. You will recall that last session, Tom appointed more women and more minority members, both Republicans and Democrats, to chair house committees than at any point in the state's history. He made those appointments because he understands that the ability to get the job done right for the people of Texas is more important than party affiliation, gender, or ethnicity.

And lastly, Tom understands that he did not get to where he is today by himself. His exceptional wife, Nadine, his wonderful children, Christi and Tommy, and now, the newest addition, Laura, have been there by his side all along, just as they are today, and just as they will be for you if ever you need them. I can tell you this, when I have been here in Austin away from my family, the Craddicks have always graciously invited me to be a part of theirs.

In closing, I will only reiterate that it is Tom's understanding of people, this institution, and the issues of Texas that have inspired the people of Midland to send him to Austin 18 times, and it is his understanding during that time in office that has elevated him to the leader who I will support to guide this body throughout the Seventy-Ninth Legislative Session.

Secretary Connor recognized the Honorable Allan Ritter of Jefferson County, who seconded the nomination of the Honorable Tom Craddick, speaking as follows:

Mr. Secretary, members of the house, and distinguished guests. The voters of the State of Texas sent us here to do the people's business. The very composition of this noble body is a reflection of the rich cultural, political, religious, and ethnic diversity of the people of this great state. Doing the people's business requires that we debate, carefully consider, and act in the people's best interest. Doing the people's business requires that we choose leaders who embrace the diversity of our citizenry and draw upon it for the boundless strength and character that distinguishes this greatest of all states. The people of Texas demand, deserve, and expect nothing less.

Tom Craddick is a true son of Texas. He understands, acknowledges, and accepts the breadth of beliefs, interests, and ambitions of Texans. He recognizes that real leaders are dealers in hope. Tom Craddick has a realistic appreciation of the constraints we face in our desire to meet the needs of our millions of constituents, but also he sees, and encourages those around him to see, a hopeful future for the young, the old, the healthy, and the infirm.

As a very wise person once said, "Blessed is the leader who seeks the best for those he serves." I am confident that Tom Craddick is that kind of leader, and I am honored to second the nomination of Representative Tom Craddick as speaker of the Texas House of Representatives in this Seventy-Ninth Session of the Texas Legislature.

Secretary Connor recognized the Honorable Harold Dutton of Harris County, who seconded the nomination of the Honorable Tom Craddick, speaking as follows:

To the Master of the Universe, Mr. Secretary, distinguished guests, family, friends, my fellow colleagues, and Texans. This is my eleventh opening day ceremony. And when I look back on the last ten sessions, I can safely say that they have all been quite different.

But as I am sure you will agree, certain qualities remain the same from one session to the next. And one of those qualities about which there would be little, if any, disagreement among members is the word "struggle." Without question, every session involves a struggle, both individually and collectively. But our ultimate challenge is to transform these individual and collective struggles into real progress for all Texas.

That is why I like the definition of leadership which says leadership is the catalyst that changes struggle into progress. More especially, that is why I am honored to second the nomination of the Honorable Tom Craddick as speaker of the Texas House of Representatives for this Seventy-Ninth Legislature.

Tom Craddick is uniquely qualified to be the catalyst that transforms our individual and collective struggles into progress for all of Texas. Tom Craddick, a man who chooses moderation over ideology. Tom Craddick, a man who chooses compromise over confrontation. And Tom Craddick, a man who chooses cooperation over defiance.

Again, I am honored and pleased to second the nomination of Tom Craddick.

Representative Dutton moved that nominations cease and that the Honorable Tom Craddick of Midland County be elected speaker of the House of Representatives of the Seventy-Ninth Legislature.

A record vote was requested.

The Honorable Tom Craddick of Midland County was elected speaker of the House of Representatives of the Seventy-Ninth Legislature by (Record 1): 142 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Craddick; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureille s; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Burnam; Farrar; Moreno, J.; Moreno, P.

Present, not voting — Rodriguez.

Absent — Davis, Y.; Noriega, R.

REASONS FOR VOTE

Two years ago I was the lone vote against Tom Craddick for speaker. At that time, I stated that I was concerned about ongoing ethics inquiries in Texas. Today a number of those investigations continue, some of which have resulted in indictments and ongoing civil litigation and criminal investigation.

I continue to have concerns as to what the ultimate result of those inquiries will be and their impact on the operation of the Texas House of Representatives.

In light of these concerns, I believe that the interests of my constituents are best served with a vote against Tom Craddick's re-election as speaker.

Burnam

Today I voted with the majority to elect Tom Craddick speaker of the house. My vote is a gesture of good faith and hope that Speaker Craddick starts anew and operates the house in the high-minded manner laid out in the nominating speeches.

As I continue to represent my constituents with vigor, I will hold the speaker accountable to the house and to Texas by dissenting from the majority on policy merit when necessary.

Coleman

Secretary Connor declared the Honorable Tom Craddick of Midland County to be the duly elected speaker of the House of Representatives of the Seventy-Ninth Legislature of the State of Texas.

COMMITTEE APPOINTED

The secretary of state announced the appointment of the following committee to escort Speaker-elect Tom Craddick to the speaker's rostrum for the purpose of the taking of the constitutional oath of office by the speaker-elect: Representatives Hope, co-chair; Giddings, co-chair; Miller, McClendon, Mowery, Hartnett, Dawson, Edwards, B. Cook, Seaman, Talton, Guillen, Farabee, Oliviera, Flores, Martinez, and Jackson.

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

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 Seventy-Ninth 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 Seventy-Ninth 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

The secretary of state introduced the Honorable Peggy Hamric of Harris County who introduced Nadine Craddick, first lady of the Texas House of Representatives.

The secretary of state introduced the Honorable Lois Kolkhorst of Washington County who introduced the following members of the speaker's family: Christi, his daughter; Tommy, his son; Laura, his daughter-in-law; Josephine and Fred Nayha, his parents-in-law.

ADDRESS BY SPEAKER CRADDICK

Representative Kolkhorst recognized the Honorable Jim Keffer of Eastland County who introduced Speaker Craddick.

Speaker Craddick addressed the house as follows:

Thank you, Representative Keffer, for your kind introduction. I would like to thank Representatives Woolley, Keel, Puente, Morrison, Ritter, and Dutton for nominating and seconding me. You are all great friends, and I appreciate your

support. I want to thank Secretary Connor, Monsignor Droll, my local priest from Midland, and my long-time good friend and former colleague, Judge Jim Nowlin. And wasn't Dennis McDaniel fantastic? Most of all, I thank God for giving us this honor and privilege to gather here for this legislative session. Mr. Secretary, members of the house, families and friends, welcome to the Texas House of Representatives and to the Seventy-Ninth Texas Legislative Session.

I want to take a moment to recognize a member who is not present. Representative Rick Noriega is serving our country in Afghanistan. Today, his honorable service deserves our recognition. I ask you to join me in acknowledging our absent colleague, Rick Noriega.

To my fellow members, thank you for re-electing me speaker of the house. I appreciate your support and for entrusting me with this important duty. I look forward to working with all of you. I especially want to welcome the 18 new members. Although it was a long time ago, I remember well that feeling of unshakable determination I had when I walked in your shoes. You bring something very special to this chamber, and I am honored to be working with you this session.

The work we do here in this chamber will greatly affect the lives and livelihoods of 22 million Texans. Ours is a huge responsibility, and we have but a short time, 140 days, in which to achieve our goals. I am absolutely confident that we will reach the goals and objectives we have set, that we will meet our timelines, and that this legislature will go down in history as a success. Although the Texas House has undergone a vast turnover in the last two years, it remains a bipartisan body, and I recognize every member for their talents and their ability to work within the system to get things done.

Two years ago, when I was elected the first Republican speaker of the house in 130 years, I said, "Our election system is a partisan one. We run as Democrats or Republicans because that's how the system works, but our system of government also expects that we will work together for the common good of all Texans." That remains the same today. Ours is an unusual calling. We cross swords because we come from different political backgrounds, but no one else understands, as each of us do, how hard we work for what we believe or how much we share in common. As members of a large body we agree on issues, we disagree on issues, and we agree to disagree, but we respect one another and everyone else who interacts with us.

At this time last session, we had 37 new members, 16 vacant committee chairs, and a \$10 billion budget deficit. Texas had an economic crisis on its hands. These unusual circumstances created opportunities for many veteran members who hadn't yet been in leadership roles and for our freshmen to step into leadership positions or become members of key committees. It wasn't easy, and we hit a few road blocks along the way, but by the end of the regular session we had written a balanced budget without raising taxes, and we managed to pass serious reforms in homeowners insurance, tort reform, ethics, transportation, and higher education. This session we have the opportunity to do even more.

Yesterday, Comptroller Strayhorn announced that our financial situation in Texas is far better than it was two years ago. Thus, we must continue to work hard to ensure the best for our citizens and business community.

Without a doubt, the primary objective this session will be school finance. One of the grievances at the Battle of the Alamo was Mexico's failure to establish any public system of education. We've tried repeatedly to get it done, and, repeatedly, we come up short. Nothing we do here in Austin is more vital to Texas' future than public education. It is my goal this year to build a public education system that provides the necessary tools for each and every school child in Texas to succeed. It is also my goal to create a school finance system to take us into the next generation while reducing property taxes.

In addition to school finance, we must address and fix both Child Protective Services and Adult Protective Services. While we look at funding for these efforts, it must be accompanied by a significant change in philosophy and approach. Just throwing taxpayer money at real problems has never been the true solution. This legislature will guarantee that our state protects those who are most vulnerable and who cannot protect themselves.

The current Texas Workers' Compensation system is broken and seems to work for neither the employee nor the employer. Recently, our system received a D- rating and Texas ranked last in returning to work, delayed recoveries, and the number of doctor visits. This issue must be addressed.

Finally, we must again invest in job creation by re-authorizing and funding the Texas enterprise fund. Recently, Texas was rated the number one state in overall business climates. The economic development fund already has aided our state in bringing more than 15,000 new jobs to Texas, and it is our responsibility to continue to give our state this advantage.

While none of these tasks are small, I come into this legislative session with great anticipation and an incredible amount of faith. What we have in front of us can be accomplished if we all work together and use the enthusiasm, intelligence, creativity, and great potential we all bring to the table. We are the face of Texas; we represent the wonderful people who contribute to our culture and to the spirit of this great state. I am extremely proud to be a part of this body.

Whether you are here for two years or 40, we must never forget that we are only temporary trustees of Texas. What we do here during this legislative session is far more important than who did it. I promise to discharge my duties as speaker with dignity, sensitivity, and determination. I ask that you, as members of this body, do the same.

Thank you again for granting me this very special honor. As a husband and father, I also want to thank my family for the love and support they have given me. I want to especially thank my wife, Nadine, who is also 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.