

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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NINTH DAY — TUESDAY, FEBRUARY 1, 2005

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 18).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; 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; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; 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.

Absent, Excused — Kuempel; Puente; Reyna.

The invocation was offered by Father Vincent Rizzotto, bishop, Diocese of Galveston/Houston, as follows:

Good and gracious Lord. At the beginning of this day, we stand before your holy presence and worship you as the source of all grace. We praise and bless you as the God who has been ever faithful to the cries of your people.

We raise up to you these men and women of the house of representatives from the State of Texas. They convene in this place charged with the mission of service to the varied people of this state. Assist them with your inspiration and with your guidance. Give them the vision to see that their office is one to serve all of the people who inhabit this land; the men and the women; the elderly and the young; the people of varied creeds, races, and tongues; and the people from every corner of this state.

As they gather to work and deliberate together, assist them with the grace of hearing so that they may be open to new ideas and learn from each other. Give them the gift of tolerance and civility, so that they may receive the thoughts and proposals of one another and search for that which best serves the people; and finally, encourage them to look for that which builds the common good, not just the good of a few, especially the good of those who have little or no voice.

Amidst the complexities which confront all of us in this modern world, we pray that you will give all of these men and women the grace of inspiration to seek the right thing and the gift of courage to be leaders in establishing your kingdom of peace, justice, and love.

O God, walk with us in our journeys, and let us come to our end knowing that we have done the best that we can. We pray this in faith, in hope, and in love. Amen.

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

### **LEAVES OF ABSENCE GRANTED**

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

Kuempel on motion of Elkins.

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

Puente on motion of Leibowitz.

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

Reyna on motion of Woolley.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Kolkhorst who presented Dr. Henry Julius Boehm, Jr., of Brenham as the "Doctor for the Day."

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

(West 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).

(Speaker in the chair)

### **HR 126 - ADOPTED (by Dunnam)**

Representative Dunnam moved to suspend all necessary rules to take up and consider at this time **HR 126**.

The motion prevailed.

The following resolution was laid before the house:

**HR 126**, Congratulating KWTX-TV of Waco on the 50th anniversary of its founding.

**HR 126** was adopted.

**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, House List No. 4).

**HR 142 - ADOPTED  
(by Olivo)**

Representative Olivo moved to suspend all necessary rules to take up and consider at this time **HR 142**.

The motion prevailed.

The following resolution was laid before the house:

**HR 142**, Welcoming the visiting delegation from Catholic Charities to the State Capitol.

**HR 142** was adopted.

**HR 131 - ADOPTED  
(by Farabee)**

Representative Farabee moved to suspend all necessary rules to take up and consider at this time **HR 131**.

The motion prevailed.

The following resolution was laid before the house:

**HR 131**, Honoring Sherry Lindemann of Wichita Falls for being named the Texas Secondary Teacher of the Year.

**HR 131** was read and was adopted.

**INTRODUCTION OF GUEST**

The speaker recognized Representative Farabee who introduced Sherry Lindemann.

(Edwards in the chair)

**HR 60 - ADOPTED  
(by Guillen)**

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 60**.

The motion prevailed.

The following resolution was laid before the house:

**HR 60**, Honoring J. O. Barrera for his lifelong service to the veterans of Duval County.

(Speaker in the chair)

**HR 60** was adopted.

**HR 69 - ADOPTED**  
**(by Raymond)**

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 69**.

The motion prevailed.

The following resolution was laid before the house:

**HR 69**, Recognizing the 108th Washington's Birthday Celebration in Laredo.

**HR 69** was read and was adopted.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Raymond who introduced a delegation from Laredo.

(Keel in the chair)

**HR 107 - ADOPTED**  
**(by Pickett)**

Representative Pickett moved to suspend all necessary rules to take up and consider at this time **HR 107**.

The motion prevailed.

The following resolution was laid before the house:

**HR 107**, Granting permission to the YMCA Youth and Government Program to use the chamber of the Texas House of Representatives.

**HR 107** was adopted.

**HR 105 - ADOPTED**  
**(by Morrison)**

Representative Morrison moved to suspend all necessary rules to take up and consider at this time **HR 105**.

The motion prevailed.

The following resolution was laid before the house:

**HR 105**, Recognizing Orange and Maroon Legislative Day at the State Capitol on February 1, 2005.

(Speaker in the chair)

**HR 105** was read and was adopted.

### **INTRODUCTION OF GUESTS**

The speaker recognized Representatives Morrison and F. Brown who introduced a delegation from The Association of Former Students and the Texas Exes.

### **RESOLUTIONS REFERRED TO COMMITTEES**

Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Miller in the chair)

### **PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR**

Representative Edwards moved to set a congratulatory and memorial calendar for 10 a.m. Thursday, February 3.

The motion prevailed.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Rules and Resolutions, upon adjournment today, Desk 133, for a formal meeting, to set a congratulatory and memorial calendar for February 3, 2005.

Public Education, 2 p.m. or upon final adjournment today, E2.036, for a formal meeting, to consider school finance.

### **PROVIDING FOR ADJOURNMENT**

Representative Y. Davis moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Leon Percy Burrell of Dallas.

The motion prevailed.

### **BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

(R. Cook in the chair)

### **ADJOURNMENT**

In accordance with a previous motion, the house, at 11:20 a.m., adjourned until 10 a.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HCR 12** (By Eissler), Honoring George Mitchell on the 30th anniversary of the founding of The Woodlands.

To Rules and Resolutions.

**HCR 15** (By Eissler), Honoring the life of U.S. Army Corporal William M. Amundson, Jr., of The Woodlands.

To Rules and Resolutions.

**HCR 19** (By Berman), Designating February 28 to March 1, 2005, as Tyler Days at the State Capitol.

To Rules and Resolutions.

**HCR 20** (By Berman), Congratulating J. Lindsey Bradley, Jr., on his receipt of the 2004 Earl M. Collier Award for Distinguished Health Care Administration.

To Rules and Resolutions.

**HCR 21** (By Berman), Congratulating the Red Raiders football team of Robert E. Lee High School in Tyler on winning the state Class 5A Division I football championship.

To Rules and Resolutions.

**HCR 28** (By Baxter), Honoring Philip A. Berkebile on his retirement from the Texas Daily Newspaper Association.

To Rules and Resolutions.

**HCR 41** (By Gonzales), In memory of Judge Fidencio M. Guerra, Sr.

To Rules and Resolutions.

**HCR 42** (By Guillen), Commending Renato Ramirez for his beneficence on behalf of Texas A&M International University.

To Rules and Resolutions.

**HR 11** (By McClendon), In memory of Amy Freeman Lee of San Antonio.

To Rules and Resolutions.

**HR 13** (By Callegari), Honoring Pat and Teresa "Dede" Woodman on the birth of their son, William McClure "Mac" Woodman.

To Rules and Resolutions.

**HR 14** (By McCall), Honoring Carly Patterson on winning the gold medal for the women's gymnastics individual all-around competition of the 2004 Olympic Games in Athens, Greece.

To Rules and Resolutions.

**HR 16** (By Callegari), In memory of Nila Gay Berry of Katy.

To Rules and Resolutions.

**HR 17** (By Callegari and Wong), Honoring James Dannenbaum on being named the 2004 Houston Engineer of the Year.

To Rules and Resolutions.

**HR 18** (By Callegari and Hegar), Recognizing the dedication of Katy ISD's Beckendorff Junior High School.

To Rules and Resolutions.

**HR 19** (By Goodman), Honoring Christy Ruder of Willie Brown Elementary School in Mansfield on her receipt of the National Semiconductor Internet Innovator Award.

To Rules and Resolutions.

**HR 20** (By Peña), In memory of U.S. Army Specialist Mark Anthony Zapata of Edinburg.

To Rules and Resolutions.

**HR 21** (By Chavez), Honoring the El Paso Lighthouse for the Blind for its community service and recognizing the recipients of El Paso Lighthouse awards.

To Rules and Resolutions.

**HR 22** (By Hunter), Honoring the life of Wilma Louise Kendrick Lucas of Abilene.

To Rules and Resolutions.

**HR 23** (By Hunter), In memory of Dr. Charles Trevathan of Abilene.

To Rules and Resolutions.

**HR 24** (By Chisum), In memory of Robert D. Price, former U.S. congressman and Texas state senator.

To Rules and Resolutions.

**HR 25** (By Chisum), In memory of Bill W. Waters of Pampa.

To Rules and Resolutions.

**HR 26** (By McClendon), Honoring James Lindsey Blair of San Antonio on his receipt of the Wofford College Alumni Distinguished Service Award.

To Rules and Resolutions.

**HR 27** (By Baxter), Congratulating the Westlake High School Lady Chaparrals on winning the 2004 Class 5A State Championship.

To Rules and Resolutions.

**HR 28** (By Baxter), Honoring Jessica Barnett on being named the Texas Department of Health's 2004 Telecommunicator of the Year.

To Rules and Resolutions.

**HR 29** (By Dutton), Honoring the Reverend Charles E. Butler II on his 14th pastoral anniversary with New Loyalty Missionary Baptist Church in Houston.  
To Rules and Resolutions.

**HR 30** (By Flynn), Honoring former State Representative Bill Hollowell of Grand Saline for his years of service to the State of Texas.  
To Rules and Resolutions.

**HR 32** (By Harper-Brown), Honoring David Elliott Lipscomb for earning the rank of Eagle Scout.  
To Rules and Resolutions.

**HR 33** (By Harper-Brown), Honoring Christopher Michael Alexander for earning the rank of Eagle Scout.  
To Rules and Resolutions.

**HR 34** (By Harper-Brown), Honoring Ryan Dewayne Randle for earning the rank of Eagle Scout.  
To Rules and Resolutions.

**HR 35** (By W. Smith), Honoring the life of Bernice Hlanak Simmons.  
To Rules and Resolutions.

**HR 36** (By Hughes), In memory of Rear Admiral Sam Moore of Marshall.  
To Rules and Resolutions.

**HR 37** (By Martinez Fischer), Honoring Charles Muñoz on being named the 2004 Region XX Principal of the Year.  
To Rules and Resolutions.

**HR 38** (By Martinez Fischer), Honoring George B. Hernandez, Jr., on being named president and chief executive officer of University Health System in Bexar County.  
To Rules and Resolutions.

**HR 39** (By Escobar), Honoring Professor John C. Perez of Texas A&M University-Kingsville on being named one of Hispanic Business magazine's 100 Most Influential Hispanics in America for 2004.  
To Rules and Resolutions.

**HR 40** (By T. Smith), Honoring Cindy Parten on her retirement from the Tarrant County court system.  
To Rules and Resolutions.

**HR 41** (By T. Smith), Honoring Ann Woods on the occasion of her retirement as a court reporter for Tarrant County.  
To Rules and Resolutions.

**HR 42** (By Eissler), Honoring Bill and Ann Walton of The Woodlands on the occasion of their 50th anniversary.  
To Rules and Resolutions.

**HR 44** (By Raymond), Honoring the Asmussen family of Laredo for their contributions and dedication to horse racing.  
To Rules and Resolutions.



**HR 45** (By Ritter), In memory of the Honorable James M. Farris of Beaumont.

To Rules and Resolutions.

**HR 46** (By Callegari and Eiland), Honoring the life of Dr. Michael Patrick O'Malley.

To Rules and Resolutions.

**HR 47** (By Delisi), Honoring the life of Henry Kiper Allen, Sr., of Temple.

To Rules and Resolutions.

**HR 48** (By Hodge), In memory of Stuart M. DeLuca of Austin.

To Rules and Resolutions.

**HR 49** (By F. Brown), Recognizing the TALL IX class of the Texas Agricultural Lifetime Leadership program.

To Rules and Resolutions.

**HR 50** (By Y. Davis), Honoring Denise D. Harris, recipient of the 2004 W. H. Atwell Fundamental Academy Teacher of the Year Award.

To Rules and Resolutions.

**HR 51** (By Hodge), Honoring Mike Daniel of Dallas for achieving a desegregation settlement with HUD.

To Rules and Resolutions.

**HR 53** (By Hill), Honoring Kambiz and Regina Rafrat of Dallas on the birth of their daughter, Anisa Victoria Rafrat.

To Rules and Resolutions.

**HR 54** (By Woolley), In memory of Elbert Davis Stewart, Jr., of Houston.

To Rules and Resolutions.

**HR 56** (By Hunter), In memory of Dr. Roy Virgil Palmer, Sr., of Abilene.

To Rules and Resolutions.

**HR 58** (By Y. Davis), In memory of former U.S. Congresswoman Shirley Chisholm.

To Rules and Resolutions.

**HR 61** (By Griggs), Honoring Frank Metts, Jr., of North Richland Hills on the occasion of his retirement from the city council.

To Rules and Resolutions.

**HR 68** (By Raymond), Commemorating the city of Laredo's 250th anniversary.

To Rules and Resolutions.

**HR 74** (By Kolkhorst), Honoring head football coach Ron Randleman on his retirement from Sam Houston State University.

To Rules and Resolutions.

**HR 75** (By Kolkhorst), Honoring the Sam Houston State University football team for an outstanding 2004 season.

To Rules and Resolutions.

**HR 76** (By Kolkhorst and R. Cook), Recognizing February 16, 2005, as Texas Heritage Trails Day.

To Rules and Resolutions.

**HR 77** (By Gonzalez Toureilles), Congratulating Lauren Ashly Self of George West on being crowned Miss Live Oak County 2004.

To Rules and Resolutions.

**HR 79** (By Madden), Recognizing the 40th anniversary of E. A. Sigler Elementary School in Plano.

To Rules and Resolutions.

## **List No. 2**

**HB 178** (By Denny), Relating to the use of electronically readable information from a driver's license or personal identification card in an election.

To Elections.

**HB 179** (By Chavez), Relating to artifacts recovered from Native American burial sites.

To Culture, Recreation, and Tourism.

**HB 180** (By Escobar, Laney, Reyna, Peña, et al.), Relating to appropriations to The Texas A&M University System and to Texas A&M University–Kingsville in connection with the Irma Rangel School of Pharmacy.

To Appropriations.

**HB 181** (By Guillen), Relating to the eligibility of certain corrections and peace officers to participate in a low-interest home loan program offered by the state.

To Urban Affairs.

**HB 182** (By Mowery and Wong), Relating to appeals to small claims courts of certain ad valorem tax determinations.

To Local Government Ways and Means.

**HB 183** (By F. Brown), Relating to the prosecution of offenses involving the use of safety belts and child passenger safety seat systems.

To Transportation.

**HB 184** (By F. Brown), Relating to the consolidation of, or detachment and annexation of territory in, certain school districts.

To Public Education.

**HB 185** (By Campbell), Relating to the use and placement of certain hunting blinds and wildlife feeders.

To Culture, Recreation, and Tourism.

**HB 186** (By Van Arsdale), Relating to severance payments to superintendents of independent school districts.

To Public Education.

**HB 187** (By Van Arsdale), Relating to the right of a resident of a municipal utility district to vote in a municipal election.

To Urban Affairs.

**HB 188** (By Peña), Relating to a qualified privilege of a journalist not to testify.

To Judiciary.

**HB 189** (By Griggs), Relating to increases in the tax on cigarettes and other tobacco products and to the allocation of those increases.

To Ways and Means.

**HB 190** (By Guillen), Relating to possession of certain devices affecting operation of a traffic-control signal; providing a criminal penalty.

To Transportation.

**HB 191** (By Zedler), Relating to the regulation of clinical nutritionists and nutrition consultants; providing penalties.

To Public Health.

**HB 192** (By Eissler), Relating to the determination of the validity of certain Montgomery County Hospital District election petitions.

To Elections.

**HB 193** (By Eissler), Relating to requiring the registration of certain containers of alcoholic beverages; providing criminal penalties.

To Licensing and Administrative Procedures.

**HB 194** (By Uresti), Relating to an increase in the cigarette tax and to the use of that increase for certain health and human services programs.

To Ways and Means.

**HB 195** (By Guillen), Relating to motor vehicles equipped with recording devices.

To Transportation.

**HB 196** (By Guillen), Relating to prohibiting the introduction of certain items in a correctional facility.

To Corrections.

**HB 197** (By Guillen), Relating to the punishment for the offense of criminal mischief.

To Criminal Jurisprudence.

**HB 198** (By Dukes), Relating to the preliminary investigation of a report of child abuse or neglect.

To Juvenile Justice and Family Issues.

**HB 199** (By Hochberg, Peña, Eissler, Ritter, et al.), Relating to outside employment by school district superintendents.

To Public Education.

**HB 200** (By Goodman), Relating to the administrative suspension of the driver's license of a person arrested for certain offenses involving the operation of a watercraft while intoxicated for the person's failure to pass a test for intoxication.

To Culture, Recreation, and Tourism.

**HB 201** (By Goodman), Relating to the eligibility of a spouse for spousal maintenance in a suit for dissolution of a marriage.

To Juvenile Justice and Family Issues.

**HB 202** (By Goodman), Relating to certain marital property agreements.

To Juvenile Justice and Family Issues.

**HB 203** (By Goodman), Relating to consideration of taxes in the division of property in the dissolution of a marriage.

To Juvenile Justice and Family Issues.

**HB 204** (By Goodman), Relating to inheritance rights of adopted adults.

To Judiciary.

**HB 205** (By Goodman), Relating to the resolution of certain disputes by collaborative law procedures.

To Civil Practices.

**HB 206** (By Goodman), Relating to the property interests of spouses in connection with certain separate and community property.

To Juvenile Justice and Family Issues.

**HB 207** (By Goodman), Relating to the reduction of registration, license, and renewal fees required to be paid by certain land surveyors.

To Licensing and Administrative Procedures.

**HB 208** (By Goodman), Relating to the location of a polling place for a primary election.

To Elections.

**HB 209** (By Goodman), Relating to rescinding an acknowledgment of paternity executed by a minor.

To Juvenile Justice and Family Issues.

**HB 210** (By Solomons), Relating to the regulation of certain telemarketing calls.

To Business and Industry.

**HB 211** (By Guillen), Relating to the effect of certain orders relating to family violence on residential leases and lease agreements.

To Business and Industry.

**HB 212** (By Guillen), Relating to health care practitioner information provided to a health care facility.

To Public Health.

**HB 213** (By Guillen), Relating to a limitation on the amount of ad valorem taxes that may be imposed on the residence homestead of an eligible person serving on active duty in the United States armed forces.

To Local Government Ways and Means.

**HB 214** (By Casteel), Relating to the authority of certain counties to impose a hotel occupancy tax.

To Local Government Ways and Means.

**HB 215** (By Martinez), Relating to establishing certain standards for the drug testing of defendants placed on community supervision.

To Law Enforcement.

**HB 216** (By Martinez), Relating to the fee charged for the Texas Airport Directory.

To Transportation.

**HB 217** (By Bailey), Relating to the authority of certain counties to enact noise regulations; providing a criminal penalty.

To County Affairs.

**HB 218** (By Howard), Relating to the authority of a municipality to regulate certain property with historical, cultural, or architectural importance.

To Urban Affairs.

**HB 219** (By Howard and Eissler), Relating to a sign advertising or identifying a sexually oriented business; providing civil and criminal penalties.

To County Affairs.

**HB 220** (By Howard), Relating to the State Board of Education review of public school textbooks.

To Public Education.

**HB 221** (By Howard), Relating to certain requirements relating to public school reading and mathematics instruction and textbooks.

To Public Education.

**HB 222** (By Hilderbran), Relating to state funding for school districts that have not more than 400 students in average daily attendance.

To Public Education.

**HB 223** (By Gattis), Relating to a requestor's right of access to investment information.

To State Affairs.

**HB 224** (By Corte), Relating to the treatment of certain persons younger than 18 years of age admitted for voluntary inpatient mental health services and discharge from that treatment for those persons.

To Public Health.

**HB 225** (By Driver, Keel, Hupp, Rose, Hegar, et al.), Relating to the expiration of a renewed license to carry a concealed handgun.

To Law Enforcement.

**HB 226** (By Naishtat), Relating to the duties of an attorney ad litem appointed for a child in certain proceedings regarding the abuse or neglect of the child.

To Human Services.

**HB 227** (By Naishtat), Relating to the completion of continuing legal education by an attorney ad litem appointed for a child in certain proceedings regarding the abuse or neglect of the child.

To Human Services.

**HB 228** (By Naishtat), Relating to use of a proposed child placement resources form in cases involving the Department of Family and Protective Services.

To Human Services.

**HB 229** (By Solomons), Relating to the application of the sunset review process to state taxes.

To Ways and Means.

**HB 230** (By Hartnett), Relating to grounds for removal of a guardian.

To Judiciary.

**HB 231** (By Hartnett), Relating to trial by special judge in civil and family law cases.

To Judiciary.

**HB 232** (By Eissler), Relating to the exclusion from emergency services districts of certain territory subject to ad valorem assessments.

To County Affairs.

**HB 233** (By Martinez, Escobar, Gonzales, Peña, et al.), Relating to the securing by municipal police officers of a scene to which the municipality's emergency ambulance service responds.

To Urban Affairs.

**HB 234** (By Martinez), Relating to the authority of certain development corporations to undertake projects for airport facilities or retail businesses or facilities.

To Economic Development.

**HB 235** (By Van Arsdale), Relating to the computation of certain benefits under the Teacher Retirement System of Texas.

To Pensions and Investments.

**HB 236** (By Menendez), Relating to an offense of using a telephone while operating a motor vehicle in a school crossing zone.

To State Affairs.

**HB 237** (By Menendez), Relating to an offense of using a telephone while operating a motor vehicle.

To State Affairs.

**HB 238** (By Menendez), Relating to a pilot program designed to improve educational services in participating school districts.

To Public Education.

**HB 239** (By Goolsby), Relating to birth records of adopted children.

To Human Services.

**HB 240** (By Goolsby), Relating to the right of an adopted person to have access to the person's original birth certificate.

To Juvenile Justice and Family Issues.

**HB 241** (By Goolsby), Relating to professional liability insurance for certain retired physicians acting as volunteer health care providers.

To Insurance.

**HB 242** (By Goolsby), Relating to medical liability insurance for certain retired physicians acting as volunteer health care providers.

To Insurance.

**HB 243** (By Goolsby), Relating to bullying as a ground for removing a public school student from class and placing the student in a disciplinary alternative education program.

To Public Education.

**HB 244** (By Goolsby), Relating to the licensing and regulation of motor home and towable recreational vehicle exhibition promoters, dealers, and manufacturers.

To Licensing and Administrative Procedures.

**HB 245** (By Goolsby), Relating to the offense of failing to use safety belts.

To Transportation.

**HB 246** (By Goolsby), Relating to the establishment of a special police force or neighborhood police department.

To Law Enforcement.

**HB 247** (By Goodman), Relating to the issuance of a permit to dispense contact lenses to certain business entities.

To Public Health.

**HB 248** (By Goodman), Relating to the amendment of certain qualified domestic relations orders.

To Juvenile Justice and Family Issues.

**HB 249** (By Mowery), Relating to the first day of instruction at a public school.

To Public Education.

**HB 250** (By Eissler), Relating to the designation of Farm-to-Market Road 1488 in Montgomery, Waller, and Harris Counties as the Magnolia Parkway.

To Culture, Recreation, and Tourism.

**HB 251** (By Eissler), Relating to the release of certain information regarding a workers' compensation claim.

To Business and Industry.

**HB 252** (By Goodman), Relating to the use of parenting plans and parenting coordinators in suits affecting the parent-child relationship.

To Juvenile Justice and Family Issues.

**HB 253** (By Naishtat), Relating to the adoption of public school textbooks.

To Public Education.

**HB 254** (By Dutton), Relating to the penalties for possession of two ounces or less of marihuana.

To Criminal Jurisprudence.

**HB 255** (By Martinez), Relating to the reduction in value of a gift card.  
To Business and Industry.

**HB 256** (By Hopson), Relating to investments in certificates of deposit by certain governmental entities.  
To Government Reform.

**HB 257** (By Peña and Reyna), Relating to exempting textbooks for university and college courses from the sales tax.  
To Ways and Means.

**HB 258** (By Peña), Relating to authorizing a sports recreation and wellness facility fee at The University of Texas-Pan American.  
To Higher Education.

**HB 259** (By Elkins, Bonnen, Hughes, Riddle, J. Keffer, et al.), Relating to the powers of a county, municipality, or local entity with respect to the regulation of traffic on highways under its jurisdiction.  
To Urban Affairs.

**HB 260** (By Goodman), Relating to suits affecting the parent-child relationship.  
To Juvenile Justice and Family Issues.

**HB 261** (By Goodman), Relating to possession of or access to a grandchild.  
To Juvenile Justice and Family Issues.

**HB 262** (By Madden), Relating to permitting early entry into public school kindergartens for certain children.  
To Public Education.

**HB 263** (By Madden), Relating to the civil service status of certain fire department employees.  
To Urban Affairs.

**HB 264** (By Chavez), Relating to the wearing of protective headgear by certain motorcycle operators and passengers.  
To Law Enforcement.

**HB 265** (By W. Smith), Relating to the time for processing a municipal building permit.  
To Land and Resource Management.

**HB 266** (By W. Smith), Relating to the time for processing a county building permit.  
To Land and Resource Management.

**HB 267** (By W. Smith), Relating to permits for access driveways to certain highways.  
To Transportation.

**HB 268** (By Keel), Relating to the qualifications and appointment of counsel for indigent defendants in capital cases.  
To Criminal Jurisprudence.



**HB 269** (By Keel), Relating to the effect of an expunction.  
To Criminal Jurisprudence.

**HB 270** (By Farrar), Relating to court-ordered access to a child by the child's sibling.  
To Juvenile Justice and Family Issues.

**HB 271** (By Farrar), Relating to the cancellation of certain wine and beer retailer's permits.  
To Licensing and Administrative Procedures.

**HB 272** (By Farrar), Relating to the location of wine and beer retailer near certain institutions.  
To Licensing and Administrative Procedures.

**HB 273** (By Farrar), Relating to the eligibility of certain persons for a wine and beer retailer's permit.  
To Licensing and Administrative Procedures.

**HB 274** (By Farrar), Relating to the notice of certain applications for a wine and beer retailer's permit.  
To Licensing and Administrative Procedures.

**HB 275** (By Farrar), Relating to the application fee for a wine and beer retailer's permit.  
To Licensing and Administrative Procedures.

**HB 276** (By Farrar), Relating to the number of wine and beer retailer's permits that may be issued in certain zip code areas.  
To Licensing and Administrative Procedures.

**HB 277** (By Farrar), Relating to requiring as a condition of release on parole, mandatory supervision, or community supervision that sex offenders not reside in proximity with other sex offenders.  
To Criminal Jurisprudence.

**HJR 23** (By Guillen), Proposing a constitutional amendment to authorize a political subdivision to establish an ad valorem tax freeze on residence homesteads of certain persons serving on active duty in the United States armed forces.

To Local Government Ways and Means.

### **SIGNED BY THE SPEAKER**

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

#### **House List No. 4**

#### **HCR 39**

### **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  
Monday, January 31, 2005

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:

**HCR 38**                                 Rose                                 SPONSOR: Wentworth  
Recognizing January 2005 as National Stalking Awareness Month.

Respectfully,  
Patsy Spaw  
Secretary of the Senate