

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

ELEVENTH DAY — THURSDAY, FEBRUARY 3, 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 20).

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; Eissler; Elkins; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; 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; 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 — Hilderbran; Puente; Reyna.

Absent — Eiland; Flores.

The invocation was offered by Reverend Waylon D. Sias, pastor, Marlin Missionary Baptist Church, as follows:

To our Lord and the God of the universe, we offer this prayer on behalf of our governor and the Texas House of Representatives as they begin their legislative session for the year of 2005. We ask you for guidance, direction, and unity as they make decisions that will improve our schools, city, and state. We ask for and seek your direction and strength to put aside any differences and personal agendas so that the common good for all men might be accomplished.

Lord, take control of their minds and hearts, that they might remember that our children are in need of direction and instruction and all are important from the state house to the poor house. Remember our unemployed, our homeless, the

uneducated, the fatherless, the church, the un-churched. The young as well as the old, the rich, the poor, and help us to know that we all have a responsibility to do all we can to help and represent those who cannot help themselves.

Combine us Lord, for a house divided against itself cannot stand. Together we stand, divided we fall. And Lord, as we close this prayer please remember our President and his staff, our troops at home and abroad. We ask for your divine protection as we fight for freedom and peace for all people, and that our great State of Texas may be an example for states and nations to follow. In Jesus' name. Amen.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Guillen who presented Dr. Leonides G. Cigarroa, Jr., of Laredo as the "Doctor for the Day."

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

LEAVE OF ABSENCE GRANTED

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

Hilderbran on motion of Driver.

HR 165 - ADOPTED (by Dunnam)

Representative Dunnam moved to suspend all necessary rules to take up and consider at this time **HR 165**.

The motion prevailed.

The following resolution was laid before the house:

HR 165, In memory of Waylon Sias, Jr.

HR 165 was read and was unanimously adopted by a rising vote.

(Phillips in the chair)

LEAVE OF ABSENCE GRANTED

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

Paxton on motion of Taylor.

(Speaker in the chair)

INTRODUCTION OF GUESTS

The speaker recognized Representative Phillips who introduced William Kuntz, Dick Cole, and Greg Alvarez. Mr. Kuntz presented Representative Goolsby with a World Championship belt from the World Boxing Organization in gratitude for his support of the sport of boxing.

HR 179 - ADOPTED (by Dukes)

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 179**.

The motion prevailed.

The following resolution was laid before the house:

HR 179, Recognizing February 4, 2005, as Wear Red for Women Day.

HR 179 was read and was adopted.

On motion of Representative Kolkhorst, the names of all the members of the house were added to **HR 179** as signers thereof.

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).

CORRECTIONS IN REFERRAL

Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

FIVE DAY POSTING RULE SUSPENDED

Representative Chisum moved to suspend the five day posting rule to allow the Committee on Appropriations, Subcommittee on General Government, to have a public hearing on proposed appropriations for state agencies for the 2006-2007 biennium.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Appropriations, Subcommittee on General Government, 7 a.m. Monday, February 7, E1.030, for a public hearing, to consider proposed appropriations for state agencies for the 2006-2007 biennium.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Truitt and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

HR 176 - ADOPTED
(by J. Jones)

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HR 176**.

The motion prevailed.

The following resolution was laid before the house:

HR 176, Honoring Leroy Jones, Jr., on his retirement as church clerk of Good Street Baptist Church.

HR 176 was adopted.

(Edwards in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HR 13 was withdrawn.

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.

HR 17 was withdrawn.

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

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

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.

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

HR 27 was withdrawn.

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

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

HR 30 (by Flynn), Honoring former State Representative Bill Hollowell of Grand Saline for his years of service to the State of Texas.

HR 32 (by Harper-Brown), Honoring David Elliott Lipscomb for earning the rank of Eagle Scout.

HR 33 (by Harper-Brown), Honoring Christopher Michael Alexander for earning the rank of Eagle Scout.

HR 34 (by Harper-Brown), Honoring Ryan Dewayne Randle for earning the rank of Eagle Scout.

HR 37 (by Martinez Fischer), Honoring Charles Muñoz on being named the 2004 Region XX Principal of the Year.

HR 38 was withdrawn.

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.

HR 40 (by T. Smith), Honoring Cindy Parten on her retirement from the Tarrant County court system.

HR 41 (by T. Smith), Honoring Ann Woods on the occasion of her retirement as a court reporter for Tarrant County.

HR 42 (by Eissler), Honoring Bill and Ann Walton of The Woodlands on the occasion of their 50th anniversary.

HR 44 (by Raymond), Honoring the Asmussen family of Laredo for their contributions and dedication to horse racing.

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

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

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

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

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

HR 68 was withdrawn.

HR 74 was withdrawn.

HR 75 was withdrawn.

HR 76 was withdrawn.

HR 77 was withdrawn.

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

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

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

HCR 19 was withdrawn.

HCR 20 was withdrawn.

HCR 21 was withdrawn.

HCR 28 was withdrawn.

HCR 42 was withdrawn.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

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

HR 16 was withdrawn.

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

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

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

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

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

HR 35 was withdrawn.

HR 36 (by Hughes), In memory of Rear Admiral Sam Moore of Marshall.

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

HR 46 was withdrawn.

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

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

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

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

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

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

The resolutions were unanimously adopted by a rising vote.

On motion of Representative Anchia, the names of all the members of the house were added to **HCR 41** as signers thereof.

HR 180 - ADOPTED

(by Vo)

Representative Vo moved to suspend all necessary rules to take up and consider at this time **HR 180**.

The motion prevailed.

The following resolution was laid before the house:

HR 180, Honoring the Asian community of Texas on the occasion of the Lunar New Year on February 5, 2005.

HR 180 was adopted.

On motion of Representative Wong, the names of all the members of the house were added to **HR 180** as signers thereof.

HR 181 - ADOPTED
(by Peña)

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 181**.

The motion prevailed.

The following resolution was laid before the house:

HR 181, Honoring the life of Brinkley Loy Oxford of McAllen.

HR 181 was unanimously adopted by a rising vote.

(Speaker in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Keel requested permission for the Select Committee on Election Contests to meet while the house is in session at 9 a.m. Tuesday, February 8 in E2.016.

Permission to meet was granted.

FIVE DAY POSTING RULE SUSPENDED

Representative F. Brown moved to suspend the five day posting rule to allow the Committee on Appropriations, Subcommittee on Regulatory, to have a public hearing on proposed appropriations for state agencies for the 2006-2007 biennium.

The motion prevailed.

Representative J. Davis moved to suspend the five day posting rule to allow the Committee on Appropriations, Subcommittee on Criminal Justice, to have a public hearing on proposed appropriations for state agencies for the 2006-2007 biennium.

The motion prevailed.

Representative J. Davis moved to suspend the five day posting rule to allow the Committee on Appropriations, Subcommittee on Health and Human Services, to have a public hearing on proposed appropriations for state agencies for the 2006-2007 biennium.

The motion prevailed.

Representative Kolkhorst moved to suspend the five day posting rule to allow the Committee on Appropriations, Subcommittee on Education, to have a public hearing on proposed appropriations for state agencies for the 2006-2007 biennium.

The motion prevailed.

Representative Kolkhorst moved to suspend the five day posting rule to allow the Committee on Appropriations, Subcommittee on General Government, to have a public hearing on proposed appropriations for state agencies for the 2006-2007 biennium.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, Subcommittee on General Government, 7 a.m. Monday, February 7, E1.030, for a public hearing, to consider proposed appropriations for state agencies for the 2006-2007 biennium.

Appropriations, Subcommittee on Education, 7 a.m. Monday, February 7, JHR 120, for a public hearing, to consider proposed appropriations for state agencies for the 2006-2007 biennium.

Appropriations, Subcommittee on Criminal Justice, 9 a.m. Monday, February 7, JHR 110, for a public hearing, to consider proposed appropriations for state agencies for the 2006-2007 biennium.

Appropriations, Subcommittee on Health and Human Services, 1 p.m. Monday, February 7, JHR 140, for a public hearing, to consider proposed appropriations for state agencies for the 2006-2007 biennium.

Appropriations, Subcommittee on Regulatory, 7 a.m. Monday, February 7, E1.026, for a public hearing, to consider proposed appropriations for state agencies for the 2006-2007 biennium.

PROVIDING FOR ADJOURNMENT

Representatives Thompson and Merritt 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. Monday, February 7 in memory of Sergeant Dexter Kimble of Houston and the crew members of the space shuttle Columbia who perished over Texas two years ago this week.

The motion prevailed.

(Edwards in the chair)

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. 1.)

ADJOURNMENT

In accordance with a previous motion, the house, at 11:26 a.m., adjourned until 10 a.m. Monday, February 7.

ADDENDUM

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

HB 2 (By Grusendorf), Relating to public education and public school finance matters.

To Public Education.

HB 309 (By McClendon), Relating to the authority of certain law enforcement agencies to establish a checkpoint on a highway or street to determine whether persons are driving while intoxicated.

To Law Enforcement.

HB 353 (By Smithee), Relating to the equalized wealth level under the public school finance system for school districts located in counties with small populations.

To Public Education.

HB 354 (By Peña), Relating to the salary paid to certain professional employees of public schools.

To Public Education.

HB 355 (By Peña), Relating to stipends for public school teachers assigned to campuses serving a high percentage of low-income students.

To Public Education.

HB 356 (By Callegari), Relating to the repeal of the statutory provision regarding the adoption and use by the Texas Water Development Board of a capital spending plan for certain state-funded water-related programs under the board's jurisdiction.

To Natural Resources.

HB 357 (By Rodriguez), Relating to the performance of certain abortions at a facility other than a hospital or ambulatory surgical center.

To State Affairs.

HB 358 (By Rodriguez), Relating to information about certain agencies providing assistance relating to pregnancy.

To State Affairs.

HB 359 (By Bonnen), Relating to limiting the maximum average annual increase in the appraised value of real property for ad valorem tax purposes to three percent.

To Ways and Means.

HB 360 (By Talton), Relating to the punishment for the offense of aggravated assault.

To Criminal Jurisprudence.

HB 361 (By Talton), Relating to the requirement that a religious organization apply for an exemption from ad valorem taxation of property owned by the organization.

To Ways and Means.

HB 362 (By Talton), Relating to the acceptance of a license to carry a concealed handgun as a form of identification.

To Law Enforcement.

HB 363 (By Hegar), Relating to the declination of certain property and casualty insurance policies.

To Insurance.

HB 364 (By Hegar), Relating to an offense of possession of certain devices affecting operation of a traffic-control signal.

To Transportation.

HB 365 (By Hegar), Relating to the date of the election of directors for the Coastal Bend Groundwater Conservation District.

To Natural Resources.

HB 366 (By Hegar), Relating to use of safety belts and child passenger safety seat systems.

To Transportation.

HB 367 (By Farabee), Relating to the provision to certain political subdivisions of claims cost information for health and accident coverage.

To Insurance.

HB 368 (By Farabee), Relating to health benefit plan coverage for certain mental disorders in children.

To Insurance.

HB 369 (By Farabee), Relating to the civil and criminal consequences of racing a motor vehicle on a public highway in this state.

To Transportation.

HB 370 (By Farabee), Relating to deferred disposition of certain traffic offenses by certain holders of out-of-state driver's licenses.

To Law Enforcement.

HB 371 (By Farabee), Relating to liquidated damages for failure to timely provide an annual accounting statement required in connection with certain conveyances of real property.

To Civil Practices.

HB 372 (By Jackson), Relating to the required use of towing safety chains on certain vehicles.

To Transportation.

HB 373 (By Swinford), Relating to the food and fibers research grant program.

To Agriculture and Livestock.

HB 374 (By Solomons), Relating to the operating of a motor vehicle while having certain amounts of certain controlled substances in the body.

To Criminal Jurisprudence.

HB 375 (By Casteel), Relating to the collection of fines and costs imposed in a criminal case following a defendant's default in payment.

To Criminal Jurisprudence.

HB 376 (By Coleman, Farrar, Anchia, et al.), Relating to a prohibition of discrimination by public educational institutions.

To Public Education.

HB 377 (By Talton), Relating to the disclosure of certain information from an early voting roster; providing a penalty.

To Elections.

HB 378 (By Talton), Relating to an exemption from the fee for a birth or death record requested by a law enforcement agency, a child fatality review team, or the child fatality review team committee.

To Public Health.

HB 379 (By Riddle), Relating to the use of the credit score of a consumer who does not have debt for certain purposes; providing penalties.

To Insurance.

HB 380 (By West), Relating to oil and gas well plugging insurance policies.

To Energy Resources.

HB 381 (By Kolkhorst), Relating to the service area of the Blinn County College District.

To Higher Education.

HB 382 (By Dutton), Relating to the prosecution of the offense of hindering apprehension or prosecution.

To Criminal Jurisprudence.

HB 383 (By Dutton), Relating to the right of certain persons to discipline a child.

To Juvenile Justice and Family Issues.

HB 384 (By Dutton), Relating to a presumption that placement of a child with a parent or relative is in the best interest of the child.

To Juvenile Justice and Family Issues.

HB 385 (By Naishtat), Relating to administrative and judicial review of certain decisions about public assistance benefits.

To Human Services.

HB 386 (By McCall, Van Arsdale, and Bonnen), Relating to participation in school district services and activities by home-schooled students.

To Public Education.

HB 387 (By Geren), Relating to prohibiting the Texas Commission on Environmental Quality from amending, interpreting, impairing, or modifying a written contract for the wholesale provision of water.

To Natural Resources.

HB 388 (By T. Smith), Relating to the qualifications of bailiffs and grand jury bailiffs for certain courts.

To Judiciary.

HB 389 (By T. Smith), Relating to the appointment of grand jury bailiffs in Tarrant County.

To Judiciary.

HB 390 (By T. Smith), Relating to an exemption from the sales and use tax for food sold during certain athletic events.

To Ways and Means.

HB 391 (By T. Smith), Relating to computer-assisted hunting from remote locations; providing penalties.

To Culture, Recreation, and Tourism.

HB 392 (By T. Smith), Relating to the guidelines for determining monthly child support.

To Juvenile Justice and Family Issues.

HB 393 (By T. Smith), Relating to the appointment of counsel for an indigent defendant after adversarial judicial proceedings are initiated in certain counties.

To Criminal Jurisprudence.

HB 394 (By Homer), Relating to franchise tax incentives for recycling.

To Ways and Means.

HB 395 (By Homer), Relating to the eligibility requirements for the issuance or renewal of a driver's license that authorizes the license holder to operate a motorcycle in this state.

To Law Enforcement.

HB 396 (By Homer), Relating to protecting the state from losses incurred by a lottery sales agent.

To Licensing and Administrative Procedures.

HB 397 (By Bonnen, Homer, et al.), Relating to providing for a student who qualifies for automatic admission to an institution of higher education to maintain that status for transferring between institutions in certain circumstances.

To Higher Education.

HB 398 (By Villarreal), Relating to the regulation of tax refund anticipation loans; imposing an administrative penalty.

To Financial Institutions.

HB 399 (By Villarreal), Relating to the disclosure report of sales price to local appraisal district.

To Ways and Means.

HB 400 (By Villarreal), Relating to the provision of voluntary prekindergarten classes for certain children.

To Public Education.

HB 401 (By Villarreal), Relating to creation of a volunteer income tax assistance pilot program for persons who owe delinquent child support.

To Juvenile Justice and Family Issues.

HB 402 (By Villarreal), Relating to the punishment for the offense of prohibited sexual conduct.

To Criminal Jurisprudence.

HB 403 (By Villarreal), Relating to voluntary prekindergarten for certain children.

To Public Education.

HB 404 (By Villarreal), Relating to the membership of the Family and Protective Services Council.

To Human Services.

HB 405 (By Villarreal), Relating to providing supplemental financial assistance to certain primary caretakers of a child receiving financial assistance.

To Human Services.

HB 406 (By Villarreal), Relating to teacher certification in early childhood education.

To Public Education.

HB 407 (By Uresti), Relating to coverage for school district employees under certain health benefit plans.

To Insurance.

HB 408 (By Dutton), Relating to jury selection in capital cases.

To Criminal Jurisprudence.

HB 409 (By Goodman), Relating to the appeal of certain orders regarding children in the conservatorship of the Department of Family and Protective Services.

To Juvenile Justice and Family Issues.

HB 410 (By Goodman), Relating to the property interests of spouses in connection with certain separate and community property.

To Juvenile Justice and Family Issues.

HB 411 (By McClendon), Relating to the transmission of certain health information to a site outside the United States.

To Public Health.

HB 412 (By Turner), Relating to the use of credit scoring and credit history by certain telecommunications and electric service providers.

To Regulated Industries.

HB 413 (By Turner), Relating to the manner of providing notice of a petition or order for the expunction or nondisclosure of certain criminal records.
To Criminal Jurisprudence.

HB 414 (By Bailey), Relating to an injunction to prevent violations by automotive wrecking and salvage yards in certain counties.
To Transportation.

HB 415 (By Baxter), Relating to the required public notice of the name of each finalist for the position of superintendent of a public school district.
To Public Education.

HB 416 (By Menendez and Leibowitz), Relating to the punishment for individuals who evade arrest after committing the offense of murder.
To Criminal Jurisprudence.

HB 417 (By Delisi), Relating to a supplemental health coverage program under the Texas Employees Group Benefits Act for certain persons.
To Insurance.

HB 418 (By Turner), Relating to an exception to the 72-hour waiting period for a marriage ceremony for certain individuals.
To Juvenile Justice and Family Issues.

HB 419 (By Keel), Relating to the applicability of the death penalty to a capital offense committed by a person with mental retardation.
To Criminal Jurisprudence.

HB 420 (By Naishtat), Relating to the eligibility of certain persons for the temporary assistance for needy families and food stamp programs.
To Human Services.

HB 421 (By Naishtat), Relating to the applicability of a definition of "individual" to certain offenses under the Texas Controlled Substances Act.
To Criminal Jurisprudence.

HB 422 (By Casteel), Relating to park and recreation districts.
To Culture, Recreation, and Tourism.

HB 423 (By Delisi), Relating to the online availability of certain state publications.
To Government Reform.

HB 424 (By Hughes), Relating to the safety of hotel guests; providing penalties.
To State Affairs.

HB 425 (By Dutton), Relating to the payment of child support obligations on behalf of persons wrongfully imprisoned.
To Civil Practices.

HB 426 (By Dutton), Relating to the right of an employee to time off from work to participate in certain school activities of the employee's child; providing a penalty.
To Economic Development.

HB 427 (By Dutton), Relating to the remedies available to a person to abate a nuisance in a municipality.

To Civil Practices.

HB 428 (By Dutton), Relating to the hours for selling alcoholic beverages in certain establishments.

To Licensing and Administrative Procedures.

HB 429 (By Dutton), Relating to requiring the Texas Department of Criminal Justice to provide notice to certain persons of the right to vote.

To Elections.

HB 430 (By Dutton), Relating to the right of an employee to time off from work to meet with certain persons affecting the education of the employee's child.

To Economic Development.

HB 431 (By Dutton), Relating to the admissibility of certain evidence in capital cases in which the state seeks the death penalty.

To Criminal Jurisprudence.

HB 432 (By Dutton), Relating to the creation of a commission to study capital punishment in Texas and to a moratorium on executions.

To Criminal Jurisprudence.

HB 433 (By Dutton), Relating to restrictions on the disclosure of certain criminal history records and to the duty of law enforcement agencies regarding records associated with certain defendants; creating an offense.

To Government Reform.

HB 434 (By Dutton), Relating to the punishment for a capital felony committed by a person who is younger than 18 years of age at the time of committing the felony.

To Criminal Jurisprudence.

HB 435 (By Dutton), Relating to the automatic expunction of criminal records.

To Criminal Jurisprudence.

HB 436 (By Dutton and Uresti), Relating to criminal and civil penalties for committing certain offenses involving prostitution.

To Criminal Jurisprudence.

HB 437 (By Dutton), Relating to determinations of paternity in a suit affecting the parent-child relationship.

To Juvenile Justice and Family Issues.

HB 438 (By Dutton), Relating to termination or suspension without pay of certain public school district employees.

To Public Education.

HB 439 (By Dutton), Relating to the provision of certain information to public school employees whose employment is terminated.

To Public Education.

HB 440 (By Dutton), Relating to the modification of a child support order during the obligor's confinement in jail or prison.

To Juvenile Justice and Family Issues.

HB 441 (By Dutton), Relating to the regulation of barbers and cosmetologists at mobile locations.

To Public Health.

HB 442 (By Dutton), Relating to the adoption and enforcement by the board of trustees of a school district of rules relating to student conduct.

To Public Education.

HB 443 (By Dutton), Relating to duty-free lunch periods for public school nurses.

To Public Education.

HB 444 (By Leibowitz), Relating to the proximity of a school bus stop to the residence of a sex offender or sexually violent predator.

To Public Education.

HB 445 (By Chavez), Relating to reimbursement rates for ambulance services under the medical assistance program.

To Human Services.

HB 446 (By Escobar), Relating to the sufficiency of appropriations for the Foundation School Program.

To Appropriations.

HB 447 (By Escobar), Relating to the minimum standard of equity for the public school finance system.

To Public Education.

HB 448 (By Dutton), Relating to in-prison geriatric communities.

To Corrections.

HB 449 (By Dutton), Relating to an affirmative defense available to certain students who engage in sexual contact with another student at least 13 years of age.

To Criminal Jurisprudence.

HB 450 (By Dutton), Relating to the admissibility of certain confessions in capital cases.

To Criminal Jurisprudence.

HB 451 (By Dutton), Relating to a study and report by the commissioner of education concerning public school students' campus and school district assignments and transfers, operation of public schools, and public school attendance.

To Public Education.

HB 452 (By Dutton), Relating to the abolition of the death penalty.

To Criminal Jurisprudence.

HB 784 (By Bohac), Relating to providing tax relief and protection for ad valorem tax payers.

To Ways and Means.

List No. 2

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

HB 50 (By T. Smith), Relating to the authority of the Department of Public Safety and certain local law enforcement agencies to establish a checkpoint on a highway or street to determine whether persons are driving while intoxicated.

To Law Enforcement.

HB 116 (By Geren), Relating to the establishment of a program to provide grants to make voluntary purchases of development rights in real property.

To Land and Resource Management.

HB 326 (By Goodman), Relating to the offense of cruelty to animals.

To Agriculture and Livestock.

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, February 3, 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 43

Giddings

SPONSOR: Estes

Commemorating the 20th anniversary of the creation of the Texas Silver-Haired Legislature.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

ENROLLED**February 2 - HCR 38****SENT TO THE GOVERNOR****February 2 - HCR 38, HCR 39**