

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

THIRTEENTH DAY — TUESDAY, FEBRUARY 8, 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 22).

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; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; 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; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; 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 — Reyna.

Absent — Eiland; Gonzalez Tourelles; Miller.

The invocation was offered by Darryl Bowdre, pastor, Church of Christ at South Central, Tyler, as follows:

We call on you, our eternal, everlasting God; our father who created us and the one that sustains and reclaims us. We come confessing our sins and our faults, knowing that none of us are all we ought to be, nor all you made us to be. We come asking for help to use the power you give us to become all that you want us to be.

We thank you for this day, one that we have never seen before, and one that we will never see again. We thank you for life and for the blessings you so graciously provide to us and for us. We thank you, Father, that we are able to live in a land like the United States of America and for the freedom and the favor that we enjoy.

We ask for your continued providence and help during this dark and sometimes dismal hour of war. Please bless the soldiers who are serving this country wherever they are. Protect them and their families while they are away and when they return.

Father, we now plead in earnest for the men and women who sit in these seats of decision and who walk through these doors of destiny. We ask and pray for you to give to them understanding and wisdom, strength and courage, compassion and temperance. Fill this mighty hall with your even mightier spirit. Help them to find a unity in their diversity as they proceed to govern and to guide the State of Texas. We also pray for the sacrifices that each of them make as servants to the people. We know that being in office—nor in Austin—exempts them from the pressures of family life that we all feel, and so we pray for their families and the communities that they call home.

We are not in the habit of telling you what to do. We would only ask that you keep on doing what you've always been doing, and we will be forever joyful and thankful to be called your children. In the blessed, beautiful, loving, life-giving name of Jesus. Amen.

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

#### **LEAVE OF ABSENCE GRANTED**

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

Reyna on motion of Denny.

(Miller now present)

#### **REGULAR ORDER OF BUSINESS SUSPENDED**

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

(Gonzalez Toureilles now present)

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

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

Farrar on motion of Rodriguez.

J. Keffer on motion of B. Keffer.

#### **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).

#### **HR 113 - ADOPTED (by Solomons)**

Representative Solomons moved to suspend all necessary rules to take up and consider at this time **HR 113**.

The motion prevailed.

The following resolution was laid before the house:

**HR 113**, Recognizing February 8, 2005, as Credit Union Day at the State Capitol.

**HR 113** was read and was adopted.

**HCR 52 - ADOPTED  
(by Hunter)**

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HCR 52**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 52**, Welcoming Marc Ravalomanana, President of the Republic of Madagascar, to the Texas State Capitol.

**HCR 52** was read and was adopted.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Hunter who introduced the President and First Lady of Madagascar, Marc and Lalao Ravalomanana, and a delegation from the Republic of Madagascar. President Ravalomanana briefly addressed the house.

(Hupp in the chair)

**HR 201 - ADOPTED  
(by Chavez)**

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 201**.

The motion prevailed.

The following resolution was laid before the house:

**HR 201**, Recognizing February 8, 2005, as Senior Day at the State Capitol.

**HR 201** was read and was adopted.

On motion of Representative West, the names of all the members of the house were added to **HR 201** as signers thereof.

**HR 199 - ADOPTED  
(by W. Smith)**

Representative W. Smith moved to suspend all necessary rules to take up and consider at this time **HR 199**.

The motion prevailed.

The following resolution was laid before the house:

**HR 199**, Honoring Fern Urban of Baytown on the occasion of her visit to the Capitol during Senior Day, 2005.

**HR 199** was adopted.

On motion of Representative West, the names of all the members of the house were added to **HR 199** as signers thereof.

(Eiland now present)

**HR 167 - ADOPTED**  
**(by McReynolds)**

Representative McReynolds moved to suspend all necessary rules to take up and consider at this time **HR 167**.

The motion prevailed.

The following resolution was laid before the house:

**HR 167**, Recognizing February 8, 2005, as Texas Probation Association Day at the State Capitol.

**HR 167** was read and was adopted.

On motion of Representative Kolkhorst, the names of all the members of the house were added to **HR 167** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative McReynolds who introduced members of the Texas Probation Association.

**HR 212 - ADOPTED**  
**(by McClendon)**

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 212**.

The motion prevailed.

The following resolution was laid before the house:

**HR 212**, Honoring San Antonio musicians Bobby G. and the Drive.

**HR 212** was read and was adopted.

**HR 184 - ADOPTED**  
**(by Dawson)**

Representative Dawson moved to suspend all necessary rules to take up and consider at this time **HR 184**.

The motion prevailed.

The following resolution was laid before the house:

**HR 184**, Recognizing Matagorda County Day on February 8, 2005.

**HR 184** was read and was adopted.

On motion of Representative Bonnen, the names of all the members of the house were added to **HR 184** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Dawson who introduced a delegation from Matagorda County.

#### **HR 218 - ADOPTED (by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 218**.

The motion prevailed.

The following resolution was laid before the house:

**HR 218**, Honoring Birdie Mae Leona Grace Thomas on the occasion of her 70th birthday.

**HR 218** was adopted.

#### **HR 183 - ADOPTED (by Dawson)**

Representative Dawson moved to suspend all necessary rules to take up and consider at this time **HR 183**.

The motion prevailed.

The following resolution was laid before the house:

**HR 183**, Recognizing February 8, 2005, as Kidney Day at the Capitol.

(Speaker in the chair)

**HR 183** was adopted.

### **NOTICE OF WITHDRAWAL OF ELECTION CONTEST**

Pursuant to Section 241.017 Election Code, the following statement of withdrawal of election contest has been received and the statement of withdrawal shall be read into the House Journal.

1. On January 7, 2005, Contestant Talmadge Heflin filed a "Notice of Withdrawal of Election Contest" in the Election Contest relating to District 149.

2. The complete text of the statement of withdrawal shall be printed in the House Journal.

3. Accordingly, the Election Contest involving District 149 is dismissed.

**CONTESTANT TALMADGE HEFLIN'S NOTICE OF WITHDRAWAL  
OF ELECTION CONTEST OF THE GENERAL ELECTION HELD ON  
NOVEMBER 2, 2004 FOR THE OFFICE OF TEXAS HOUSE OF  
REPRESENTATIVES, DISTRICT 149**

In accordance with § 241.017 of the Texas Election Code, Contestant, Talmadge Heflin, files this Notice of Withdrawal of Election Contest of the General Election held on November 2, 2004 for the Office of the Texas House of Representatives, District 149.

Respectfully Submitted,  
ANDY TAYLOR & ASSOCIATES, P.C.  
Andy Taylor  
State Bar No. 19727600  
Amanda Peterson  
State Bar No. 24032953  
405 Main Street, Suite 200  
Houston, Texas 77002  
713-222-1817 (telephone)  
713-222-1855 (facsimile)  
ATTORNEYS FOR CONTESTANT,  
TALMADGE HEFLIN

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Contestant Talmadge Heflin's Notice of Withdrawal of Election Contest of the General Election held on November 2, 2004 for the office of Texas House of Representatives, District 149 has been served via facsimile to the following on February 7, 2005:

Larry R. Veselka  
Smyser Kaplan & Veselka, LLP  
700 Louisiana, Suite 2300  
Houston, Texas 77002  
713-221-2320 (facsimile)

Andy Taylor

**PROVIDING FOR A CONGRATULATORY  
AND MEMORIAL CALENDAR**

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

The motion prevailed.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Edwards requested permission for the Committee on Rules and Resolutions to meet while the house is in session.

Permission to meet was granted.

**HCR 51 - ADOPTED  
(by West and Craddick)**

Representative West moved to suspend all necessary rules to take up and consider at this time **HCR 51**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 51**, Designating February 15 as Midland-Odessa Day at the State Capitol.

**HCR 51** was adopted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Rules and Resolutions, upon motion to adjourn pending the reading and referral of bills today, speaker's committee room, for a formal meeting, to set a resolution calendar for this Thursday.

**PROVIDING FOR ADJOURNMENT**

Representative Driver 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 Dr. Karl Brinker of Dallas.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and 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.)

(Geren in the chair)

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Rules and Resolutions, upon motion to adjourn pending the reading and referral of bills today, speaker's conference room, for a formal meeting, to set a resolution calendar for this Thursday.

**ADJOURNMENT**

In accordance with a previous motion, the house, at 11:34 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**

**HB 584** (By Delisi), Relating to reimbursement under certain health benefit plans for services provided by licensed athletic trainers.

To Insurance.

**HB 585** (By Corte), Relating to the requirements for the incorporation of a municipality in the extraterritorial jurisdiction of an existing municipality.

To Land and Resource Management.

**HB 586** (By Corte), Relating to the authority of a general-law municipality to annex certain areas.

To Land and Resource Management.

**HB 587** (By Rose), Relating to the installment payment of ad valorem taxes by certain veterans.

To Ways and Means.

**HB 588** (By F. Brown), Relating to the dismissal of certain traffic offenses by holders of commercial driver's licenses.

To Law Enforcement.

**HB 589** (By F. Brown), Relating to prohibiting state agencies from collecting or storing racial information.

To Government Reform.

**HB 591** (By F. Brown), Relating to the privatization of waste removal service operations at certain public institutions of higher education.

To Higher Education.

**HB 592** (By Smithee), Relating to liquidated damages for violating certain requirements relating to executory contracts for the conveyance of certain real property.

To Civil Practices.

**HB 593** (By Smithee), Relating to the terms of court of the 47th Judicial District.

To Judiciary.

**HB 594** (By Smithee), Relating to the Randall County Juvenile Board.

To Juvenile Justice and Family Issues.



**HB 595** (By Smithee), Relating to the jurisdiction of the County Court at Law of Randall County.

To Judiciary.

**HB 596** (By Smithee), Relating to the appointment of judges to the City of Amarillo municipal court.

To Judiciary.

**HB 597** (By Smithee), Relating to the creation of an additional county court at law in Randall County.

To Judiciary.

**HB 598** (By Blake), Relating to a recreational sports fee at Stephen F. Austin State University.

To Higher Education.

**HB 599** (By Eissler), Relating to erecting or maintaining certain outdoor signs; creating an offense; providing penalties.

To Transportation.

**HB 600** (By Eissler), Relating to erecting or maintaining certain signs on certain rights-of-way; providing penalties.

To Transportation.

**HB 601** (By Eissler), Relating to erecting or maintaining outdoor advertising; providing penalties.

To Culture, Recreation, and Tourism.

**HB 602** (By Eissler), Relating to the designation of a weight enforcement officer by a commissioners court.

To County Affairs.

**HB 603** (By Eissler), Relating to the expulsion of a public school student for using, exhibiting, or possessing a weapon.

To Public Education.

**HB 604** (By Hopson), Relating to participation as an annuitant under the Texas Employees Group Benefits Act.

To Pensions and Investments.

**HB 605** (By Berman, Flynn, Hopson, Merritt, and Hughes), Relating to authorizing The University of Texas Health Science Center at Tyler to offer courses and degree programs in allied health and related fields.

To Higher Education.

**HB 606** (By Berman, Flynn, Hopson, and Hughes), Relating to authorizing The University of Texas at Tyler to offer doctoral degree programs in nursing and human resource development.

To Higher Education.

**HB 607** (By Giddings), Relating to the delivery of blank check forms; providing a civil penalty.

To Business and Industry.

**HB 608** (By Giddings), Relating to school district internship programs in which students earn local credit for high school graduation by working with elected government officials.

To Public Education.

**HB 609** (By Giddings), Relating to tuition rebate incentives for persons who complete certain degree and certificate programs without excessive credit hours.

To Higher Education.

**HB 610** (By Giddings), Relating to the creation of an offense of using a telephone while operating a school bus.

To State Affairs.

**HB 611** (By Chavez), Relating to distribution of recordings on consignment.

To Business and Industry.

**HB 612** (By Castro), Relating to certain information provided to an attorney appointed to represent an indigent defendant in a criminal case.

To Criminal Jurisprudence.

**HB 613** (By Castro), Relating to a survey to monitor the postsecondary education plans of seniors at public high schools.

To Public Education.

**HB 614** (By Puente), Relating to foster care payments for certain children.

To Juvenile Justice and Family Issues.

**HB 615** (By Puente), Relating to a defendant's right to appear by counsel in certain misdemeanor cases.

To Criminal Jurisprudence.

**HB 616** (By Callegari), Relating to liability of the state, a municipality, or a county for certain recreational activities.

To Civil Practices.

**HB 617** (By McCall), Relating to contributions of certain members of the Judicial Retirement System of Texas Plan Two.

To Pensions and Investments.

**HB 618** (By Thompson), Relating to the creation of a commission to investigate and prevent wrongful convictions.

To Criminal Jurisprudence.

**HB 619** (By Hochberg), Relating to prohibiting the refusal to insure an individual's eligible dependent child solely because the individual has been denied or is not enrolled under that policy; providing penalties.

To Insurance.

**HB 620** (By Olivo), Relating to accountability under the statewide public school accountability system for a student placed in a disciplinary alternative education program.

To Public Education.

**HB 621** (By Olivo), Relating to training of school district peace officers and security personnel in certain discipline management practices and behavior management techniques.

To Public Education.

**HB 622** (By Olivo), Relating to the placement of a student with disabilities in a juvenile justice alternative education program.

To Public Education.

**HB 623** (By Olivo), Relating to the right of a parent of a public school student to immediate notice of certain disciplinary action taken against the student.

To Public Education.

**HB 624** (By Olivo), Relating to discipline of public school students.

To Public Education.

**HB 625** (By Olivo), Relating to the discipline of public school students who voluntarily surrender prohibited items.

To Public Education.

**HB 626** (By Oliveira), Relating to the imposition, administration, enforcement, and collection of a state property tax for general elementary and secondary public school purposes.

To Ways and Means.

**HB 627** (By Oliveira), Relating to the compensatory education and bilingual education allotments under the foundation school program.

To Public Education.

**HB 628** (By Giddings), Relating to debt collection after a consumer has filed a report with a law enforcement agency.

To Financial Institutions.

**HB 629** (By Solomons), Relating to notice required for a mechanic's, contractor's, or materialman's lien in certain circumstances.

To Business and Industry.

**HB 630** (By Villarreal), Relating to the provision of federal earned income tax credit materials to certain health and human services and Texas Workforce Commission clients.

To Government Reform.

**HB 631** (By W. Smith), Relating to county authority to adopt fire codes in unincorporated areas.

To County Affairs.

**HB 632** (By W. Smith), Relating to the historical advisory board of the San Jacinto Battleground.

To Culture, Recreation, and Tourism.

**HB 633** (By Kuempel and Bonnen), Relating to participation and credit in, contributions to, and benefits and administration of the Texas County and District Retirement System.

To Pensions and Investments.

**HB 634** (By Baxter), Relating to requiring public officials to receive training in the requirements of the open meetings and public information laws.

To State Affairs.

**HB 635** (By Solomons), Relating to property in the custody of a pawnbroker; providing criminal penalties.

To Financial Institutions.

**HB 636** (By F. Brown), Relating to county responsibility for indigent health care services.

To County Affairs.

**HB 637** (By Goolsby), Relating to authorizing an extension of credit secured by a residence homestead in which a minor has an ownership interest.

To Financial Institutions.

**HB 638** (By Hegar), Relating to the applicability of procedures governing restrictive covenants in certain residential subdivisions.

To Land and Resource Management.

**HB 639** (By Bailey), Relating to complaints against certain peace officers and fire fighters.

To Urban Affairs.

**HB 640** (By Bailey), Relating to peace officers commissioned and employed to perform duties at correctional facilities.

To Corrections.

**HB 641** (By Bailey), Relating to business leave time accounts for peace officers and detention officers in certain municipalities and counties.

To Urban Affairs.

**HB 642** (By Bailey), Relating to the training required for certain county jailers.

To Law Enforcement.

**HB 643** (By Miller), Relating to the issuance of a driver's license to a person who is under 18 years of age.

To Law Enforcement.

**HB 644** (By Bonnen), Relating to limiting the liability of emergency medical services volunteers and emergency medical services volunteer providers.

To Civil Practices.

**HB 645** (By Menendez), Relating to the creation of a presumption in certain criminal proceedings as to evidence of a defendant's alcohol concentration determined by an analysis of the defendant's breath, blood, or urine.

To Criminal Jurisprudence.

**HB 646** (By Otto), Relating to the provision of certain reports and records requested by the attorney general.

To Judiciary.

**HB 647** (By Krusee), Relating to the issuance of obligations for public improvements.

To County Affairs.

**HB 648** (By Krusee), Relating to the presumptive value of a motor vehicle for purposes of the imposition of the sales and use tax.

To Ways and Means.

**HB 649** (By Krusee), Relating to participation by the Texas Department of Transportation in the cost of acquiring, constructing, maintaining, or operating a toll facility.

To Transportation.

**HB 650** (By Krusee), Relating to the requirements for the position of executive director of the Texas Department of Transportation.

To Transportation.

**HB 651** (By McClendon), Relating to the creation of a presumption in certain criminal proceedings as to evidence of a defendant's alcohol concentration determined by an analysis of the defendant's breath, blood, or urine.

To Criminal Jurisprudence.

**HB 652** (By Bohac), Relating to the submission of proposed charter amendments to the voters in a home-rule municipality.

To Elections.

**HB 653** (By Casteel), Relating to the regulation of the subdivision of land under the jurisdiction of counties.

To Land and Resource Management.

**HB 654** (By Goolsby), Relating to professional liability insurance for volunteer health care providers.

To Insurance.

**HB 655** (By Goolsby), Relating to liability insurance for volunteer health care providers.

To Insurance.

**HB 656** (By Goolsby), Relating to the eligibility of a high school graduate for automatic admission to an institution of higher education.

To Higher Education.

**HB 657** (By Bonnen), Relating to terminating the parent-child relationship of a parent convicted of certain crimes.

To Juvenile Justice and Family Issues.

**HB 658** (By Naishtat and Keel), Relating to the medical use of marihuana.

To Criminal Jurisprudence.

**HB 659** (By Hupp), Relating to authorizing a qualified organization under the Charitable Raffle Enabling Act to conduct a reverse raffle.

To Licensing and Administrative Procedures.

**HB 660** (By Chavez), Relating to training in gerontology for certain health care practitioners.

To Public Health.

**HB 661** (By Branch), Relating to allowing designated public school libraries to participate in group purchasing agreements with the TexShare Library Consortium.

To Government Reform.

**HB 662** (By Eissler), Relating to the disclosure of certain convictions and judgments by persons regulated by the Texas Residential Construction Commission.

To State Affairs.

**HB 663** (By Eissler), Relating to the regulation of barking dogs by certain counties as a nuisance.

To County Affairs.

**HB 664** (By Isett), Relating to consideration of a bidder's principal place of business in awarding certain municipal and school district contracts.

To County Affairs.

**HB 665** (By Isett), Relating to the power of a local authority to enforce compliance with a traffic-control signal on a highway under its jurisdiction by a photographic traffic signal enforcement system.

To Transportation.

**HB 666** (By Puente), Relating to executory contracts for conveyance.

To Business and Industry.

**HB 667** (By J. Jones and Casteel), Relating to security fees in certain civil and criminal cases.

To County Affairs.

**HB 668** (By J. Jones and Olivo), Relating to the eligibility of juvenile justice alternative education programs for free textbooks for use in the programs.

To Public Education.

**HB 669** (By J. Jones), Relating to the registration of certain assisted living facilities.

To Human Services.

**HB 670** (By J. Jones), Relating to the registration requirements for certain sex offenders and to the duty of certain health care facilities to determine the sex offender status of residents.

To State Affairs.

**HB 671** (By J. Jones), Relating to the prosecution of an offense involving injury to certain individuals.

To Criminal Jurisprudence.

**HB 672** (By J. Jones), Relating to the disclosure of charges for motor vehicle repairs; providing a civil penalty.

To Business and Industry.

**HB 673** (By J. Jones), Relating to prohibiting housing discrimination against certain persons convicted of a nonviolent criminal offense.

To Urban Affairs.

**HB 674** (By Thompson, Goodman, and Hopson), Relating to the statute of limitations for suits alleging sexual abuse.

To Civil Practices.

**HB 675** (By Bonnen), Relating to the imposition of an additional cost on conviction of certain intoxication and alcohol-related offenses.

To Criminal Jurisprudence.

**HB 676** (By Thompson), Relating to providing information and other services relating to emergency contraception to sexual assault survivors.

To Public Health.

**HB 677** (By Thompson), Relating to emergency services for sexual assault survivors.

To Public Health.

**HB 678** (By Goodman), Relating to the accrual of interest on overdue child support.

To Juvenile Justice and Family Issues.

**HB 679** (By Gattis), Relating to the participation of a judge in political party activities.

To Judiciary.

**HB 680** (By Gattis), Relating to procedures for providing notice of intent to obtain certain permits issued by the Texas Commission on Environmental Quality.

To Environmental Regulation.

**HB 681** (By Gattis), Relating to the forfeiture of good conduct time from inmates who file frivolous applications for writ of habeas corpus.

To Corrections.

**HB 682** (By Solis), Relating to a dental services pilot program in border-region counties.

To Public Health.

**HB 683** (By Solis), Relating to allowing the Texas State Board of Physician Assistant Examiners to hold telephonic hearings.

To Public Health.

**HB 684** (By Giddings), Relating to the establishment of a school of pharmacy at the University of North Texas Health Science Center at Fort Worth.

To Higher Education.

**HB 685** (By Rose and Berman), Relating to the requirements that apply to certain armed forces personnel who apply for renewal of a concealed handgun license.

To Defense Affairs and State-Federal Relations.

**HB 686** (By Rose), Relating to the use of certain factors in determining premiums charged for professional liability insurance for physicians and health care providers.

To Insurance.

**HB 687** (By T. Smith), Relating to the conversion of certain nontoll state highways to toll highways.

To Transportation.

**HB 688** (By Farabee), Relating to reinstatement of individual accident and health insurance policies under certain circumstances.

To Insurance.

**HB 689** (By Oliveira), Relating to funding for public education instructional facilities.

To Public Education.

**HB 690** (By Hopson), Relating to the definition of criminally injurious conduct for purposes of the Crime Victims' Compensation Act.

To Criminal Jurisprudence.

**HB 691** (By Villarreal), Relating to a Medicaid health literacy pilot program.

To Human Services.

**HB 692** (By Menendez), Relating to the punishment for and certain civil consequences of committing the offense of prostitution.

To Criminal Jurisprudence.

**HB 693** (By Leibowitz), Relating to required disclosure of certain information regarding liability insurance coverage.

To Insurance.

**HB 694** (By Leibowitz), Relating to disclosure of electronic terminal withdrawal limits; providing a civil penalty.

To Financial Institutions.

**HB 695** (By Leibowitz), Relating to restrictions on the prices of certain consumer goods and services during an abnormal disruption of the market.

To Business and Industry.

**HB 696** (By Dutton), Relating to jury selection in capital cases.

To Criminal Jurisprudence.

**HB 697** (By Dutton), Relating to a person's eligibility to apply for an order of nondisclosure with respect to certain criminal history records.

To Criminal Jurisprudence.



**HB 698** (By McCall), Relating to the disposal of certain business records that contain personal identifying information; providing a civil penalty.

To Business and Industry.

**HB 699** (By McCall), Relating to prosecution and punishment of certain offenses relating to a driver's license or personal identification certificate.

To Law Enforcement.

**HB 700** (By Bonnen), Relating to the contents of consumer credit reports and to an insurer's use of credit scores in rating policies providing personal insurance coverage.

To Insurance.

**HB 701** (By Kuempel), Relating to a prohibition of certain employment discrimination regarding an employee who is a volunteer member of an emergency service organization.

To Economic Development.

**HB 702** (By Zedler, Hughes, and Flynn), Relating to a physician's report of a complication resulting from an abortion; providing a penalty.

To State Affairs.

**HB 703** (By Elkins), Relating to the deferral of adjudication in cases involving certain misdemeanor traffic offenses.

To Law Enforcement.

**HB 704** (By Castro), Relating to requiring certain coverage under motor vehicle liability insurance policies.

To Insurance.

**HB 705** (By Castro), Relating to the disposition of seized weapons.

To Law Enforcement.

**HB 706** (By Haggerty), Relating to the adoption of the Interstate Compact for Juveniles.

To Juvenile Justice and Family Issues.

**HJR 6** (By Chisum, Hopson, Howard, McReynolds, et al.), Proposing a constitutional amendment providing that marriage in this state consists only of the union of one man and one woman.

To State Affairs.

**HJR 7** (By Oliveira), Proposing a constitutional amendment imposing a state property tax for public education, establishing a residence homestead exemption from the state property tax, and increasing the amount of the school district residence homestead property tax exemption.

To Ways and Means.

**HJR 11** (By Branch), Proposing a constitutional amendment relating to the determination of a quorum of the senate or house of representatives.

To Government Reform.

**HJR 12** (By Branch), Proposing a constitutional amendment relating to the determination of a quorum of the senate or house of representatives.

To Government Reform.

**HJR 14** (By Naishtat), Proposing a constitutional amendment relating to a moratorium on the execution of persons convicted of capital offenses.

To Criminal Jurisprudence.

**HJR 15** (By Rodriguez), Proposing a constitutional amendment that provides for the approval of an income tax adopted by the legislature, requires that a deduction or exemption to the tax that redistributes the combined tax liability be approved in a statewide referendum, and allows revenue from the tax to be spent on education and any other purpose.

To Ways and Means.

**HJR 17** (By Peña), Proposing a constitutional amendment to require a house or committee of the legislature to take a record vote on certain legislative measures and actions.

To State Affairs.

**HJR 18** (By Chavez), Proposing a constitutional amendment prohibiting the taxation of the sale or use of certain food, drinks, medicine, and child-care services.

To Ways and Means.

**HJR 19** (By Talton), Proposing a constitutional amendment relating to the recognition of a same-sex marriage or civil union.

To State Affairs.

**HJR 21** (By Hochberg, Solomons, and Flynn), Proposing a constitutional amendment authorizing line-of-credit advances under a reverse mortgage.

To Financial Institutions.

**HJR 22** (By Solomons), Proposing a constitutional amendment requiring the state to pay at least 50 percent of the cost of maintaining and operating the public school system.

To Public Education.

**HJR 24** (By McClendon), Proposing a constitutional amendment establishing a moratorium in death penalty cases in which analyses performed by a crime laboratory operated by the City of Houston Police Department were admitted into evidence.

To Criminal Jurisprudence.

**HJR 25** (By Raymond), Proposing a constitutional amendment to dedicate net revenue from the state lottery to public school purposes.

To Ways and Means.

**HJR 26** (By Raymond), Supporting the ratification of a proposed amendment to the Constitution of the United States providing for a federal balanced budget.

To Government Reform.

**HJR 27** (By Naishtat), Proposing a constitutional amendment to require a house or committee of the legislature to take a record vote on certain legislative measures and actions.

To State Affairs.

**HJR 28** (By Bonnen), Proposing a constitutional amendment authorizing the legislature to limit the maximum average annual increase in the appraised value of real property for ad valorem tax purposes to three percent or more.

To Ways and Means.

**HJR 29** (By Escobar), Proposing a constitutional amendment establishing minimum standards of state support and equity for the public school finance system and restricting the purposes for which money necessary to meet those standards may be appropriated.

To Public Education.

**HJR 30** (By Guillen), Proposing a constitutional amendment requiring the state to provide for equitable funding for each student under the public school system.

To Public Education.

**HJR 31** (By Hopson), Proposing a constitutional amendment authorizing the legislature to allocate an amount greater than one-fourth of the net revenue from the tax on motor fuels sold to volunteer fire departments to the available school fund.

To Ways and Means.

**HJR 32** (By Berman), Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation property owned by certain law enforcement officer associations.

To Ways and Means.

**HJR 33** (By Howard), Proposing a constitutional amendment to abolish the office of county treasurer of Fort Bend County.

To County Affairs.

**HJR 34** (By Hilderbran), Proposing a constitutional amendment to abolish the office of constable in San Saba County.

To County Affairs.

**HJR 35** (By Bohac), Proposing a constitutional amendment authorizing the legislature to limit the maximum average annual increase in the appraised value of real property for ad valorem tax purposes to five percent or more.

To Ways and Means.

**HJR 38** (By Turner), Proposing a constitutional amendment authorizing the operation of video lottery games on behalf of the state by persons licensed to conduct wagering on horse or greyhound races, persons licensed to operate the games at additional locations, and recognized Indian tribes.

To Ways and Means.

**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, February 7, 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 12** Eissler SPONSOR: Williams  
Honoring George Mitchell on the 30th anniversary of the founding of The Woodlands.

**HCR 15** Eissler SPONSOR: Williams  
Honoring the life of U.S. Army Corporal William M. Amundson, Jr., of The Woodlands.

**HCR 45** Orr SPONSOR: Averitt  
Designating February 7, 2005, as Tim Flynn Day and Advanced Practice Nurses Day at the Capitol.

**SCR 3** Armbrister  
In memory of King Fisher.

Respectfully,  
Patsy Spaw  
Secretary of the Senate