

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FIFTEENTH DAY — THURSDAY, FEBRUARY 10, 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 24).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; 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; Hartnett; Herrero; Hilderbran; 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; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Seaman; Smith, W.; Smithee; Solis; Solomons; Strama; Swinford; Talton; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Kuempel; Smith, T.

Absent — Bohac; Davis, J.; Harper-Brown; Hegar; Hill; Noriega, M.; Rose; Taylor.

The invocation was offered by Noe Ramon, Jr., pastor, Iglesia El Divino Pastor, U.P.L.C.I.I., Edinburg, as follows:

Dear Heavenly Father, Lord of all creation in heaven above and on the earth below. We humbly come before your presence with a contrite heart seeking your guidance, wisdom, knowledge, and truth. Father, you have given these able men and women a great position and place where they can impact entire communities, the State of Texas, and even this, your beloved country, America.

I pray that as this year unfolds and new responsibilities are delegated that you, our infinite Lord, will give each and every legislator the same wisdom you enabled King Solomon to have, the discerning knowledge given to Daniel, the guidance and advice you spoke to Elisha, and the truth that your son, Jesus Christ, continues to speak to each and every one of us through your living word,

the Bible. In addition, Lord I pray that you change the current deficit into a time of abundance that all those around us from the youngest child to the oldest individual may see your glorious hand working a miracle upon this, your state. Finally Lord, I pray that each and every legislator may see and understand the great responsibility bestowed upon them and that they may know that someday we will all stand before the judgment seat of Christ to give account for our actions whether they be righteous or unrighteous. Therefore Father, I pray that you lead these men and women in your goodness down your path of truth to everlasting life and peace. In Jesus' precious and glorious name we pray. Amen.

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

### **LEAVES OF ABSENCE GRANTED**

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

T. Smith on motion of Geren.

Kuempel on motion of Elkins.

(Harper-Brown and M. Noriega now present)

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

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

(Edwards in the chair)

(Bohac and Rose now present)

### **CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**HR 73** was withdrawn.

**HR 81** (by Madden, Hill, and Goolsby), Honoring Ron Robinson on his retirement as president of the Richardson Chamber of Commerce.

**HR 95** (by Martinez Fischer), Honoring A. J. Rodriguez on his election to the presidency of the San Antonio Hispanic Chamber of Commerce.

**HR 101** was withdrawn.

**HR 104** (by Eissler), Congratulating Jaime and Diana Barrera of Montgomery County on the birth of their New Year's baby, Jared.

**HR 106** (by Giddings, McClendon, Dukes, Anderson, Dunnam, et al.), Memorializing Congress to posthumously bestow the Congressional Medal of Honor upon Doris "Dorie" Miller and to request the U.S. Postal Service to issue a commemorative postage stamp to honor Miller.

**HR 108** (by Giddings), Honoring Curtistene S. McCowan of DeSoto on her retirement from the Federal Trade Commission Southwest Region Office.

**HR 114** (by Solomons), Honoring Prince of Peace Christian School in Carrollton.

**HR 115** (by Solomons), Honoring Howard Wolf of Austin for his service on the Sunset Advisory Commission.

**HR 116** (by Solomons), Honoring John Shields, public member of the Sunset Advisory Commission.

**HR 117** (by Bohac), Honoring Robert and Maebelle Good of Houston on their 70th wedding anniversary.

**HR 119** (by Bohac), Honoring John M. Sangree of Houston on attaining the rank of Eagle Scout.

**HR 120** (by Bohac), Honoring Lutheran High North on its 25th anniversary.

**HR 123** (by Raymond), Honoring Natalio Castillo of Laredo for his contributions to the community of Webb County.

**HR 124** was withdrawn.

**HR 128** (by Solis), Honoring Raul and Luz Gonzalez of Harlingen on their 50th wedding anniversary.

**HR 129** (by Solis), Honoring Julio and Eloina Charles on the 40th anniversary of Las Vegas Café in Harlingen.

The resolutions were adopted.

(Hegar now present)

The following memorial resolutions were laid before the house:

**HR 82** (by Kolkhorst), In memory of David Shane Howard of Brenham, Texas.

**HR 83** (by F. Brown), In memory of Dr. Frank E. Vandiver.

**HR 85** (by Haggerty), In memory of the Honorable Gordon Reece Davis.

**HR 86** (by Hunter), In memory of Walter Fred Johnson, Sr., of Abilene.

**HR 89** (by Martinez Fischer), Honoring the life of David Trinidad Barrera.

**HR 90** (by Martinez Fischer), In memory of Francisca D. Herrera.

**HR 91** (by Martinez Fischer), In memory of Alfred Curiel of San Antonio.

**HR 92** (by Martinez Fischer), In memory of Roy Huerta, Jr., of San Antonio.

**HR 94** (by Martinez Fischer), In memory of Roman Rodriguez of Jourdanon.

**HR 96** (by Martinez Fischer), Honoring the life of Robert Ross of San Antonio.

**HR 97** (by Martinez Fischer), In memory of Mary Lou Tamez of San Antonio.

**HR 98** (by Martinez Fischer), In memory of Lucy E. Terrell of San Antonio.

**HR 99** (by Goolsby), In memory of William E. Peavy, Jr.

**HR 118** (by Bohac), Honoring the life of Joseph Mulrooney of Houston.

**HR 122** was withdrawn.

The resolutions were unanimously adopted by a rising vote.

### **CAPITOL PHYSICIAN**

The chair recognized Representative Rose who presented Dr. Charles M. Von Henner of San Marcos as the "Doctor for the Day."

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

### **HR 35 - ADOPTED (by W. Smith)**

Representative W. Smith moved to suspend all necessary rules to take up and consider at this time **HR 35**.

The motion prevailed.

The following resolution was laid before the house:

**HR 35**, Honoring the life of Bernice Hlanak Simmons.

**HR 35** was read and was unanimously adopted by a rising vote.

On motion of Representative West, the names of all the members of the house were added to **HR 35** as signers thereof.

### **MOTION TO ADD NAMES**

On motion of Representative West, the names of all the members of the house were added to the memorial resolutions on today's congratulatory and memorial calendar 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. 2).

### **HCR 61 - ADOPTED (by Hopson)**

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HCR 61**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 61**, Designating February 10, 2005, Rusk County Day at the Capitol.

**HCR 61** was read and was adopted.

On motion of Representatives Merritt and Hughes, the names of all the members of the house were added to **HCR 61** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Hopson who introduced a delegation from Rusk County.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Public Education, 2 p.m. today instead of posted time, to consider school finance issues.

**HR 255 - ADOPTED  
(by McClendon)**

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 255**.

The motion prevailed.

The following resolution was laid before the house:

**HR 255**, Honoring Zerlie Beatrice Courtney Carter of Houston on her 80th birthday.

**HR 255** was adopted.

**HR 246 - ADOPTED  
(by Peña, Gonzales, and Escobar)**

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 246**.

The motion prevailed.

The following resolution was laid before the house:

**HR 246**, Recognizing Edinburg Day at the Capitol on February 10, 2005.

**HR 246** was read and was adopted.

(Taylor now present)

**INTRODUCTION OF GUESTS**

The chair recognized Representative Gonzales who introduced a delegation from Edinburg.

**HR 228 - ADOPTED  
(by Gonzales)**

Representative Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 228**.

The motion prevailed.

The following resolution was laid before the house:

**HR 228**, Honoring Gilbert Enriquez of Edinburg for his public service.

**HR 228** was adopted.

**HR 249 - ADOPTED**  
**(by Peña, Gonzales, and Escobar)**

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 249**.

The motion prevailed.

The following resolution was laid before the house:

**HR 249**, Congratulating J. L. Salinas on his selection as superintendent of Edinburg CISD.

**HR 249** was adopted.

**HR 244 - ADOPTED**  
**(by Strama)**

Representative Strama moved to suspend all necessary rules to take up and consider at this time **HR 244**.

The motion prevailed.

The following resolution was laid before the house:

**HR 244**, Commemorating the dedication of Santa Maria Cemetery in Pflugerville as a Historic Texas Cemetery.

**HR 244** was adopted.

**HR 236 - ADOPTED**  
**(by McClendon)**

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 236**.

The motion prevailed.

The following resolution was laid before the house:

**HR 236**, In memory of Frank Prosser of San Antonio.

**HR 236** was unanimously adopted by a rising vote.

**HR 143 - ADOPTED**  
**(by Oliveira)**

Representative Oliveira moved to suspend all necessary rules to take up and consider at this time **HR 143**.

The motion prevailed.

The following resolution was laid before the house:

**HR 143**, Honoring Texas school counselors during the observance of National School Counseling Week in Texas.

**HR 143** was adopted.

### **LEAVES OF ABSENCE GRANTED**

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

Swinford on motion of R. Cook.

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

Reyna on motion of Denny.

(Speaker in the chair)

### **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. 8).

### **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).

### **SELECT COMMITTEE ON ELECTION CONTESTS COMMITTEE REPORTS ADOPTED**

Representative Keel read the following statement regarding the committee reports from the Select Committee on Election Contests:

The Select Committee on Election Contests met on January 26th, and it was the unanimous recommendation of the committee to follow the recommendation of the master of discovery as to the costs to be assessed in Districts 35 and 50.

On February 8th the committee met and received invited testimony from the discovery master as to the costs to be assessed in District 149. The committee deliberated and unanimously recommended to the full house that costs associated with the District 149 election contest be borne by the parties incurring the same.

Therefore I move that the full house adopt the committee reports regarding the assessment of costs in all three cases.

Representative Keel moved to adopt the committee reports regarding the assessment of costs of the election contests.

The motion prevailed.

### **REPORT OF THE SELECT COMMITTEE ON ELECTION CONTESTS, DISTRICT 35 AND DISTRICT 50**

To the Honorable Tom Craddick, Speaker:

On Wednesday, January 26, 2005, the Select Committee on Election Contests met to consider the recommendations of the master of discovery regarding the assessment of costs in the two withdrawn election contests in District 35 and District 50.

Under Section 241.017, Election Code, the house may assess the costs of an election contest following a withdrawal. At the same time the Select Committee was appointed, the master of discovery, Representative Will Hartnett, oversaw the day-to-day conduct of the election contests in District 35 and District 50. Following the dismissal of the contests, the master of discovery, who was familiar with the resources of the house used in the handling and conduct of the election contests, made the following recommendations to the Select Committee:

1. In District 35, that \$2,000 in costs be assessed against the Contestant, Eric Christopher Opiela, to reimburse costs incurred by the house in conducting the election contest from November 24, 2005 through January 14, 2005 and to refund the remaining amount of the cost bond to the Contestant.

2. In District 50, that \$1,500 in costs be assessed against the Contestant, Jack Stick, to reimburse costs incurred by the house in conducting the election contest from November 25, 2005 through January 5, 2005 and to refund the remaining amount of the cost bond to the Contestant.

#### COMMITTEE RECOMMENDATIONS

The Select Committee on Election Contests, after meeting in a formal meeting, recommends that:

1. In the District 35 election contest, that \$2,000 in costs be assessed against the Contestant, Eric Christopher Opiela, to reimburse costs incurred by the house in conducting the election contest from November 24, 2005 through January 14, 2005 and to refund the remaining amount of the cost bond to the Contestant.

2. In the District 50 election contest, that \$1,500 in costs be assessed against the Contestant, Jack Stick, to reimburse costs incurred by the house in conducting the election contest from November 25, 2005 through January 5, 2005 and to refund the remaining amount of the cost bond to the Contestant.

Terry Keel, chair

#### **REPORT OF THE SELECT COMMITTEE ON ELECTION CONTESTS, DISTRICT 149**

To the Honorable Tom Craddick, Speaker:

On Tuesday, February 8, 2005, the Select Committee on Election Contests met to consider the assessment of costs in the withdrawn election contest for District 149.

Under Section 241.017, Election Code, the house may assess the costs of an election contest following a withdrawal. At the same time the Select Committee was appointed, the master of discovery, Representative Will Hartnett, oversaw the day-to-day conduct of the election contest for District 149. Following the dismissal of the contests, the master of discovery, who was familiar with the resources of the house used in the handling and conduct of the election contests, while not making a formal recommendation, suggested that in the District 149 election contest, no costs be assessed against the Contestant, Talmadge Heflin, and that the entire cost bond be refunded to the Contestant.

#### COMMITTEE RECOMMENDATIONS

The Select Committee on Election Contests, after meeting in a public hearing, recommends that:



In the District 149 election contest, no costs be assessed against the Contestant, Talmadge Heflin and that the entire cost bond be refunded to the Contestant.

Terry Keel, chair

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Appropriations, Subcommittee on Education, 8 a.m. instead of 7 a.m. tomorrow, JHR 120, for a public hearing.

### **PROVIDING FOR ADJOURNMENT**

Representative Alonzo 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 14 in memory of Vince Langbien 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.)

(Seaman in the chair)

### **ADJOURNMENT**

In accordance with a previous motion, the house, at 11:16 a.m., adjourned until 10 a.m. Monday, February 14.

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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 7** (By Solomons), Relating to the continuation and operation of the workers' compensation system of this state and to the abolition of the Texas Workers' Compensation Commission, the establishment of the office of employee assistance, and the transfer of the powers and duties of the Texas Workers' Compensation Commission to the Texas Department of Insurance, the Texas Workforce Commission, and the office of employee assistance; providing administrative violations.

To Business and Industry.

**HB 812** (By Flynn), Relating to the creation of the Sunrise Municipal Utility District of Hunt County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

**HB 813** (By Flynn), Relating to the creation of the Union Valley Ranch Municipal Utility District of Hunt County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

**HB 814** (By Pickett), Relating to billing and collection for certain hospital services.

To Public Health.

**HB 815** (By Burnam), Relating to a prohibition on the investment of state funds in private business entities doing business in Sudan.

To Pensions and Investments.

**HB 816** (By Burnam), Relating to the minimum wage.

To Economic Development.

**HB 817** (By Y. Davis), Relating to restrictions on the use of state funds to benefit private entities that outsource jobs to foreign countries.

To Economic Development.

**HB 818** (By Phillips), Relating to an exemption from the requirement to render certain property for ad valorem taxation if the information contained in the most recently filed rendition statement continues to be accurate.

To Ways and Means.

**HB 819** (By Leibowitz), Relating to property tax relief and protection of taxpayers.

To Ways and Means.

**HB 820** (By Leibowitz), Relating to the labeling requirements for drugs dispensed to consumers by pharmacists.

To Public Health.

**HB 821** (By J. Keffer), Relating to the regulation of transportation services for natural gas.

To Energy Resources.

**HB 822** (By Dawson), Relating to certain sellers of homes offering a benefit contingent on the use of a specific mortgage lender.

To State Affairs.

**HB 823** (By Keel), Relating to an exception to the application of the offense of unlawful carrying of weapons.

To Criminal Jurisprudence.

**HB 824** (By Talton), Relating to a requirement that appraisal review board members complete a training and education course annually.

To Local Government Ways and Means.

**HB 825** (By Talton), Relating to the prosecution of the offense of interference with public duties.

To Criminal Jurisprudence.

**HB 826** (By Talton), Relating to the licensure of certain attorneys licensed to practice law in other jurisdictions to practice law in Texas.

To Licensing and Administrative Procedures.

**HB 827** (By Branch), Relating to the designation of research centers to evaluate state or federally funded education programs and the sharing of student data.

To Public Education.

**HB 828** (By Callegari), Relating to the authority of the Texas Commission on Environmental Quality over the issuance of certain district bonds.

To Natural Resources.

**HB 829** (By Flynn), Relating to benefits from the Employees Retirement System of Texas for law enforcement officers commissioned by the attorney general.

To Pensions and Investments.

**HB 830** (By Hilderbran), Relating to considering for school district accountability purposes the performance of students confined by court order in a residential program or facility.

To Public Education.

**HB 831** (By Gonzales), Relating to the eligibility of certain appellate judges to retire with full benefits.

To Pensions and Investments.

**HB 832** (By Hughes and Nixon), Relating to the salary of a district judge presiding over multidistrict litigation.

To Judiciary.

**HB 833** (By Gattis), Relating to hours of sale for certain alcoholic beverages in certain areas.

To Licensing and Administrative Procedures.

**HB 834** (By Gattis), Relating to cruelty to cattle, horses, sheep, swine, or goats.

To Agriculture and Livestock.

**HB 835** (By Gattis), Relating to the creation of an additional judicial district in Williamson County.

To Judiciary.

**HB 836** (By Gattis), Relating to certain requirements concerning the filling of a prescription.

To Public Health.

**HB 837** (By Gattis), Relating to the authority of a taxing unit to elect not to collect ad valorem taxes on real property erroneously omitted from the appraisal roll or tax roll in a previous year.

To Ways and Means.

**HB 838** (By Riddle), Relating to the elimination of the statute of limitations for certain sexual offenses committed against children.

To Criminal Jurisprudence.

**HB 839** (By Riddle and Keel), Relating to the disposition of certain obscene material and child pornography.

To Criminal Jurisprudence.

**HB 840** (By Riddle and Keel), Relating to the forfeiture of contraband used to facilitate or intended to be used to facilitate the commission of certain criminal offenses.

To Criminal Jurisprudence.

**HB 841** (By Kolkhorst), Relating to the rates charged by a municipally owned utility to certain recreational vehicle parks for potable water or wastewater service.

To Natural Resources.

**HB 842** (By Solis), Relating to the prevention of shaken baby syndrome.

To Public Health.

**HB 843** (By Truitt), Relating to the authority of certain counties to regulate wireless communication facilities in certain circumstances; providing a penalty.

To Regulated Industries.

**HB 844** (By Gonzales), Relating to retirement benefits for certain teachers.

To Pensions and Investments.

**HB 845** (By Krusee), Relating to certain standards applicable to the temporary confinement of certain inmates in holding areas located in county facilities.

To Corrections.

**HB 846** (By Flynn), Relating to deferred presentment transactions.

To Financial Institutions.

**HB 847** (By Riddle), Relating to the board of directors of a regional mobility authority.

To Transportation.

**HB 848** (By Herrero), Relating to the optional county fee for the county road and bridge fund.

To County Affairs.

**HB 849** (By B. Brown), Relating to releasing the question and answer keys for certain academic assessment instruments administered to public school students.

To Public Education.

**HB 850** (By B. Brown), Relating to professional health care liability insurance coverage information posted and provided by a nursing home.  
To Insurance.

**HB 851** (By B. Brown), Relating to Texas Historical Commission specialty license plates.  
To Transportation.

**HB 852** (By Solomons), Relating to the liability of in-home service companies and residential delivery companies for negligent hiring.  
To Civil Practices.

**HB 853** (By Solomons), Relating to the return of merchandise; providing a civil penalty.  
To Business and Industry.

**HB 854** (By Madden), Relating to an action for damages alleging professional negligence by a registered professional land surveyor.  
To Civil Practices.

**HB 855** (By Madden), Relating to elections and terms of office for trustees of an independent school district.  
To Elections.

**HB 856** (By Callegari), Relating to the general powers, authority, and directors of the West Harris County Regional Water Authority.  
To Natural Resources.

**HB 857** (By Talton), Relating to the authority of a municipality to require the removal of certain vehicles from a freeway without the consent of the owner or person in charge of the vehicle.  
To Urban Affairs.

**HB 858** (By Kolkhorst), Relating to the issuance of a marriage license to applicants who are unable to personally appear before the county clerk.  
To State Affairs.

**HB 859** (By Martinez Fischer), Relating to the issuance of a certificate for driving by the Department of Public Safety.  
To Law Enforcement.

**HB 860** (By Casteel), Relating to charitable contributions by state employees to certain General Land Office programs.  
To State Affairs.

**HB 861** (By Farabee and Homer), Relating to a tax credit for certain corporations obtaining coverage for their employees under a health benefit plan.  
To Ways and Means.

**HB 862** (By Farabee), Relating to the punishment for the offense of assault.  
To Criminal Jurisprudence.

**HB 863** (By Kolkhorst), Relating to procedures adopted by a state entity to ensure an employment preference for veterans.  
To Defense Affairs and State-Federal Relations.

**HB 864** (By P. King), Relating to the regulation of the cloning of human beings; providing penalties.

To State Affairs.

**HB 865** (By Goolsby), Relating to benefits for survivors of certain members of the United States armed forces.

To Defense Affairs and State-Federal Relations.

**HB 866** (By Goolsby), Relating to the provision of a violent or sexually explicit video game to a minor; providing criminal penalties.

To Business and Industry.

**HB 867** (By R. Allen), Relating to the registration and supervision of sex offenders; providing penalties.

To Government Reform.

**HB 868** (By Ritter), Relating to the establishment of a Center for Excellence in Deaf Education and Communication Disorders at Lamar University in Beaumont.

To Higher Education.

**HB 869** (By Hochberg), Relating to common nuisances.

To Civil Practices.

**HB 870** (By Hochberg), Relating to an optional flexible school day program for students in grades nine through twelve who have dropped out of school or who are at-risk of dropping out.

To Public Education.

**HB 871** (By Dutton), Relating to the provision of and funding for Saturday classes for elementary school students who fail to pass certain assessment instruments.

To Public Education.

**HB 872** (By West), Relating to the imposition of the pipeline safety annual inspection fee by the Railroad Commission of Texas.

To Energy Resources.

**HB 873** (By Dukes), Relating to regulation by a property owners' association of certain displays on property in a residential subdivision.

To Business and Industry.

**HB 874** (By Kuempel), Relating to designating a portion of State Highway 123 as the Senator John Traeger Memorial Highway.

To Transportation.

**HB 875** (By Riddle), Relating to written notification to a parent of a minor who is issued a citation for a traffic offense.

To Transportation.

**HB 876** (By Burnam), Relating to the use in food of genetically engineered non-food materials.

To Agriculture and Livestock.

**HB 877** (By Talton), Relating to certain complaints and records with respect to certain child-care facilities and family homes; providing a criminal penalty.  
To Human Services.

**HB 878** (By Talton), Relating to the placement of public school students who engage in conduct that contains the elements of certain sexual offenses.  
To Public Education.

**HB 879** (By Madden), Relating to the sale of tax receivables by a local government.  
To Local Government Ways and Means.

**HB 880** (By Delisi), Relating to attorney general review of certain contracts for health care purposes.  
To Public Health.

**HB 881** (By Seaman), Relating to the dissolution of the Aransas County Conservation and Reclamation District.  
To Natural Resources.

**HB 882** (By Seaman), Relating to the disposition of an abandoned watercraft.  
To Transportation.

**HB 883** (By Seaman), Relating to the construction of artificial reefs.  
To Culture, Recreation, and Tourism.

**HB 884** (By Seaman), Relating to the creation of an oyster license management program.  
To Culture, Recreation, and Tourism.

**HB 885** (By Seaman), Relating to premium reserve amounts required for title insurers.  
To Insurance.

**HB 886** (By Seaman), Relating to commercial shrimp boat licenses and to the creation of a gulf shrimp license management program.  
To Culture, Recreation, and Tourism.

**HB 887** (By Seaman), Relating to the restoration by the landowner of private property affected by coastal erosion.  
To Land and Resource Management.

**HB 888** (By Seaman), Relating to the reporting of claims information under certain health benefit plans.  
To Insurance.

**HB 889** (By T. Smith), Relating to the optional flexible year program for public school students who fail to perform satisfactorily on an assessment instrument or who would not otherwise be promoted.  
To Public Education.

**HB 890** (By Leibowitz), Relating to a statewide student tracking system.  
To Public Education.

**HB 891** (By Leibowitz), Relating to motor vehicle airbags.  
To Transportation.

**HJR 36** (By Leibowitz), Proposing a constitutional amendment to authorize the legislature to limit the maximum average annual increase in the appraised value of a residence homestead for ad valorem tax purposes to three percent or more.

To Ways and Means.

**HJR 37** (By Riddle), Proposing a constitutional amendment authorizing the legislature to provide for a six-year term for a board member of a regional mobility authority.

To Transportation.

**HR 134** (By Howard), Honoring Chief Henry "Hank" Stokes Howell, Jr., on his retirement from the Missouri City Police Department.

To Rules and Resolutions.

**HR 135** (By J. Jones), Honoring James Scott Karban of Waco on attaining the rank of Eagle Scout.

To Rules and Resolutions.

**HR 136** (By J. Jones), Honoring Sweet Union Baptist Church of Jacksonville on its 117th anniversary.

To Rules and Resolutions.

**HR 137** (By J. Jones), Recognizing the renaming of the Good Street Missionary Society to the Wilene Dade Missionary Society of the Good Street Baptist Church.

To Rules and Resolutions.

**HR 138** (By J. Jones), Recognizing the 2004 honorees of the Texas State Association and Beauty Culturists League.

To Rules and Resolutions.

**HR 139** (By J. Jones), Honoring the life of Audry Mae Owens Gardner.

To Rules and Resolutions.

**HR 140** (By Dawson), Honoring the Thundering Hooves equestrian drill team of Matagorda County.

To Rules and Resolutions.

**HR 144** (By Bohac), In memory of Harold Alvin Urban of Houston.

To Rules and Resolutions.

**HR 150** (By Blake), In memory of Robert W. Murphey of Nacogdoches.

To Rules and Resolutions.

**HR 151** (By J. Jones), In memory of Geary F. Hill of Dallas.

To Rules and Resolutions.

**HR 152** (By J. Jones), Honoring Eli Davis of Dallas on his 75th birthday.

To Rules and Resolutions.



**HR 153** (By J. Jones), Congratulating Wesley E. Hayes, Jr., on his retirement from Richland College.

To Rules and Resolutions.

**HR 154** (By J. Jones), Honoring Elinor Sedberry Jackson of Dallas for her 50 years of service to Alpha Kappa Alpha Sorority, Inc.

To Rules and Resolutions.

**HR 155** (By J. Jones), Honoring Margie Beal Dennis of Dallas on her 90th birthday.

To Rules and Resolutions.

**HR 157** (By Hegar), Recognizing Jacob Carlos Gatlin of Katy for his contributions in Iraq.

To Rules and Resolutions.

**HR 159** (By Y. Davis), Congratulating Dr. Mamie McKnight of Dallas on her receipt of SMU's Profiles in Leadership Award.

To Rules and Resolutions.

**HR 161** (By Haggerty), In memory of United States Marine Lance Corporal Michael S. Torres of El Paso.

To Rules and Resolutions.

**HR 162** (By Gattis), Honoring the Liberty Hill High School football team and school band.

To Rules and Resolutions.

**HR 163** (By Gattis), Honoring the Florence FFA team on its success at the 77th National FFA Convention.

To Rules and Resolutions.

**HR 164** (By Gattis), Granting permission to Texas Aggie Muster to use the chamber of the Texas House of Representatives on April 21, 2005.

To Rules and Resolutions.

**HR 168** (By Miller), Recognizing February 16, 2005, as Comanche County Day at the State Capitol.

To Rules and Resolutions.

**HR 169** (By Otto), Honoring Thomas Walter McMullan on his 50 years of service to the Devers ISD Board of Trustees.

To Rules and Resolutions.

**HR 170** (By Gonzalez Toureilles), Honoring Jerry Retzloff of Live Oak County on being named Volunteer of the Year for 2005 by the Three Rivers Chamber of Commerce.

To Rules and Resolutions.

**HR 171** (By Gonzalez Toureilles), Honoring Lawrence "Buddy" Orsak for receiving the 2005 Educator of the Year Award from the Three Rivers Chamber of Commerce.

To Rules and Resolutions.

**HR 172** (By Gonzalez Toureilles), Recognizing February 23, 2005, as Atascosa County Day at the State Capitol.

To Rules and Resolutions.

**HR 173** (By Gonzalez Toureilles), Honoring Emilio Garza on being named Elected Official of the Year by the Three Rivers Chamber of Commerce.

To Rules and Resolutions.

**HR 174** (By Smithee), Honoring the 100th anniversary of Rotary International and recognizing the work and achievements of the Amarillo West Rotary Club.

To Rules and Resolutions.

**HR 175** (By Baxter), In memory of Thomas Anthony Koriath of Austin.

To Rules and Resolutions.

**HR 177** (By P. King), Recognizing February 23, 2005, as Wise County Day at the State Capitol.

To Rules and Resolutions.

**HR 178** (By Harper-Brown), In memory of Robert G. Lynch, founding dean of the graduate school of management at the University of Dallas.

To Rules and Resolutions.

**HR 182** (By Denny and Crownover), Recognizing Denton County Day at the Capitol.

To Rules and Resolutions.

**HR 185** (By Talton), Recognizing the Battleship Texas on the occasion of the 60th anniversary of the raising of the U.S. flag at the Battle of Iwo Jima.

To Rules and Resolutions.

**HR 187** (By Hardcastle), Congratulating the City of Bowie on its selection as a National Main Street City.

To Rules and Resolutions.

**HR 188** (By Hardcastle), Congratulating the city of Gainesville on its selection as a National Main Street City.

To Rules and Resolutions.

**HR 189** (By Hardcastle), Congratulating Dr. T. David Greer of Henrietta on his receipt of the Texas Family Physician of the Year Award.

To Rules and Resolutions.

**HR 190** (By Hardcastle), Congratulating the city of Quanah on its selection as a National Main Street City.

To Rules and Resolutions.

**HR 191** (By Kolkhorst), Recognizing February 15, 2005, as Walker County Day at the State Capitol.

To Rules and Resolutions.

**HR 198** (By Raymond), Honoring Minerva G. Ramirez for her dedicated service to the Laredo community.

To Rules and Resolutions.

**SIGNED BY THE SPEAKER**

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

**House List No. 8****HCR 51, HCR 52****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 10, 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 61** Hopson SPONSOR: Eltife  
Designating February 10, 2005, Rusk County Day at the Capitol.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

## MESSAGE FROM THE SENATE

## SENATE CHAMBER

Austin, Texas

Wednesday, February 9, 2005 - 2

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 57**

Merritt

SPONSOR: Harris

Recognizing the Honorable Alphonso Jackson, Secretary of the U.S. Department of Housing and Urban Development, for his invaluable contributions to the people of this state and nation.

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**ENROLLED****February 9 - HCR 12, HCR 15, HCR 45, HCR 51****SENT TO THE GOVERNOR****February 9 - HCR 12, HCR 15, HCR 45**