

# HOUSE JOURNAL

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EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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FOURTEENTH DAY — MONDAY, FEBRUARY 11, 2013

The house met at 2 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 34).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Gonzales; González, M.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Absent, Excused — Alvarado; Carter; Goldman; Gonzalez, N.; Hilderbran; Kleinschmidt; Phillips; Smithee.

The speaker recognized Representative Hughes who introduced Don Garner, pastor, Capitol Commission, Austin, who offered the invocation.

The speaker recognized Representative Springer 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:

Alvarado on motion of Lozano.

Carter on motion of J. Davis.

N. Gonzalez on motion of Lozano.

Kleinschmidt on motion of Perez.

Phillips on motion of Geren.

Smithee on motion of Geren.

The following member was granted leave of absence for today to attend a funeral:

Goldman on motion of Geren.

The following member was granted leave of absence for today because of family medical reasons:

Hilderbran on motion of T. King.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Gooden who presented Dr. Thomas Cherry of Chandler as the "Doctor for the Day."

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

### **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. 2).

(Farney in the chair)

### **HR 346 - ADOPTED (by Giddings)**

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 346**.

The motion prevailed.

The following resolution was laid before the house:

**HR 346**, Congratulating Raymond A. Basye, Sr., on his selection as a Senior Saint of Wisdom by St. Luke "Community" United Methodist Church in Dallas.

**HR 346** was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 346** as signers thereof.

### **HR 347 - ADOPTED (by Giddings)**

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 347**.

The motion prevailed.

The following resolution was laid before the house:

**HR 347**, Congratulating Bertha Hilburn on her selection as a Senior Saint of Wisdom by St. Luke "Community" United Methodist Church of Dallas.

**HR 347** was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 347** 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).

#### **HR 271 - ADOPTED (by Geren)**

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 271**.

The motion prevailed.

The following resolution was laid before the house:

**HR 271**, Recognizing February 11, 2013, as Association of Texas Professional Educators Day at the State Capitol.

**HR 271** was adopted.

On motion of Representative Huberty, the names of all the members of the house were added to **HR 271** as signers thereof.

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

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

#### **HR 323 - ADOPTED (by Sanford)**

Representative Sanford moved to suspend all necessary rules to take up and consider at this time **HR 323**.

The motion prevailed.

The following resolution was laid before the house:

**HR 323**, Congratulating McKinney on its selection as Money magazine's 2012 second best small city to live in.

**HR 323** was adopted.

On motion of Representatives Leach and Simmons, the names of all the members of the house were added to **HR 323** as signers thereof.

#### **COMMITTEES GRANTED PERMISSION TO MEET**

Pursuant to Rule 4, Section 9 of the House Rules, Representative Pickett requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee

postings. For purposes of this motion, those house committees and subcommittees that are scheduled to meet upon adjournment or final recess today shall be considered to be scheduled to meet during bill referral today.

Permission to meet was granted.

### **PROVIDING FOR ADJOURNMENT**

At 3:01 p.m., Representative Giddings 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 honor of the 13th anniversary of Nelson Mandela's release from prison.

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.)

(Cortez in the chair)

### **ADJOURNMENT**

In accordance with a previous motion, the house, at 3:35 p.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 5** (By Aycock), Relating to public school accountability, including assessment, and curriculum requirements.

To Public Education.

**HB 13** (By Callegari), Relating to the State Pension Review Board and public retirement systems; authorizing a fee.

To Pensions.

**HB 14** (By Pitts), Relating to the fiscal transparency and accountability of certain entities responsible for public money.

To Appropriations.

**HB 15** (By Kolkhorst), Relating to level of care designations for hospitals that provide neonatal and maternal services.

To Public Health.

**HB 205** (By McClendon), Relating to the allocation of beds in and the commitment of certain persons to certain mental health facilities.

To Public Health.

**HB 266** (By Miles), Relating to enhancing the penalty prescribed for certain acts of official oppression.

To Criminal Jurisprudence.

**HB 267** (By Miles), Relating to municipal civilian complaint review boards.

To Homeland Security and Public Safety.

**HB 268** (By Miles), Relating to the retention of and the required disclosure under the public information law of certain complaints alleging official oppression.

To Urban Affairs.

**HB 269** (By Farias), Relating to a report required to be submitted by a campus intervention team assigned to a public school campus.

To Public Education.

**HB 270** (By Farias), Relating to an electronic means for voters to determine the status of ballots submitted by mail.

To Elections.

**HB 271** (By Farias), Relating to requiring the comptroller to assess ways to expand the provision of information about the federal earned income tax credit.

To Ways and Means.

**HB 272** (By Larson), Relating to notice requirements for emergency services districts.

To County Affairs.

**HB 273** (By Alvarado), Relating to limits on the size of fifth grade classes in public schools.

To Public Education.

**HB 274** (By Alvarado), Relating to reporting requirements applicable to school districts that obtain exceptions from class size limits.

To Public Education.

**HB 275** (By Alvarado), Relating to physical education credits required for high school graduation.

To Public Education.

**HB 276** (By Alvarado), Relating to requiring a health credit for high school graduation.

To Public Education.

**HB 277** (By Alvarado), Relating to physical activity requirements for students in public schools.

To Public Education.

**HB 278** (By Craddick), Relating to the liability of a municipality for certain space flight activities.

To Judiciary and Civil Jurisprudence.

**HB 279** (By Lucio), Relating to the penalty for theft of a pet.

To Criminal Jurisprudence.

**HB 280** (By Lucio), Relating to the use of public school counselors' work time.

To Public Education.

**HB 281** (By Lucio), Relating to the right of one immediate family member of certain deceased peace officers to make an oral statement regarding the terms of a plea bargain agreement.

To Criminal Jurisprudence.

**HB 282** (By Lucio), Relating to the employment of certified counselors by school districts.

To Public Education.

**HB 284** (By Zedler), Relating to the availability of certain school district financial information on districts' Internet websites.

To Public Education.

**HB 285** (By Zedler), Relating to prohibiting discrimination by public institutions of higher education against faculty members and students based on their conduct of research relating to intelligent design.

To Higher Education.

**HB 286** (By Zedler), Relating to the investigation and resolution of complaints filed against physicians.

To Public Health.

**HB 287** (By Zedler), Relating to the confidentiality of certain information following the completion of a review conducted by an independent review organization.

To Insurance.

**HB 288** (By Zedler), Relating to the application of foreign and international laws and doctrines in this state and requiring a court of this state to uphold and apply certain laws, including the doctrine requiring courts to refrain from involvement in religious doctrinal interpretation or application.

To Judiciary and Civil Jurisprudence.

**HB 289** (By Zedler), Relating to the authority of the attorney general to investigate election-related offenses.

To Elections.

**HB 290** (By P. King), Relating to school district selection of assessment instruments in place of state-administered assessment instruments.

To Public Education.

**HB 291** (By P. King), Relating to a hiring freeze of nonessential personnel employed by a state agency.

To Appropriations.

**HB 292** (By E. Rodriguez), Relating to the authorization and regulation of poker gaming and the duties of the Texas Lottery Commission; providing civil and criminal penalties.

To Licensing and Administrative Procedures.

**HB 293** (By E. Rodriguez), Relating to the release and use of certain information maintained by the State Bar of Texas on request of certain continuing legal education sponsors regarding attorneys.

To Judiciary and Civil Jurisprudence.

**HB 294** (By E. Rodriguez), Relating to the exemption from ad valorem taxation of certain property owned by a charitable organization and used in providing housing and related services to certain homeless individuals.

To Ways and Means.

**HB 295** (By E. Rodriguez), Relating to the creation of a commission to study drowsy driving.

To Transportation.

**HB 296** (By E. Rodriguez), Relating to free breakfast for certain public school students.

To Public Education.

**HB 297** (By E. Rodriguez), Relating to appeals regarding dangerous dogs.

To County Affairs.

**HB 298** (By E. Rodriguez), Relating to prohibiting employer retaliation against employees who seek recovery of unpaid wages and procedures in wage claim hearings conducted by the Texas Workforce Commission; providing administrative penalties.

To Business and Industry.

**HB 299** (By E. Rodriguez), Relating to the operation and movement of a vehicle when certain traffic-control signals do not display an indication.

To Transportation.

**HB 301** (By E. Rodriguez), Relating to manufacturers' inclusion of denatonium benzoate in certain products containing ethylene glycol.

To Public Health.

**HB 302** (By E. Rodriguez), Relating to the duties of a mortgage servicer of certain residential mortgage loans.

To Investments and Financial Institutions.

**HB 303** (By E. Rodriguez), Relating to this state's goal for renewable energy.

To State Affairs.

**HB 304** (By Walle), Relating to employee caseload standards for child and adult protective services and child-care licensing services and call processing standards for certain of those services.

To Human Services.

**HB 305** (By Zedler), Relating to the release of complaint information by the Texas Medical Board to the legislature.

To Public Health.

**HB 306** (By P. King), Relating to the limitation on appropriations for the Temporary Assistance for Needy Families program.

To Appropriations.

**HB 307** (By Farias), Relating to safety equipment requirements for certain cyclists; creating an offense.

To Transportation.

**HB 308** (By Bohac), Relating to a school district's recognition of and education regarding traditional winter celebrations.

To Public Education.

**HB 309** (By Fletcher), Relating to prohibiting abortion when based on the sex of the unborn child; creating an offense.

To State Affairs.

**HB 310** (By Guillen), Relating to entry of a guilty plea by a minor for certain offenses under the Alcoholic Beverage Code.

To Licensing and Administrative Procedures.

**HB 311** (By Guillen), Relating to the exemption of rural transit districts from motor fuel taxes.

To Ways and Means.

**HB 312** (By Guillen), Relating to information contained on a personal identification certificate, driver's license, and commercial driver's license.

To Homeland Security and Public Safety.

**HB 313** (By Strama), Relating to electronic voter registration.

To Elections.

**HB 314** (By Dale), Relating to the abolition of the Alternative Fuels Research and Education Division program administered by the Railroad Commission of Texas.

To Energy Resources.

**HB 315** (By Otto), Relating to the applicability of the law governing the ad valorem taxation of a dealer's motor vehicle inventory.

To Ways and Means.

**HB 316** (By Otto), Relating to the pilot program authorizing a property owner to appeal to the State Office of Administrative Hearings regarding certain appraisal review board determinations.

To Ways and Means.



**HB 317** (By Otto), Relating to the classification of certain entities as primarily engaged in retail trade for purposes of the franchise tax.

To Ways and Means.

**HB 318** (By Giddings), Relating to prohibiting an employer from requiring or requesting access to the personal accounts of employees and job applicants through electronic communication devices; establishing an unlawful employment practice.

To Business and Industry.

**HB 319** (By Dutton), Relating to the extent of a defendant's criminal responsibility for the conduct of a coconspirator in certain felony cases.

To Criminal Jurisprudence.

**HB 320** (By Dutton), Relating to the admissibility of certain confessions in capital cases.

To Criminal Jurisprudence.

**HB 321** (By Dutton), Relating to the consequences of successfully completing a period of deferred adjudication community supervision.

To Corrections.

**HB 322** (By Dutton), Relating to procedures for management of certain public school campuses and school districts that do not satisfy certain performance standards.

To Public Education.

**HB 323** (By Dutton), Relating to reports to the legislature on certain administrative hearings regarding the automatic suspension of a person's driver's license.

To Homeland Security and Public Safety.

**HB 324** (By Dutton), Relating to certain facilities and service provider transactions between school districts and charter schools.

To Public Education.

**HB 325** (By Dutton), Relating to the boundaries of and the nature of the state's interest in public beaches.

To Land and Resource Management.

**HB 326** (By Dutton), Relating to eligibility to serve on the appraisal review board of an appraisal district.

To Ways and Means.

**HB 327** (By Dutton), Relating to requiring notice and the dissemination of criminal history record information to the subject of the information in certain circumstances.

To Homeland Security and Public Safety.

**HB 328** (By Dutton), Relating to the punishment for certain conduct constituting the offense of official oppression and to the statute of limitation on prosecution of that conduct.

To Criminal Jurisprudence.

**HB 329** (By Dutton), Relating to the inclusion of an incarcerated person in the population data used for redistricting according to the person's last residence before incarceration.

To Redistricting.

**HB 330** (By Riddle), Relating to the admissibility of evidence of other similar offenses in the prosecution of certain sexual offenses.

To Criminal Jurisprudence.

**HB 331** (By Guillen), Relating to registration powers of volunteer deputy registrars.

To Elections.

**HB 332** (By Guillen), Relating to tort liability arising from a volunteer's operation of a Parks and Wildlife Department motor-driven vehicle or motor-driven equipment.

To Culture, Recreation, and Tourism.

**HB 333** (By Guillen), Relating to requiring notice of a hotel's firearms policy; providing a civil penalty.

To Business and Industry.

**HB 334** (By Nevárez), Relating to the residency requirement for certain elective offices of certain political subdivisions.

To Elections.

**HB 335** (By Stickland), Relating to the posting of required notice on a political subdivision's Internet website.

To Technology.

**HB 336** (By Menéndez), Relating to the use of a wireless communication device to provide evidence of motor vehicle financial responsibility.

To Technology.

**HB 337** (By Zedler), Relating to the regulation of owners, operators, employees, and independent contractors of sexually oriented businesses to reduce risks to public and occupational health and to prevent human trafficking; providing penalties.

To Licensing and Administrative Procedures.

**HB 338** (By Guillen), Relating to the court in which a hearing regarding the towing of a motor vehicle may be held.

To Transportation.

**HB 339** (By Laubenberg), Relating to fire control, prevention, and emergency medical services districts.

To Urban Affairs.

**HB 340** (By E. Rodriguez), Relating to the power of the Texas Commission on Environmental Quality to authorize certain injection wells that transect or terminate in the Edwards Aquifer.

To Natural Resources.

**HB 341** (By Pitts), Relating to the exclusion of mineral interests from the property interests that may be condemned by a regional tollway authority.

To Land and Resource Management.

**HB 342** (By Márquez), Relating to employees of or applicants for employment with school districts who have been convicted of or pled guilty to certain offenses.

To Public Education.

**HB 343** (By Márquez), Relating to the filing of financial disclosure statements by trustees of an independent school district; providing a criminal penalty.

To Public Education.

**HB 344** (By Márquez), Relating to an exit audit of a school district and an exit interview of a school district superintendent.

To Public Education.

**HB 345** (By Laubenberg), Relating to the \$1 million total revenue exemption for the franchise tax.

To Ways and Means.

**HB 346** (By Deshotel), Relating to the electronic storage of personal identification information obtained from driver's licenses or personal identification certificates.

To Technology.

**HB 347** (By Pitts), Relating to prohibiting using a wireless communication device while operating a motor vehicle on school property.

To Transportation.

**HB 349** (By Canales), Relating to electronically filing any court document in a criminal case in Hidalgo County.

To Judiciary and Civil Jurisprudence.

**HB 350** (By Canales), Relating to allowing defendants access to certain evidence of the state in criminal cases.

To Criminal Jurisprudence.

**HB 351** (By Canales), Relating to the tax exemption for permanent hotel residents.

To Ways and Means.

**HB 352** (By Guillen), Relating to the issuance of exempt license plates to certain open-enrollment charter school vehicles.

To Transportation.

**HB 353** (By Guillen), Relating to state assessment of certain public school students determined to have dyslexia or a related disorder.

To Public Education.

**HB 354** (By Guillen), Relating to authorization for a caregiver who is a relative to enroll a child in school.

To Judiciary and Civil Jurisprudence.

**HB 355** (By Guillen), Relating to the eligibility of commercial driver's license holders for dismissal of certain charges on completion of a driving safety course.

To Homeland Security and Public Safety.

**HB 356** (By Guillen), Relating to the notice required to remove a vehicle with an expired registration or inspection certificate from certain private property.

To Transportation.

**HB 357** (By Giddings), Relating to the exemption from the sales tax for certain school art supplies during limited periods.

To Ways and Means.

**HB 358** (By Giddings), Relating to the grounds for modification of a child support order.

To Judiciary and Civil Jurisprudence.

**HB 359** (By Krause), Relating to the verification of the immigration status of an arrested person.

To State Affairs.

**HB 360** (By Krause), Relating to withholding state funding from a public or private institution of higher education that requires student organizations to allow student participation regardless of status or beliefs.

To Higher Education.

**HB 361** (By Anchia), Relating to group health benefits coverage for dependents and family members of persons wrongfully imprisoned.

To Insurance.

**HB 362** (By Guillen), Relating to the transfer of adult education and literacy programs from the Texas Education Agency to the Texas Workforce Commission.

To Economic and Small Business Development.

**HB 363** (By Martinez), Relating to the establishment of a public law school in the Rio Grande Valley.

To Higher Education.

**HB 364** (By Martinez), Relating to the provision of state death benefits to certain employees of the Department of Public Safety of the State of Texas.

To Homeland Security and Public Safety.

**HB 365** (By Martinez), Relating to certain diseases or illnesses suffered by firefighters and emergency medical technicians.

To Urban Affairs.

**HB 366** (By Martinez), Relating to the dissemination, retention, and use of criminal history record information and fingerprints to and by state agencies for employment, contracting, or licensing or other purposes.

To Government Efficiency and Reform.

**HB 367** (By Martinez), Relating to the disclosure by a member of the legislature or the lieutenant governor of certain information concerning a resident of this state to a governmental body.

To Government Efficiency and Reform.

**HB 368** (By Martinez), Relating to increasing the amount of the residence homestead exemption from ad valorem taxation by a school district from \$15,000 to \$45,000, providing for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the homestead of an elderly or disabled person to reflect the increased exemption amount, and protecting school districts against the resulting loss in local revenue.

To Ways and Means.

**HB 369** (By Martinez), Relating to the transportation of certain mental health patients.

To Public Health.

**HB 370** (By Dutton), Relating to registering to vote and voting while in custody at certain county jails and related procedures.

To Elections.

**HB 371** (By Alonzo), Relating to the offer of certain unusable remainder real property acquired by the Texas Department of Transportation to nonprofit corporations.

To Land and Resource Management.

**HB 372** (By Deshotel), Relating to establishing the Workplace Fraud Prevention Act; providing penalties.

To Business and Industry.

**HB 373** (By Guillen), Relating to medical assistance for individuals residing in certain institutions.

To Human Services.

**HB 374** (By Guillen), Relating to the authority of certain development corporations to undertake projects with respect to community libraries.

To Special Purpose Districts.

**HB 375** (By Guillen), Relating to peace officers commissioned by the State Board of Veterinary Medical Examiners.

To Homeland Security and Public Safety.

**HB 376** (By Strama), Relating to the regulation of child-care providers by the Texas Workforce Commission and local workforce development boards.

To Human Services.

**HB 377** (By Burnam), Relating to the designation of a portion of Interstate Highway 35W as the Cesar Chavez Memorial Freeway.

To Transportation.

**HB 378** (By Burnam), Relating to the development of a climate adaptation plan by certain entities.

To Environmental Regulation.

**HB 379** (By Burnam), Relating to the imposition of a fee on oil and gas waste disposed of by injection in a commercial injection well permitted by the Railroad Commission of Texas.

To Energy Resources.

**HB 380** (By Burnam), Relating to safety requirements applicable to gas pipelines in certain counties.

To Energy Resources.

**HB 381** (By Burnam), Relating to the imposition of a personal income tax on income that exceeds \$250,000 to provide property tax relief and fund public education; providing penalties.

To Ways and Means.

**HB 382** (By Burnam), Relating to the disclosure of certain settlements utilizing public funds.

To Judiciary and Civil Jurisprudence.

**HB 383** (By Burnam), Relating to the recognition and validity of a license to carry a concealed handgun issued by another state.

To Homeland Security and Public Safety.

**HB 384** (By Strama), Relating to the establishment of the Expanded Learning Opportunities Council to study and make recommendations concerning expanded learning opportunities for public school students.

To Public Education.

**HB 385** (By S. Thompson), Relating to bond requirements for county officers and employees.

To County Affairs.

**HB 386** (By S. Thompson), Relating to the eligibility for release on parole of inmates convicted of compelling prostitution or trafficking of persons.

To Corrections.

**HB 387** (By S. Thompson), Relating to spousal maintenance agreements.

To Judiciary and Civil Jurisprudence.

**HB 388** (By S. Thompson), Relating to the enforcement of a property distribution agreement incident to divorce or annulment.

To Judiciary and Civil Jurisprudence.

**HB 389** (By S. Thompson), Relating to the enforcement of spousal maintenance agreements and property distribution agreements incident to divorce or annulment.

To Judiciary and Civil Jurisprudence.

**HB 390** (By S. Thompson), Relating to standing for a grandparent or certain other persons to file a suit affecting the parent-child relationship.

To Judiciary and Civil Jurisprudence.

**HB 391** (By S. Thompson), Relating to a suit for possession of or access to a child by a grandparent.

To Judiciary and Civil Jurisprudence.

**HB 392** (By S. Thompson), Relating to newborn screening for congenital heart defects.

To Public Health.

**HB 393** (By S. Thompson), Relating to possession of or access to a child by a grandparent or certain other persons.

To Judiciary and Civil Jurisprudence.

**HB 394** (By S. Thompson), Relating to limits on prizes for bingo games.

To Licensing and Administrative Procedures.

**HB 395** (By Larson), Relating to the use by certain health care providers of electronically readable information from a driver's license or personal identification certificate.

To Technology.

**HB 396** (By S. Thompson), Relating to providing a federal postcard applicant with a ballot for any election in which the applicant is eligible to vote.

To Elections.

**HB 397** (By Larson), Relating to the transfer of extraterritorial jurisdiction between certain home-rule and general-law municipalities and annexation of certain territory by the general-law municipalities.

To Land and Resource Management.

**HB 398** (By Pitts), Relating to the use of a public school student's performance on an end-of-course assessment instrument in determining the student's final grade for the course.

To Public Education.

**HB 399** (By Krause), Relating to the requirement that certain high school students successfully complete four courses in each subject of the foundation curriculum.

To Public Education.

**HB 401** (By Aycock), Relating to the discharge of a firearm or fishing with certain archery equipment in or on the bed or bank of a navigable river or stream in certain counties.

To Culture, Recreation, and Tourism.

**HB 402** (By S. Davis), Relating to a medal for certain members of the state military forces who served during the Cold War.

To Defense and Veterans' Affairs.

**HB 403** (By S. Davis), Relating to liability of certain certified municipal inspectors for services rendered during an emergency or disaster.

To Judiciary and Civil Jurisprudence.

**HB 404** (By S. Davis), Relating to liability of certain public utilities that allow certain uses of land that the public utility owns, occupies, or leases.

To Judiciary and Civil Jurisprudence.

**HB 405** (By Fletcher), Relating to testimony by members and former members of the State Board of Dental Examiners.

To Public Health.

**HB 406** (By Fletcher), Relating to parking placards for vehicles of persons with disabilities.

To Transportation.

**HB 407** (By P. King), Relating to the Weatherford College District service area.

To Higher Education.

**HB 408** (By P. King), Relating to the number of members of the Texas Historical Commission.

To State Affairs.

**HB 409** (By P. King), Relating to the state emergency medical services medical director.

To Homeland Security and Public Safety.

**HB 410** (By P. King), Relating to the administration and operation of the appellate judicial system for the Second Court of Appeals District.

To Judiciary and Civil Jurisprudence.

**HB 411** (By P. King), Relating to the release of a vehicle held by a vehicle storage facility.

To Transportation.

**HB 412** (By P. King), Relating to the punishment for a false affiliation with a charitable organization or a false claim of a charitable purpose in the course of committing certain crimes.

To Criminal Jurisprudence.

**HB 413** (By C. Turner), Relating to the retirement benefits for elected state officials.

To Pensions.

**HB 414** (By Button), Relating to a franchise tax credit for certain research and development activities.

To Ways and Means.

**HB 415** (By Button), Relating to lobbying by former members of the legislature; creating an offense.

To Elections.

**HB 416** (By Hilderbran), Relating to the computation of the franchise tax by a taxable entity engaged in Internet hosting.

To Ways and Means.

**HB 417** (By J. Davis), Relating to the composition of the aviation advisory committee.

To Transportation.



**HB 418** (By Farias), Relating to leave for certain veterans returning to state employment.

To Defense and Veterans' Affairs.

**HB 419** (By Farias), Relating to designating the first Friday in November as Texas Arbor Day.

To Culture, Recreation, and Tourism.

**HB 420** (By Farias), Relating to requiring that certain notices and disclosures provided by credit access businesses be in foreign languages.

To Investments and Financial Institutions.

**HB 421** (By S. Thompson), Relating to the hours of sale for liquor.

To Licensing and Administrative Procedures.

**HB 422** (By J. Davis), Relating to career and technology education or fine arts credits required for high school graduation.

To Public Education.

**HB 423** (By Burkett), Relating to the determination of the eligibility of certain households for supplemental nutrition assistance benefits.

To Human Services.

**HB 424** (By Burkett), Relating to the sex offender status of a person who becomes a resident of certain group home facilities.

To Human Services.

**HB 425** (By Burkett), Relating to the notice provided to retail electric customers by retail electric providers of contract expiration.

To State Affairs.

**HB 426** (By Creighton), Relating to the regulatory analysis of rules proposed by the Texas Commission on Environmental Quality.

To Environmental Regulation.

**HB 427** (By Creighton), Relating to the \$1 million total revenue exemption for the franchise tax.

To Ways and Means.

**HB 428** (By Creighton), Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.

To Ways and Means.

**HB 429** (By Guillen), Relating to the allocation of low income housing tax credits for housing in rural areas.

To Urban Affairs.

**HB 430** (By Riddle), Relating to an exemption from the motor vehicle use tax for certain motor vehicles brought into this state by certain military personnel.

To Ways and Means.

**HB 431** (By Riddle), Relating to the eligibility of certain inmates convicted of injury to a child for release to mandatory supervision.

To Corrections.

**HB 432** (By Riddle), Relating to charitable contributions by state employees to assist domestic victims of human trafficking.

To State Affairs.

**HB 433** (By Riddle), Relating to a franchise tax credit for taxable entities that pay employees during jury selection or jury service.

To Ways and Means.

**HB 434** (By Riddle), Relating to the persons authorized to take a blood specimen from a vehicle operator to test for alcohol concentration or other intoxicating substances.

To Homeland Security and Public Safety.

**HB 435** (By S. Turner), Relating to the authority of a peace officer to take a blood specimen from the operator of a motor vehicle or watercraft to test for alcohol concentration or the presence of other intoxicating substances.

To Homeland Security and Public Safety.

**HB 436** (By Pitts), Relating to the authority to issue bonds of the Rockett Special Utility District.

To Special Purpose Districts.

**HB 438** (By Dutton), Relating to the courts authorized to issue an occupational driver's license.

To Homeland Security and Public Safety.

**HB 439** (By Dutton), Relating to the restoration of certain rights to a criminal defendant.

To Criminal Jurisprudence.

**HB 440** (By Alonzo), Relating to a requirement that certain religious organizations provide an annual report on property owned by the organization for which an exemption from ad valorem taxation is granted.

To Ways and Means.

**HB 441** (By J. Davis), Relating to the designation of the NASA Road 1 Bypass connecting State Highway NASA Road 1 to Interstate Highway 45 as the Captain John Young Flyover.

To Transportation.

**HB 442** (By Muñoz), Relating to the designation of a portion of U.S. Highway 83 as the Trooper Eduardo Chavez Memorial Highway.

To Transportation.

**HB 444** (By Dukes), Relating to the liability of certain social workers who provide volunteer health care services to charitable organizations.

To Judiciary and Civil Jurisprudence.

**HB 445** (By Dukes), Relating to the creation of the individual development account program to provide savings incentives and opportunities for certain foster children to pursue home ownership, postsecondary education, and business development.

To Human Services.

**HB 446** (By Dukes), Relating to information about fetal alcohol syndrome to be provided to pregnant patients.

To Public Health.

**HB 447** (By Dukes), Relating to the rights of a person apprehended without a warrant for emergency detention.

To Human Services.

**HB 448** (By Dukes), Relating to a requirement that the operator of an oil or gas well on which a hydraulic fracturing treatment is to be performed mail a list of the chemicals to be used in the treatment to persons residing near the well.

To Energy Resources.

**HB 449** (By Dukes), Relating to restrictions on xeriscaping by property owners' associations and certain political subdivisions.

To Natural Resources.

**HB 450** (By Dukes), Relating to the designation of a state climatologist.

To State Affairs.

**HB 451** (By Dukes), Relating to restrictions on access to certain personal online accounts through electronic communication devices by employers or public or private institutions of higher education; establishing an unlawful employment practice.

To Higher Education.

**HB 452** (By Dukes), Relating to the punishment prescribed for engaging in certain acts of deadly conduct.

To Criminal Jurisprudence.

**HB 453** (By Dukes), Relating to the application, renewal, and period of validity of a registration under the Texas Controlled Substances Act.

To Public Health.

**HB 454** (By Dukes), Relating to authorization for a caregiver who is a relative to enroll a child in school.

To Judiciary and Civil Jurisprudence.

**HB 455** (By Dukes), Relating to excused absences from public school for certain students.

To Public Education.

**HB 456** (By Dukes), Relating to training for school district liaisons who assist students in the conservatorship of the state with school enrollments and transfers.

To Public Education.

**HB 457** (By Dukes), Relating to the aggregation of data in the Public Education Information Management System (PEIMS) regarding public school students in foster care.

To Public Education.

**HB 458** (By Bohac), Relating to eligibility requirements for a residential fire alarm training school instructor.

To Insurance.

**HB 459** (By Guillen), Relating to the creation of a navigator program as described by the Patient Protection and Affordable Care Act.

To Insurance.

**HB 460** (By Cortez), Relating to authorizing the county clerk in certain counties to conduct a marriage ceremony and collect a related fee.

To Judiciary and Civil Jurisprudence.

**HB 461** (By Menéndez), Relating to exemption from application of the Private Security Act of certain peace officers employed by a law enforcement agency.

To Homeland Security and Public Safety.

**HB 462** (By Huberty), Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments.

To Public Education.

**HB 463** (By Johnson), Relating to the designation of certain election days as state holidays.

To Elections.

**HB 464** (By Johnson), Relating to the registration of voters at a polling place and related procedures.

To Elections.

**HB 465** (By Johnson), Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

To Elections.

**HB 466** (By Johnson), Relating to providing voter registration application forms to certain discharged inmates.

To Elections.

**HB 467** (By Johnson), Relating to the hours voting is conducted at an early voting polling place.

To Elections.

**HCR 23** (By Simpson), Designating Gregg County the Balloon Race Capital of Texas and commemorating the 36th anniversary of the Great Texas Balloon Race.

To Culture, Recreation, and Tourism.

**HCR 24** (By Clardy), Designating Nacogdoches as the official Garden Capital of Texas.

To Culture, Recreation, and Tourism.

**HCR 25** (By Burnam), Urging Congress to propose and submit to the states for ratification an amendment to the United States Constitution for the purpose of addressing concerns raised by the decision of the United States Supreme Court in *Citizens United v. Federal Election Commission*.

To Select Federalism and Fiscal Responsibility.

**HCR 26** (By Flynn), Urging the United States Congress to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

To Investments and Financial Institutions.

**HJR 47** (By Alvarado), Proposing a constitutional amendment requiring the legislature to establish a state gaming commission and to authorize and provide for the regulation of gaming conducted at certain locations in this state, authorizing federally recognized Indian tribes to conduct gaming on certain Indian lands, and requiring the governor to call the legislature into special session to consider gaming legislation.

To State Affairs.

**HJR 52** (By P. King), Proposing a constitutional amendment limiting the rate of growth of appropriations for welfare programs.

To Appropriations.

**HJR 54** (By Dutton), Proposing a constitutional amendment establishing the boundaries of public beaches and declaring that the state holds public beaches in trust for the use of the public.

To Land and Resource Management.

**HJR 55** (By Murphy), Applying to the Congress of the United States to call a convention to propose an amendment to the United States Constitution to require the approval of a majority of the state legislatures before Congress may increase the federal debt.

To Select Federalism and Fiscal Responsibility.

**HJR 56** (By Martinez), Proposing a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes from \$15,000 to \$45,000 and providing for a reduction of the limitation on the total amount of taxes that may be imposed for those purposes on the homestead of an elderly or disabled person to reflect the increased exemption amount.

To Ways and Means.

**HJR 57** (By Burnam), Proposing a constitutional amendment to reserve to the people the powers of initiative for the sole purpose of adopting and imposing a state income tax.

To Ways and Means.

**HJR 58** (By Creighton), Proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value of a residence homestead for ad valorem tax purposes to 105 percent or more of the appraised value of the property for the preceding tax year.

To Ways and Means.

**HJR 60** (By White), Proposing a constitutional amendment to repeal the constitutional order of business that restricts the matters the legislature may consider during different stages of a regular legislative session.

To State Affairs.

**HJR 61** (By Laubenberg), Proposing a constitutional amendment requiring certain tax bills to be approved by three-fourths of all the members elected to each house of the legislature.

To Ways and Means.

**HR 170** (By J. Davis), In memory of Dr. James Anderson Twining of Houston.

To Rules and Resolutions.

**HR 186** (By Fallon), In memory of U.S. Army Sergeant Enrique Mondragon of Little Elm.

To Rules and Resolutions.

**HR 340** (By P. King), Recognizing February 12, 2013, as Wise County Day at the State Capitol.

To Rules and Resolutions.

**HR 341** (By Ashby), Honoring Horace F. McQueen of Grapeland on his receipt of the 2012 Outstanding Alumni Award from Texas A&M College of Agriculture and Life Sciences.

To Rules and Resolutions.

**HR 342** (By Simmons), Congratulating Yash Patel of Carrollton on attaining a perfect score on the SAT.

To Rules and Resolutions.

**HR 343** (By Dale), Honoring the United Way of Williamson County on its 75th anniversary.

To Rules and Resolutions.

**HR 348** (By Márquez), In memory of broadcast journalist John Garmon of El Paso.

To Rules and Resolutions.

**HR 349** (By Márquez), Honoring Sai Pituk of El Paso for being named one of America's top three East Asian chefs at the 2013 New York-New Jersey regional cook-off of "Culinary Battles: Supreme Asian Chef."

To Rules and Resolutions.

**HR 350** (By Márquez), Congratulating Douglass Elementary School in El Paso on its selection as a 2012 National Blue Ribbon School by the U.S. Department of Education.

To Rules and Resolutions.

**HR 351** (By Carter), Recognizing February 22 and 23, 2013, as Texas Association of Mediators Days in the State of Texas.

To Rules and Resolutions.

**HR 352** (By Gonzales), Honoring the Hutto High School recipients of the STEM Scores for Hope Scholarship.

To Rules and Resolutions.

**HR 353** (By Gonzales), Congratulating the recipients of the 2012 Round Rock Chamber of Commerce annual awards.

To Rules and Resolutions.

**HR 355** (By S. Turner), Recognizing February 20, 2013, as Children's Advocacy Centers of Texas Day at the Capitol.

To Rules and Resolutions.

**HR 356** (By Murphy), Commemorating St. Patrick's Day and honoring the contributions that individuals of Irish descent have made to the State of Texas.

To Rules and Resolutions.

**HR 357** (By Hilderbran), Honoring Linda Uecker on her retirement as Kerr County district clerk.

To Rules and Resolutions.

**HR 358** (By Eiland), Recognizing February 12, 2013, as Texas Physical Therapy Day at the State Capitol.

To Rules and Resolutions.

**HR 359** (By Zerwas), Recognizing February 12, 2013, as Texas Anesthesiologists Day at the State Capitol.

To Rules and Resolutions.

**HR 360** (By Gonzales), Recognizing February 20, 2013, as Leadership Round Rock Day at the State Capitol.

To Rules and Resolutions.

**HR 361** (By Pitts), Welcoming Leadership Ennis to the State Capitol.

To Rules and Resolutions.

**HR 362** (By Pitts), Welcoming Leadership Midlothian to the State Capitol on February 20, 2013.

To Rules and Resolutions.

**HR 363** (By Pitts), Welcoming the Leadership Waxahachie delegation to the State Capitol and commending all those associated with the program for their contributions to Texas.

To Rules and Resolutions.

**HR 364** (By Harless), Recognizing February 12, 2013, as Alliance of North Houston Chambers of Commerce Day at the State Capitol.

To Rules and Resolutions.

**HR 365** (By Dale), Congratulating the Austin Toros on their 2012 NBA Development League championship.

To Rules and Resolutions.

**HR 366** (By Leach), Honoring former State Representative Jerry Madden for his 20 years of service as a representative of House District 67.

To Rules and Resolutions.

**HR 367** (By Leach), Recognizing choir students from Robinson and Rice Middle Schools in Plano on their selection to perform for the 2013 Texas Music Educators Association conference and welcoming them to the State Capitol.

To Rules and Resolutions.

**HR 368** (By Muñoz), Recognizing February 19, 2013, as Mission Day at the State Capitol.

To Rules and Resolutions.

**HR 369** (By Pickett), Recognizing February 12 and 13, 2013, as El Paso Days at the State Capitol.

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. 2**

#### **HCR 33**

### **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 11, 2013-1

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 2**

Hilderbran

SPONSOR: Schwertner

Congratulating Johnny Manziel of Texas A&M University on winning the 2012 Heisman Trophy.

Respectfully,

Patsy Spaw

Secretary of the Senate



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**APPENDIX**

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**ENROLLED**

**February 7 - HCR 33**

