

# HOUSE JOURNAL

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EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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FIFTY-SECOND DAY — FRIDAY, APRIL 8, 2011

The house met at 9 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 304).

Present — Mr. Speaker; Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Allen; Christian; Davis, Y.; Deshotel; Frullo; Geren; Mallory Caraway; Perry; Walle.

Invocations were offered by Ray Hendricks, pastor, Primitive Baptist Church, Austin, and Keith Wright, pastor, Faith Fellowship and Christian Life Center, Harker Heights.

The chair recognized Representative Madden 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:

Y. Davis on motion of Alonzo.

Frullo on motion of Ritter.

Geren on motion of Ritter.

Mallory Caraway on motion of Gonzalez.

Perry on motion of Ritter.

Walle on motion of Ritter.

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

Deshotel on motion of Ritter.

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

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

### **CAPITOL PHYSICIAN**

The speaker pro tempore recognized Representative L. Gonzales who presented Dr. Lamia Kadir of Austin as the "Doctor for the Day."

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

(Ritter in the chair)

### **HR 1097 - ADOPTED (by D. Miller)**

Representative D. Miller moved to suspend all necessary rules to take up and consider at this time **HR 1097**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1097**, Commemorating the 170th anniversary of the French Legation.

**HR 1097** was read and was adopted.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative D. Miller who introduced Dr. Gayla Lawson, JoAnn Moore, Carolyn Reed, Dr. Patricia Horridge, and Cindy Anderson.

### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Hartnett requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 9:30 a.m. today, in 3W.9.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Criminal Jurisprudence, 9:30 a.m. today, 3W.9, for a formal meeting, to consider pending business.

**LEAVE OF ABSENCE GRANTED**

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

Smithee on motion of C. Anderson.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

The following bills were laid before the house and read third time:

**HB 11 ON THIRD READING**

**(by Cook, Hilderbran, Kolkhorst, Schwertner, Lozano, et al.)**

**HB 11**, A bill to be entitled An Act relating to reports filed with the comptroller regarding certain alcoholic beverage sales; providing a penalty.

**LEAVES OF ABSENCE GRANTED**

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

Castro on motion of Farrar.

Farias on motion of Alonzo.

**HB 11 - (consideration continued)**

**HB 11** was passed by (Record 305): 132 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Mallory Caraway; Perry; Smithee; Walle.

Absent — Bonnen; Peña; Raymond; Torres.

### STATEMENT OF VOTE

When Record No. 305 was taken, I was in the house but away from my desk. I would have voted yes.

Torres

### HB 175 ON THIRD READING

(by Jackson, Flynn, Creighton, Hochberg, Pitts, et al.)

**HB 175**, A bill to be entitled An Act relating to the on-premises consumption of certain alcoholic beverages; providing a penalty.

### HB 175 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GIDDINGS: For the record here, you and I have talked about this, Representative Jackson. Chairman Jackson, I just wanted to be sure there is nothing in here that would alter the distances and so forth that Dallas has for alcohol-related business around schools.

REPRESENTATIVE JACKSON: Let me read you that section. "CONSUMPTION NEAR CHURCH, SCHOOL OR HOSPITAL. A municipality or a county may enact regulations prohibiting the consumption of alcoholic beverages on the premises of a commercial establishments described in 76.02 near a church, public or private school, or public hospital in the same manner as the municipality or county may prohibit the sale of alcoholic beverages near a church, public school or private school, or public hospital."

GIDDINGS: So basically, this is giving them more protection?

JACKSON: Yes, ma'am. This puts them under the same rules as for the sale of alcohol near churches, schools, and public hospitals.

GIDDINGS: Yes, thank you very much, Representative Jackson. Sometimes, we have a word here and there, and somebody takes it and runs away with it, so I just wanted to make that clear.

### REMARKS ORDERED PRINTED

Representative Giddings moved to print remarks between Representative Jackson and Representative Giddings.

The motion prevailed.

**HB 175** was passed by (Record 306): 133 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bertram; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel;

Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Simpson.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Mallory Caraway; Perry; Smithee; Walle.

Absent — Guillen; Raymond.

### **HB 218 ON THIRD READING** **(by Gallego)**

**HB 218**, A bill to be entitled An Act relating to possessing a glass container within the boundaries of certain riverbeds; providing criminal penalties.

**HB 218** was passed by (Record 307): 123 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Farrar; Fletcher; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, C.; Berman; Elkins; Flynn; Hughes; Landtroop; Laubenberg; Miller, S.; Paxton; Sheffield; White.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Mallory Caraway; Perry; Smithee; Walle.

Absent — Jackson; Peña.

**HB 243 ON THIRD READING****(by Craddick, Martinez Fischer, Brown, Cook, Menendez, et al.)**

**HB 243**, A bill to be entitled An Act relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle.

Representative Craddick moved to postpone consideration of **HB 243** until the end of today's calendar.

The motion prevailed.

**HB 336 ON THIRD READING****(by Marquez)**

**HB 336**, A bill to be entitled An Act relating to the filing and posting on the Internet of reports of political contributions and expenditures required in connection with the office of member of the board of trustees of certain school districts.

**HB 336** was passed by (Record 308): 105 Yeas, 27 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Bonnen; Branch; Burkett; Burnam; Button; Cain; Carter; Chisum; Coleman; Cook; Craddick; Crownover; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Farrar; Fletcher; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Otto; Paxton; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Veasey; Villarreal; Vo; Woolley; Zedler; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Brown; Callegari; Creighton; Darby; Elkins; Flynn; Hartnett; Hilderbran; Madden; Miller, D.; Miller, S.; Orr; Parker; Patrick; Price; Riddle; Sheffield; Solomons; Weber; White; Workman.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Mallory Caraway; Perry; Smithee; Walle.

Absent — Jackson; Legler; Peña; Turner.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 308. I intended to vote yes.

Patrick

I was shown voting yes on Record No. 308. I intended to vote no.

Schwertner

**HB 341 ON THIRD READING**  
**(by Fletcher)**

**HB 341**, A bill to be entitled An Act relating to the prosecution of and the punishment for the offense of burglary committed while evading arrest or detention.

**HB 341** was passed by (Record 309): 134 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycoc; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Mallory Caraway; Perry; Smithee; Walle.

Absent — Legler; Peña.

**LEAVE OF ABSENCE GRANTED**

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

Legler on motion of Martinez.

**HB 27 ON THIRD READING**  
**(by Guillen)**

**HB 27**, A bill to be entitled An Act relating to the payment of fines and costs by defendants who are unable to pay the fines and costs in misdemeanor cases.

Representative Guillen moved to postpone consideration of **HB 27** until 10 a.m. today.

The motion prevailed.

**HB 125 ON THIRD READING**  
**(by Legler, Chisum, Callegari, et al.)**

**HB 125**, A bill to be entitled An Act relating to the regulatory analysis of rules proposed by the Texas Commission on Environmental Quality.

**HB 125** was passed by (Record 310): 120 Yeas, 13 Nays, 3 Present, not voting.

Yeas — Aliseda; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Martinez; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alvarado; Burnam; Coleman; Gallego; Gutierrez; Hochberg; Johnson; Marquez; Martinez Fischer; Naishtat; Rodriguez; Veasey; Villarreal.

Present, not voting — Mr. Speaker; Gonzalez; Ritter(C).

Absent, Excused — Allen; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Legler; Mallory Caraway; Perry; Smithee; Walle.

Absent — Peña.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 310. I intended to vote no.

D. Howard

**MAJOR STATE CALENDAR**  
**HOUSE BILLS**  
**SECOND READING**

The following bills were laid before the house and read second time:

**CSHB 2271 ON SECOND READING**  
**(by Anchia)**

**CSHB 2271**, A bill to be entitled An Act relating to the continuation and functions of the Texas Racing Commission, the abolishment of the Equine Research Account Advisory Committee, and the authority of Texas AgriLife Research; providing an administrative penalty.



Representative Anchia moved to postpone consideration of **CSHB 2271** until after consideration of **CSHB 1808**.

The motion prevailed.

### **POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

#### **CSHB 1808 ON SECOND READING**

**(by Cook)**

**CSHB 1808**, A bill to be entitled An Act relating to the continuation and functions of the State Soil and Water Conservation Board.

**CSHB 1808** was passed to engrossment.

#### **CSHB 2271 ON SECOND READING**

**(by Anchia)**

**CSHB 2271**, A bill to be entitled An Act relating to the continuation and functions of the Texas Racing Commission, the abolishment of the Equine Research Account Advisory Committee, and the authority of Texas AgriLife Research; providing an administrative penalty.

**CSHB 2271** was read second time earlier today and was postponed until this time.

#### **Amendment No. 1**

Representative Anchia offered the following amendment to **CSHB 2271**:

Floor Packet Page No. 1

Amend **CSHB 2271** (house committee printing) as follows:

(1) on page 6, lines 21 and 22, strike "determined by commission rule" and substitute "reasonably necessary, as provided by commission rule,".

(2) on page 6, line 23, insert "substantive requirements of" between the words "with" and "this"

Amendment No. 1 was adopted.

#### **Amendment No. 2**

Representative Anchia offered the following amendment to **CSHB 2271**:

Floor Packet Page No. 3

Amend **CSHB 2271** (house committee printing) as follows:

(1) On page 8, between lines 9 and 10, insert the following:

(d) An active license is effective until the license is designated as an inactive license or is surrendered, suspended, or revoked under this Act.

(2) On page 10, between lines 1 and 2, insert the following:

(c) The commission may not revoke an active license unless the commission reasonably determines that other disciplinary actions are inadequate to remedy the violation.

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative Coleman offered the following amendment to **CSHB 2271**:  
Floor Packet Page No. 2

Amend **CSHB 2271** (house committee printing) as follows:

(1) On page 7, line 11, strike "6.06(k)" and substitute "6.06"

(2) On page 7, line 12, between "amended" and "to", insert: "by amending Subsection (k) and adding Subsection (k-1)".

(3) On page 7, between lines 21 and 22, insert the following:

(k-1) Notwithstanding Subsection (k) of this section, the ownership and management of an active license that has changed ownership is not subject to review until the third anniversary of the date that the change in ownership becomes final.

(4) On page 9, lines 4-7, strike the following:

⋮

(1) renewal of the license is not in the best interests of the racing industry or the public; or

(2)

(5) On page 9, between lines 14 and 15, insert the following:

(f) Notwithstanding Subsection (a) of this section, an inactive license that has changed ownership is not subject to renewal until the third anniversary of the date that the change in ownership becomes final.

Representative Anchia moved to table Amendment No. 3.

The motion to table prevailed.

**Amendment No. 4**

Representative Hartnett offered the following amendment to **CSHB 2271**:  
Floor Packet Page No. 15

Amend **CSHB 2271** on page 7 by striking lines 11 and 12 and substituting the following:

SECTION 9. Section 6.06, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Subsection (d-1) and amending Subsection (k) to read as follows:

(d-1) For the purposes of Subsection (d) of this section, the commission shall presume subterfuge by the racetrack license holder in the original issuance of an inactive license if the racetrack license holder has not begun the conduct of live racing at the racetrack before the third anniversary of the date of the original license issuance.

**LEAVE OF ABSENCE GRANTED**

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

Bohac on motion of Madden.

**HB 3841 - PERMISSION TO INTRODUCE**

Representative Martinez requested permission to introduce and have placed on first reading **HB 3841**.

Permission to introduce was granted by (Record 311): 130 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, C.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Bohac; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Legler; Mallory Caraway; Perry; Smithee; Walle.

Absent — Gonzalez; Madden; Paxton.

**MAJOR STATE CALENDAR  
(consideration continued)****CSHB 2271 - (consideration continued)**

Representative Anchia moved to table Amendment No. 4.

The vote of the house was taken on the motion to table Amendment No. 4 and the vote was announced yeas 64, nays 68.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 312): 66 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Bonnen; Branch; Brown; Burnam; Chisum; Coleman; Cook; Darby; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Farrar; Gallego; Garza; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Hunter; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Lozano; Margo; Marquez; Martinez; McClendon; Menendez; Miles; Miller, D.;

Muñoz; Murphy; Naishtat; Otto; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Scott; Simpson; Smith, W.; Strama; Villarreal; Vo; Woolley.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Burkett; Button; Cain; Carter; Craddick; Creighton; Crownover; Davis, J.; Elkins; Fletcher; Flynn; Giddings; Gonzales, L.; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; King, P.; Kolkhorst; Landtroop; Laubenberg; Lavender; Lewis; Madden; Martinez Fischer; Miller, S.; Morrison; Nash; Orr; Parker; Patrick; Paxton; Phillips; Schwertner; Sheets; Sheffield; Shelton; Smith, T.; Solomons; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Bohac; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Legler; Mallory Caraway; Perry; Smithee; Walle.

Absent — Callegari; Lucio; Lyne; Oliveira; Peña; Torres.

The chair stated that the motion to table Amendment No. 4 prevailed by the above vote.

#### LEAVES OF ABSENCE GRANTED

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

Peña on motion of Guillen.

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

Oliveira on motion of Lozano.

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

Callegari on motion of S. Miller.

Lyne on motion of Hardcastle.

#### CSHB 2271 - (consideration continued)

##### Amendment No. 5

Representative Hartnett offered the following amendment to **CSHB 2271**:  
Floor Packet Page No. 4

Amend **CSHB 2271** (house committee printing) on page 8 by striking lines 3-6 and substituting the following:

active license if the license holder has held a live racing event at the racetrack within the three years preceding the designation.

(c) The commission shall designate a racetrack license as an inactive license if the license holder has not held a live racing event at the racetrack in more than three years.

(d) Not later than the 30th day after the third anniversary of the date a new racetrack

Amendment No. 5 was withdrawn.

### **LEAVE OF ABSENCE GRANTED**

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

Lucio on motion of Hernandez Luna.

### **CSHB 2271 - (consideration continued)**

#### **Amendment No. 6**

Representative Coleman offered the following amendment to **CSHB 2271**:  
Floor Packet Page No. 5

Amend **CSHB 2271** (house committee printing) as follows:

(1) On page 9, between lines 14 and 15, insert the following:

(f) Notwithstanding Subsection (a) of this section, an inactive license that has changed ownership is not subject to renewal until the fourth anniversary of that date the change in ownership becomes final.

Amendment No. 6 was withdrawn.

#### **Amendment No. 7**

Representative Miles offered the following amendment to **CSHB 2271**:  
Floor Packet Page No. 6

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Article 3, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Section 3.23 to read as follows:

Sec. 3.23. HISTORICALLY UNDERUTILIZED BUSINESSES. (a) The commission by rule shall establish a policy to require racetrack license holders to contract with vendors that are historically underutilized businesses under Chapter 2161, Government Code. To the extent practical, the policy must comply with that chapter.

(b) Acceptance of a racetrack license under this Act constitutes an agreement by the racetrack license holder to contract with vendors in accordance with the policy established under Subsection (a) of this section.

Amendment No. 7 was withdrawn.

#### **Amendment No. 8**

Representative Martinez Fischer offered the following amendment to **CSHB 2271**:

Floor Packet Page No. 7

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Article 6, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Section 6.011 to read as follows:

Sec. 6.011. LOCAL OPTION ELECTION FOR NEW RACETRACK LICENSE. (a) Notwithstanding any other provision of this Act, the commission may not issue an original racetrack license under this Act after September 1, 2011, unless the issuance of the racetrack license is approved at a local option election in the political subdivision in which the racetrack will be located.

(b) A racetrack license subject to this section is approved at a local option election if 60 percent or more of the qualified voters voting in the election approve issuance of the license.

(c) To the extent practicable, an election under this section shall be conducted in the manner provided by Chapter 501, Election Code, for a local option election on the sale of alcoholic beverages, except that the governing body of the political subdivision shall order the election on written notice from the commission that the commission is considering an application for a license for a racetrack in the political subdivision.

(d) The commission shall adopt rules to implement this section.

Amendment No. 8 was withdrawn.

#### **Amendment No. 9**

Representative Martinez Fischer offered the following amendment to **CSHB 2271**:

Floor Packet Page No. 11

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 6.093, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding any other provision of this Act, the portion of a pari-mutuel pool set aside for the state under this section may not include any money retained from outstanding tickets that are not awarded.

#### **Amendment No. 10**

Representative Isaac offered the following amendment to Amendment No. 9:

Amend Amendment No. 9 by Martinez Fischer to **CSHB 2271** by adding the following appropriately numbered item to the amendment:

(\_\_\_\_\_) Add the following section to the bill, numbered appropriately:

SECTION \_\_\_\_\_. Notwithstanding any provision of another Act of the 82nd Legislature, Regular Session, 2011, including **HB 1** or any other general appropriations bill that is enacted and becomes law, and notwithstanding the

relative effective dates of this Act and any other Act of the 82nd Legislature, Regular Session, that appropriates money to the Texas Racing Commission for the state fiscal biennium beginning September 1, 2012, the Texas Racing Commission is not appropriated any general revenue for the state fiscal biennium beginning September 1, 2012.

#### **Amendment No. 10 - Point of Order**

Representative Anchia raised a point of order against further consideration of Amendment No. 10 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair sustained the point of order.

The ruling precluded further consideration of Amendment No. 10.

Amendment No. 9 was withdrawn.

#### **Amendment No. 11**

Representative Hamilton offered the following amendment to **CSHB 2271**:  
Floor Packet Page No. 13

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 6.04, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Subsection (a-1) to read as follows:

(a-1) The commission shall issue a racetrack license to a qualified person not later than the 180th day after the date the background check of the applicant is complete under Section 6.031 of this Act.

#### **Amendment No. 12**

Representative Hamilton offered the following amendment to Amendment No. 11:

Amend Amendment No. 11 by Hamilton to **CSHB 2271** (page 13 of the prefiled amendments packet) on page 1 of the amendment by striking lines 7-10 and substituting the following:

(a-1) The commission shall make a determination with respect to a pending application not later than the 120th day after the date on which all of the requirements of licensure for the applicant described in this article have been satisfied.

Amendment No. 12 was adopted.

Amendment No. 11, as amended, was adopted.

#### **Amendment No. 13**

Representative Hartnett offered the following amendment to **CSHB 2271**:

Floor Packet Page No. 14

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 6.06, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Subsection (l) to read as follows:

(l) The commission shall revoke or suspend a racetrack license if, after notice and hearing, it has reasonable grounds to believe and finds that the license holder has not conducted any live or simulcast greyhound or horse racing during the four years preceding the consideration by the commission to revoke or suspend the license.

**Amendment No. 14**

Representative Hartnett offered the following amendment to Amendment No. 13:

Amend Amendment No. 13 by Hartnett to **CSHB 2271** (page 14 of the prefiled amendments packet) as follows:

(1) On page 1, lines 5-6, strike "Subsection (l)" and substitute "Subsections (l) and (m)".

(2) On page 1, line 10, strike "or simulcast".

(3) On page 1, line 10, strike "four" and substitute "three".

(4) On page 1, after line 12, insert the following:

(m) The three year period under Subsection (l) of this section begins on the later of September 1, 2011, or the date a new racetrack license is issued under this Act.

Amendment No. 14 was withdrawn.

Amendment No. 13 was withdrawn.

**Amendment No. 15**

Representative Hartnett offered the following amendment to **CSHB 2271**:  
Floor Packet Page No. 16

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 6.14, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

(e) The commission may not amend a racetrack license to change the location of a racetrack to a location that is more than 60 miles from the location for which the license was originally issued.

Representative Hamilton moved to table Amendment No. 15.

The motion to table prevailed by (Record 313): 74 Yeas, 53 Nays, 2 Present, not voting.



Yeas — Aliseda; Alonzo; Alvarado; Anderson, R.; Beck; Bonnen; Burkett; Burnam; Coleman; Cook; Crownover; Darby; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Farrar; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hardcastle; Harper-Brown; Hernandez Luna; Hochberg; Hopson; Howard, D.; Huberty; Hunter; Johnson; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lozano; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Naishtat; Nash; Orr; Otto; Pickett; Pitts; Quintanilla; Reynolds; Riddle; Ritter(C); Rodriguez; Schwertner; Scott; Smith, W.; Strama; Taylor, L.; Veasey; Villarreal; Vo; Woolley; Zerwas.

Nays — Anderson, C.; Aycock; Berman; Branch; Brown; Button; Cain; Carter; Chisum; Craddick; Creighton; Davis, J.; Elkins; Fletcher; Flynn; Giddings; Guillen; Hancock; Harless; Hartnett; Hilderbran; Howard, C.; Hughes; Isaac; Jackson; Keffer; King, P.; Landtroop; Laubenberg; Lavender; Lewis; Madden; Murphy; Parker; Patrick; Paxton; Phillips; Price; Raymond; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Solomons; Taylor, V.; Thompson; Truitt; Turner; Weber; White; Workman; Zedler.

Present, not voting — Mr. Speaker; Anchia.

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Walle.

Absent — Morrison; Torres.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 313. I intended to vote yes.

Branch

I was shown voting no on Record No. 313. I intended to vote yes.

Hilderbran

When Record No. 313 was taken, I was in the house but away from my desk. I would have voted no.

Torres

#### Amendment No. 16

Representative Martinez Fischer offered the following amendment to **CSHB 2271**:

Floor Packet Page No. 20

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) The Texas Racing Commission shall conduct a study on the importance, necessity, and effectiveness of expanding the types of gaming offered at horse and greyhound racetracks in this state and at other locations throughout this state. The study must address:

- (1) economic benefits;
- (2) the effect expanding the types of gaming would have on local areas;
- (3) gambling addiction in other states that have authorized expanded gaming; and
- (4) the economic impact on states that have expanded the types of gaming offered in those states.

(b) Not later than December 1, 2011, the Texas Racing Commission shall:

(1) prepare a report on the study conducted under Subsection (a) of this section, which must be signed and ratified by five of the appointed members of the commission; and

(2) file a copy of the report with the speaker of the house of representatives, the lieutenant governor, and the governor.

(c) Notwithstanding any other law enacted by the 82nd Legislature to expand gaming in this state, the Texas Racing Commission or any other state agency may not take actions to expand gaming in this state before January 1, 2012.

Amendment No. 16 was withdrawn.

#### **Amendment No. 17**

Representative Gutierrez offered the following amendment to **CSHB 2271**:  
Floor Packet Page No. 21

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) The Texas Racing Commission shall establish a panel to conduct a comprehensive and objective study to determine the economic impact of authorizing gaming at horse and greyhound racetracks in this state other than pari-mutuel wagering on horse and greyhound races.

(b) The panel established by the Texas Racing Commission under Subsection (a) of this section is composed of 16 members as follows:

- (1) the chair of the Texas Conservative Coalition;
- (2) the chair of the Texas Legislative Study Group;
- (3) the chair of the Republican Caucus of the house of representatives;
- (4) the chair of the Democratic Caucus of the house of representatives;
- (5) the chair of the House Committee on Licensing and Administrative Procedures;
- (6) the executive director of the Texas Racing Commission;
- (7) five senators appointed by the lieutenant governor; and
- (8) five members appointed by the governor, two of which must represent the faith-based community.

(c) Not later than December 15, 2012, the panel established under this section shall prepare a report on the study conducted under this section, including the panel's findings, and provide a copy of the report to each member of the legislature.

**Amendment No. 18**

Representative Martinez Fischer offered the following amendment to Amendment No. 17:

Amend Amendment No. 17 by Gutierrez to **CSHB 2271** (page 21 of the prefiled amendments packet) on page 1, line 8, following the period, by adding the following:

The study must address:

- (1) the effect that expanding the types of gaming would have on local areas;
- (2) gambling addiction in other states that have authorized expanded gaming; and
- (3) the economic impact on states that have expanded the types of gaming offered in those states.

Amendment No. 18 was adopted.

**Amendment No. 19**

Representative Zedler offered the following amendment to Amendment No. 17:

Amend Amendment No. 17 by Gutierrez to **CSHB 2271** (page 21 of the prefiled amendments packet) as follows:

- (1) On page 1, line 5, strike "panel" and substitute "board".
- (2) On page 1, line 6, strike "gaming" and substitute "gambling".
- (3) On page 1, line 9, strike "panel" and substitute "board".
- (4) On page 1, line 10, strike "16" and substitute "17".
- (5) On page 1, strike lines 24-29, and substitute the following:
  - (8) six members appointed by the governor, two of whom must represent the faith-based community and one of whom must represent the public.
- (c) The members of the board established under this section shall elect a presiding officer from among the membership. The presiding officer shall coordinate the activities of the board.
- (d) The study required by Subsection (a) of this section at a minimum must include an examination of:
  - (1) the positive economic impact of legalized gambling in this state;
  - (2) the negative economic impact of legalized gambling in this state;
  - (3) the likely fiscal impact of legalized gambling in this state on the provision of social and criminal justice services in:
    - (A) this state;
    - (B) counties in this state; and
    - (C) municipalities in this state; and
  - (4) the economic, business, and state budgetary climate of each state that has authorized at least the same level of gambling studied by the board.
- (e) Not later than December 15, 2012, the board established under this section shall prepare a report on the study conducted under this section, including the board's findings, and provide a copy of the report to each member of the legislature and to the Legislative Reference Library.

(f) The board established under this section is subject to Chapter 551, Government Code.

### **LEAVE OF ABSENCE GRANTED**

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

Huberty on motion of Cook.

### **CSHB 2271 - (consideration continued)**

Amendment No. 19 was adopted.

#### **Amendment No. 20**

Representative Phillips offered the following amendment to Amendment No. 17:

Amend Amendment No. 17 by Gutierrez to **CSHB 2271** (page 21 of the prefiled amendment packet) on page 1, by striking lines 12 through 19, and substituting the following:

- (1) the chair of the House Licensing and Administration Committee;
- (2) the chair of the House Culture, Recreation, and Tourism Committee;
- (3) the chair of the House State Affairs Committee;
- (4) the chair of the House Agriculture and Livestock Committee;
- (5) the chair of the House Public Health Committee;

Amendment No. 20 was adopted.

#### **Amendment No. 21**

Representative Lozano offered the following amendment to Amendment No. 17:

Amend Amendment No. 17 by Gutierrez to **CSHB 2271** (page 21 of the prefiled amendments packet) as follows:

- (1) On page 1, line 10, strike "16" and substitute "21".
- (2) On page 1, line 23, strike "and".
- (3) On page 1, between lines 23-24, insert the following:
  - (8) five members of the House of Representatives appointed by the Speaker of the House of Representatives; and
- (4) On page 1, line 24, strike "(8)" and substitute "(9)".

Amendment No. 21 was adopted.

Amendment No. 17, as amended, failed of adoption by (Record 314): 4 Yeas, 119 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Burnam; Gutierrez; Raymond.

Nays — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Garza;

Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Madden; Margo; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Walle.

Absent — Gallego; Hardcastle; Hochberg; Martinez; Thompson.

#### STATEMENT OF VOTE

When Record No. 314 was taken, I was in the house but away from my desk. I would have voted no.

Gallego

#### Amendment No. 22

Representative Coleman offered the following amendment to **CSHB 2271**:  
Floor Packet Page No. 5

Amend **CSHB 2271** (house committee printing) as follows:

(1) On page 9, between lines 14 and 15, insert the following:

(f) Notwithstanding Subsection (a) of this section, an inactive license that has changed ownership is not subject to renewal until the fourth anniversary of that date the change in ownership becomes final.

#### Amendment No. 23

Representative Coleman offered the following amendment to Amendment No. 22:

Amend Amendment No. 22 by Coleman to **CSHB 2271** (page 5 of the prefiled amendments packet) by striking the text of the amendment and substituting the following:

(1) On page 9, between lines 14 and 15, insert the following:

(f) The commission by rule shall establish criteria to make the determinations under Subsections (c)(1) and (2).

(g) Notwithstanding any other provision of this section, any change in ownership during renewal of an inactive license or during the process to refuse renewal under this section has no effect on the renewal process timeline.

(2) On page 17, between lines 4 and 5, insert the following:

(c) Notwithstanding Section 6.0602, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), as added by this Act, the Texas Racing Commission may not refuse to renew an inactive racetrack license under that section before September 1, 2014.

(3) Reletter the subsequent subsections of SECTION 27 of the bill accordingly.

Amendment No. 23 was withdrawn.

Amendment No. 22 was withdrawn.

#### **Amendment No. 24**

Representative Miles offered the following amendment to **CSHB 2271**:

Floor Packet Page No. 6

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Article 3, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Section 3.23 to read as follows:

Sec. 3.23. HISTORICALLY UNDERUTILIZED BUSINESSES. (a) The commission by rule shall establish a policy to require racetrack license holders to contract with vendors that are historically underutilized businesses under Chapter 2161, Government Code. To the extent practical, the policy must comply with that chapter.

(b) Acceptance of a racetrack license under this Act constitutes an agreement by the racetrack license holder to contract with vendors in accordance with the policy established under Subsection (a) of this section.

#### **Amendment No. 25**

Representative Miles offered the following amendment to Amendment No. 24:

Amend Amendment No. 24 by Miles to **CSHB 2271** (House Committee Printing) by striking lines 7 through 15 and substituting the following:

Sec. 3.23. HISTORICALLY UNDERUTILIZED BUSINESSES. In issuing and renewing a racetrack license, the commission shall:

(1) encourage broad base participation in employment and contracting opportunities;

(2) encourage the development and implementation of a good faith plan for participation of historically underutilized businesses under Chapter 2161, Government Code; and

(3) monitor and document the commission's actions and efforts under Subdivisions (1) and (2) of this section.

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

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

Woolley on motion of Kleinschmidt.

**CSHB 2271 - (consideration continued)**

Amendment No. 25 was adopted.

Amendment No. 24, as amended, failed of adoption by (Record 315): 41 Yeas, 81 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Burnam; Coleman; Dukes; Dutton; Eiland; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Nays — Anderson, C.; Aycocock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Walle; Woolley.

Absent — Bonnen; Driver; Garza; Hernandez Luna; Hilderbran.

**STATEMENTS OF VOTE**

When Record No. 315 was taken, my vote failed to register. I would have voted no.

Bonnen

When Record No. 315 was taken, my vote failed to register. I would have voted no.

Hilderbran

**Amendment No. 26**

Representative Hartnett offered the following amendment to **CSHB 2271**:  
Floor Packet Page No. 14

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 6.06, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Subsection (I) to read as follows:

(l) The commission shall revoke or suspend a racetrack license if, after notice and hearing, it has reasonable grounds to believe and finds that the license holder has not conducted any live or simulcast greyhound or horse racing during the four years preceding the consideration by the commission to revoke or suspend the license.

**Amendment No. 27**

Representative Hartnett offered the following amendment to Amendment No. 26:

Amend Amendment No. 26 by Hartnett to **CSHB 2271** (page 14 of the prefiled amendments packet) as follows:

(1) On page 1, lines 5-6, strike "Subsection (l)" and substitute "Subsections (l) and (m)".

(2) On page 1, line 7, strike "a racetrack" and substitute "an inactive".

(3) On page 1, line 10, strike "or simulcast".

(4) On page 1, line 10, strike "four" and substitute "three".

(5) On page 1, after line 12, insert the following:

(m) The three year period under Subsection (l) of this section begins on the later of September 1, 2011, or the date a new racetrack license is issued under this Act.

Amendment No. 27 was adopted.

**LEAVES OF ABSENCE GRANTED**

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

Giddings on motion of Raymond.

Turner on motion of Raymond.

**CSHB 2271 - (consideration continued)**

Amendment No. 26, as amended, was adopted by (Record 316): 88 Yeas, 35 Nays, 2 Present, not voting.

Yeas — Aliseda; Alvarado; Anchia; Anderson, C.; Anderson, R.; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Gonzales, L.; Gonzalez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Madden; Margo; Menendez; Miller, D.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Price; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Veasey; Vo; Weber; White; Workman; Zedler; Zerwas.



Nays — Alonzo; Aycock; Beck; Burnam; Coleman; Darby; Davis, S.; Dukes; Dutton; Eiland; Farrar; Gallego; Gonzales, V.; Gooden; Guillen; Gutierrez; Howard, D.; Johnson; King, T.; Lozano; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, S.; Muñoz; Naishtat; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Simpson; Villarreal.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Giddings; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Turner; Walle; Woolley.

Absent — Garza; Hernandez Luna.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 316. I intended to vote no.

Alvarado

I was shown voting yes on Record No. 316. I intended to vote no.

Gonzalez

I was shown voting yes on Record No. 316. I intended to vote no.

Vo

### Amendment No. 28

Representative Coleman offered the following amendment to **CSHB 2271**:  
Floor Packet Page No. 5

Amend **CSHB 2271** (house committee printing) as follows:

(1) On page 9, between lines 14 and 15, insert the following:

(f) Notwithstanding Subsection (a) of this section, an inactive license that has changed ownership is not subject to renewal until the fourth anniversary of that date the change in ownership becomes final.

### Amendment No. 29

Representative Coleman offered the following amendment to Amendment No. 28:

Amend Amendment No. 28 by Coleman to **CSHB 2271** (page 5 of the prefiled amendments packet) by striking the text of the amendment and substituting the following:

(1) On page 9, between lines 14 and 15, insert the following:

(f) The commission by rule shall establish criteria to make the determinations under Subsections (c)(1) and (2).

Amendment No. 29 was adopted.

Amendment No. 28, as amended, was adopted.

**CSHB 2271 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE ISAAC: Representative Anchia, is it your understanding that the Texas Racing Commission will not receive funding from general revenue?

REPRESENTATIVE ANCHIA: That is correct. After this bill, we expect it to be completely self-levelling.

ISAAC: Great. Thank you.

**REMARKS ORDERED PRINTED**

Representative Isaac moved to print remarks by Representative Anchia and Representative Isaac.

The motion prevailed.

**CSHB 2271**, as amended, was passed to engrossment. (Berman, Creighton, Flynn, Lavender, Simpson, and White recorded voting no.)

**REASON FOR VOTE**

I am opposed to the state's facilitation of sponsoring or involvement in gambling.

Simpson

**POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

**HB 27 ON THIRD READING**  
(by Guillen)

**HB 27**, A bill to be entitled An Act relating to the payment of fines and costs by defendants who are unable to pay the fines and costs in misdemeanor cases.

**HB 27** was read third time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Alonzo offered the following amendment to **HB 27**:

Amend **HB 27** on third reading as follows:

(1) In SECTION 2 of the bill, strike added Article 42.15(c), Code of Criminal Procedure, and substitute the following:

(c) When imposing a fine and costs in a misdemeanor case, if the court determines that the defendant is unable to immediately pay the fine and costs, the court shall allow the defendant to pay the fine and costs in specified portions at designated intervals.

(2) In SECTION 3 of the bill, strike added Section 45.041(b-2), Code of Criminal Procedure, and substitute the following:

(b-2) When imposing a fine and costs, if the justice or judge determines that the defendant is unable to immediately pay the fine and costs, the justice or judge shall allow the defendant to pay the fine and costs in specified portions at designated intervals.

Amendment No. 1 was adopted.

**HB 27**, as amended, was passed by (Record 317): 80 Yeas, 42 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Beck; Branch; Brown; Burkett; Burnam; Chisum; Coleman; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Farrar; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kolkhorst; Kuempel; Landtroop; Lozano; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Patrick; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Sheets; Shelton; Simpson; Strama; Taylor, V.; Thompson; Truitt; Veasey; Villarreal; Vo; White; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Berman; Bonnen; Button; Cain; Carter; Cook; Craddick; Creighton; Crownover; Darby; Elkins; Fletcher; Flynn; Gooden; Hancock; Harper-Brown; Howard, C.; Hughes; King, P.; Kleinschmidt; Larson; Laubenberg; Lavender; Lewis; Miller, S.; Morrison; Parker; Paxton; Phillips; Pitts; Price; Riddle; Schwertner; Sheffield; Smith, T.; Smith, W.; Weber; Workman; Zedler.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Giddings; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Turner; Walle; Woolley.

Absent — Solomons; Taylor, L.; Torres.

#### **STATEMENTS OF VOTE**

I was shown voting yes on Record No. 317. I intended to vote no.

Driver

I was shown voting yes on Record No. 317. I intended to vote no.

Kuempel

When Record No. 317 was taken, I was in the house but away from my desk. I would have voted no.

L. Taylor

#### **GENERAL STATE CALENDAR HOUSE BILLS SECOND READING**

The following bills were laid before the house and read second time:

**CSHB 362 ON SECOND READING**  
**(by Solomons, et al.)**

**CSHB 362**, A bill to be entitled An Act relating to the regulation by a property owners' association of the installation of solar energy devices and certain roofing materials on property.

**Amendment No. 1**

Representative Solomons offered the following amendment to **CSHB 362**:

Amend **CSHB 362** (house committee printing) as follows:

(1) On page 3, line 14, after "from installing", strike the colon.

(2) Strike page 3, line 15, through page 4, line 3, and substitute the following:

shingles that:

(1) are designed primarily to:

(A) be wind and hail resistant;

(B) provide heating and cooling efficiencies greater than those provided by customary composite shingles; and

(C) provide solar generation capabilities; and

(2) when installed:

(A) resemble the shingles used or otherwise authorized for use on property in the subdivision;

(B) are more durable than and are of equal or superior quality to the shingles described by Paragraph (A); and

(C) match the aesthetics of the property surrounding the owner's property.

Amendment No. 1 was adopted.

**CSHB 362**, as amended, was passed to engrossment. (Berman and White recorded voting no.)

**HB 364 ON SECOND READING**  
**(by Turner)**

**HB 364**, A bill to be entitled An Act relating to condominiums in certain municipalities, including the exercise of eminent domain authority by those municipalities with respect to certain condominiums.

Representative Thompson moved to postpone consideration of **HB 364** until 10 a.m. Monday, April 11.

The motion prevailed.

**CSHB 411 ON SECOND READING**  
**(by Laubenberg and Crownover)**

**CSHB 411**, A bill to be entitled An Act relating to the confidentiality of newborn screening information.

**Amendment No. 1**

Representative Crownover offered the following amendment to **CSHB 411**:

Amend **CSHB 411** (house committee printing) on page 1 by striking lines 19-21 and substituting the following:

(5) "Public health purpose" means a purpose that relates to cancer, a birth defect, an infectious disease, a chronic disease, environmental exposure, or newborn screening.

Amendment No. 1 was adopted.

**CSHB 411**, as amended, was passed to engrossment.

**HB 443 ON SECOND READING**  
**(by Fletcher, Gonzalez, and White)**

**HB 443**, A bill to be entitled An Act relating to the amount of the fee paid by a defendant for a peace officer's services in executing or processing an arrest warrant, capias, or capias pro fine.

Representative Fletcher moved to postpone consideration of **HB 443** until the end of today's calendar.

The motion prevailed.

**HB 630 ON SECOND READING**  
**(by Pickett and W. Smith)**

**HB 630**, A bill to be entitled An Act relating to the authority of the Texas Department of Transportation, counties, regional tollway authorities, and regional mobility authorities to enter into funding agreements to expedite the entity's environmental review duties related to certain transportation projects.

**HB 630** was passed to engrossment.

**CSHB 2193 ON SECOND READING**  
**(by Truitt)**

**CSHB 2193**, A bill to be entitled An Act relating to service and qualifications for membership on an advisory committee established by the Employees Retirement System of Texas to provide advice to the board of trustees on investments and investment-related issues.

**CSHB 2193** was passed to engrossment.

**RESOLUTIONS CALENDAR**

The chair laid before the house the following resolutions on committee report:

**HCR 18**  
**(by Creighton, Raymond, Bohac, Truitt, Peña, et al.)**

**HCR 18**, Urging Congress to propose and submit to the states an amendment to the United States Constitution providing for a federal balanced budget.

Representative Creighton moved to postpone consideration of **HCR 18** until 10 a.m. Wednesday, April 13.

The motion prevailed.

## POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

### HB 243 ON THIRD READING

(by Craddick, Martinez Fischer, Brown, Cook, Menendez, et al.)

**HB 243**, A bill to be entitled An Act relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle.

**HB 243** was read third time earlier today and was postponed until this time.

**HB 243** was passed by (Record 318): 107 Yeas, 16 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Eiland; Eissler; Farrar; Fletcher; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kuempel; Landtroop; Lavender; Lewis; Lozano; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Phillips; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Thompson; Truitt; Veasey; Villarreal; Vo; White; Workman; Zedler; Zerwas.

Nays — Anderson, R.; Dutton; Elkins; Flynn; Hughes; Johnson; King, T.; Kolkhorst; Larson; Laubenberg; Miller, S.; Paxton; Simpson; Taylor, V.; Torres; Weber.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Giddings; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Turner; Walle; Woolley.

Absent — Gutierrez; Pickett.

### STATEMENT OF VOTE

I was shown voting no on Record No. 318. I intended to vote yes.

Kolkhorst

### REASON FOR VOTE

While addressing the dangers of texting while driving is critical, **HB 243** is crafted in a way that will be very difficult for police to fairly enforce. It is almost impossible to distinguish between a driver writing or sending a text message, which is prohibited in the bill, and a driver reading a text message, dialing a phone number, looking at a map, or checking the clock feature, all of which are permissible under **HB 243**, until a case is heard in a court of law. **HB 243**

essentially gives police the ability to pull over any driver they see with a cell phone in his or her hand. This legislation in its current form is not fair to Texas drivers, especially in a state with a well-documented history of racial profiling.

Johnson

**HB 443 ON SECOND READING**  
**(by Fletcher, Gonzalez, and White)**

**HB 443**, A bill to be entitled An Act relating to the amount of the fee paid by a defendant for a peace officer's services in executing or processing an arrest warrant, *capias*, or *capias pro fine*.

**HB 443** was read second time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Lozano offered the following amendment to **HB 443**:

Amend **HB 443** (house committee printing), on page 1, line 15, by striking "\$75" and substituting "\$95".

Amendment No. 1 was withdrawn.

**HB 443** was passed to engrossment.

**SB 14 - REQUEST OF SENATE GRANTED**

On motion of Representative Harless, the house granted the request of the senate for the appointment of a Conference Committee on **SB 14**.

**SB 14 - MOTION TO INSTRUCT CONFEREES**

Representative Martinez moved to instruct the Conference Committee on **SB 14** to include a provision in the bill that requires the changes in law made by the Act to not take effect until the changes are determined by the United States attorney general or the United States District Court for the District of Columbia to have neither the purpose nor the effect of denying or abridging the right to vote on account of race or color or in contravention of the guarantees set forth in 42 U.S.C. Section 1973b(f)(2).

Representative Harless moved to table the motion to instruct the Conference Committee on **SB 14**.

The motion to table prevailed by (Record 319): 83 Yeas, 37 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landroop; Larson; Lavender; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Phillips; Pitts;

Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Coleman; Dukes; Dutton; Eiland; Farrar; Gallego; Gonzales, V.; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Giddings; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Turner; Walle; Woolley.

Absent — Garza; Gonzalez; Laubenberg; Paxton; Smith, W.

### STATEMENT OF VOTE

When Record No. 319 was taken, my vote failed to register. I would have voted yes.

Laubenberg

### SB 14 - MOTION TO INSTRUCT CONFEREES

Representative Anchia moved to instruct the Conference Committee on **SB 14** to follow the senate version of the bill as it relates to making the Act take effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 82nd Legislature.

Representative Harless moved to table the motion to instruct the Conference Committee on **SB 14**.

The motion to table prevailed by (Record 320): 86 Yeas, 36 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Alvarado; Anchia; Burnam; Coleman; Dukes; Dutton; Eiland; Farrar; Gallego; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Veasey; Villarreal; Vo.



Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Giddings; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Turner; Walle; Woolley.

Absent — Driver; Garza; Pickett.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 320. I intended to vote no.

Alonzo

### SB 14 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 14**: Harless, chair; Bonnen, Truitt, Aliseda, and Veasey.

### FIVE-DAY POSTING RULE SUSPENDED

Representative Raymond moved to suspend the five-day posting rule to allow the Committee on Human Services to consider **HB 3051** at 1 p.m. or upon final adjournment/recess Tuesday, April 12 in E2.030.

The motion prevailed.

Representative Truitt moved to suspend the five-day posting rule to allow the Committee on Pensions, Investments, and Financial Services to consider **HB 3747** at 8 a.m. Tuesday, April 12 in E2.014.

The motion prevailed.

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Darby requested permission for the Committee on Transportation to meet while the house is in session, during bill referral Monday, April 11, in 3W.15, to consider pending business.

Permission to meet was granted.

### FIVE-DAY POSTING RULE SUSPENDED

Representative L. Taylor moved to suspend the five-day posting rule to allow the Committee on Elections to consider **HB 1925**, **HB 1975**, **HB 2814**, and **HB 3409** at 2 p.m. or upon final adjournment/recess Monday, April 11 in E2.028.

The motion prevailed.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Human Services, 1 p.m. or upon final adjournment Tuesday, April 12, E2.030, for a public hearing, to consider **HB 3051** and the previously posted agenda.

Transportation, during bill referral Monday, April 11, 3W.15, for a formal meeting, to consider pending business.

Elections, 2 p.m. or upon final adjournment Monday, April 11, E2.028, for a public hearing, to consider **HB 1925**, **HB 1975**, **HB 2814**, **HB 3409**, and the previously posted agenda.

Pensions, Investments, and Financial Services, 8 a.m. Tuesday, April 12, E2.014, for a public hearing, to consider **HB 3747** and the previously posted agenda.

### **PROVIDING FOR ADJOURNMENT**

Representative Dukes moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 1 p.m. Monday, April 11.

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.)

(Hughes in the chair)

### **ADJOURNMENT**

In accordance with a previous motion, the house, at 1:43 p.m., adjourned until 1 p.m. Monday, April 11.

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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 3838** (By Oliveira), Relating to the appointment of bailiffs for certain courts in Cameron County.

To Judiciary and Civil Jurisprudence.

**HB 3839** (By Giddings), Relating to grounds for modification of child support.

To Judiciary and Civil Jurisprudence.

**HR 1139** (By Johnson), Commending Lamonty Lott for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

**HR 1140** (By Johnson), Commending Mark Baker for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

**HR 1141** (By Johnson), Commending Kathryn Hines for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

**HR 1142** (By Johnson), Commending Daniel Clayton for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

**HR 1143** (By Johnson), Commending Deborah Parish for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

**HR 1144** (By Johnson), Commending Lorraine Birabil for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

**HR 1145** (By Johnson), Commending Jean Ball for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

**HR 1146** (By Johnson), Commending Jean P. Mackaly for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

**HR 1147** (By Johnson), Commending George Collins for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

**HR 1148** (By Madden), Congratulating Plano Police Department volunteer Neal J. Katz on being named a 2010 Outstanding Crime Prevention Citizen by the Texas Crime Prevention Association.

To Rules and Resolutions.

**HR 1149** (By Madden), Welcoming members of the Texas Catholic Conference to the State Capitol on April 6, 2011.

To Rules and Resolutions.

**HR 1150** (By Sheffield), Recognizing April 4 through 8, 2011, as Connect a Million Minds Week.

To Rules and Resolutions.

**HR 1151** (By Sheffield), In memory of Eldo Johnson of Temple.

To Rules and Resolutions.

**HR 1152** (By Flynn), Congratulating the Martins Mill High School girls' basketball team on a successful 2010-2011 season.

To Rules and Resolutions.

**HR 1153** (By Flynn), Congratulating the Canton High School girls' powerlifting team on winning its second consecutive Class 3A state title.

To Rules and Resolutions.

**HR 1154** (By Flynn), Commemorating the 100th anniversary of the Santa Fe Depot, home of the Wolfe City Public Library.

To Rules and Resolutions.

**HR 1155** (By Eissler), Congratulating The Woodlands High School on winning the 2009-2010 UIL 5A Lone Star Cup.

To Rules and Resolutions.

**HR 1156** (By Harless), Congratulating Dr. David Anthony on his retirement as superintendent of Cypress-Fairbanks Independent School District.

To Rules and Resolutions.

**HR 1158** (By Giddings), Honoring the National Council of Negro Women, Inc., Minnie H. Goodlow Page Section on the occasion of its ninth annual Spring Hat Extravaganza and Tea.

To Rules and Resolutions.

**HR 1159** (By C. Anderson), In memory of Arthur Schaffer of Waco.

To Rules and Resolutions.

**HR 1160** (By C. Anderson), Congratulating the A. J. Moore Academy in Waco on being designated as a Distinguished Academy by the National Academy Foundation.

To Rules and Resolutions.

**HR 1161** (By C. Anderson), In memory of Eileene Musson Anders of Whitney.

To Rules and Resolutions.

**HR 1162** (By C. Anderson), In memory of Edward Maurice Arnold of Bosqueville.

To Rules and Resolutions.

**HR 1163** (By C. Anderson), In memory of Lois Mae Haynes of Waco.

To Rules and Resolutions.

**HR 1164** (By Callegari), Congratulating Dr. Mark Bing on his induction into the Texas High School Football Hall of Fame.

To Rules and Resolutions.

**HR 1165** (By Callegari), Commending Oakmont Healthcare and Rehab Center of Katy for providing an outstanding level of care.

To Rules and Resolutions.

**HR 1166** (By Workman), In memory of former Lakeway Mayor Cuth Kenneth "Ken" Shepherd.

To Rules and Resolutions.

**HR 1168** (By Flynn), Congratulating Jesse and Peggy Elmore of Caddo Mills on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1169** (By Flynn), Congratulating Calvin and Naomi Thompson of Canton on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 1170** (By Flynn), Congratulating Jerry and Judy Pugh of Canton on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1171** (By Vo), Observing the 36th anniversary of the fall of Saigon.

To Rules and Resolutions.

**HR 1172** (By Landtroop), Honoring Leadership Plainview for its promotion of civic leadership and volunteerism.

To Rules and Resolutions.

**HR 1173** (By Isaac), In memory of Raymond Oren Whisenant, Sr., of Dripping Springs.

To Rules and Resolutions.

**HR 1175** (By Zedler), In memory of Peggy Darlene Carriker of Arlington.

To Rules and Resolutions.

**HR 1177** (By Craddick), Congratulating Susie's South Forty Confections, Inc., on its 20th anniversary.

To Rules and Resolutions.

**HR 1178** (By Eiland), Commemorating the reopening of the main terminal building at Scholes International Airport at Galveston.

To Rules and Resolutions.

**HR 1179** (By Madden), Honoring Conquer Chiari for its efforts in behalf of those with Chiari and syringomyelia.

To Rules and Resolutions.

**HR 1180** (By Madden), Commemorating the 40th anniversary of Edward Nahas's immigration to the United States and honoring Mr. Nahas and his wife, Alda.

To Rules and Resolutions.

**HR 1181** (By Lyne), Congratulating Taylor Levy on winning first place in the 2010-2011 Texas VFW Voice of Democracy essay contest.

To Rules and Resolutions.

**HR 1184** (By Quintanilla), Congratulating Martha Serna on her selection as the 2010-2011 Texas Adult Educator of the Year by the Texas Association for Literacy and Adult Education.

To Rules and Resolutions.

**HR 1185** (By Marquez), Congratulating the Mithoff Burton Partners advertising firm in El Paso on its 80th anniversary.

To Rules and Resolutions.

**HR 1186** (By Marquez), Congratulating Bob Kitchens on his retirement as the track coach of The University of Texas at El Paso.

To Rules and Resolutions.

**HR 1187** (By Marquez), Honoring The University of Texas at El Paso men's basketball team on its achievements during the 2010-2011 season.

To Rules and Resolutions.

**HR 1188** (By Marquez), In memory of Hector Licon of El Paso.

To Rules and Resolutions.

**HR 1189** (By Flynn), Congratulating Roy DeWitt Deen of Wills Point on his 99th birthday.

To Rules and Resolutions.

**HR 1191** (By S. King), Congratulating the Wylie High School tennis team on winning the 2011 Texas Tennis Coaches Association 3A state championship.

To Rules and Resolutions.

**HR 1192** (By McClendon), Congratulating Dr. Dianna Burns-Banks on her recognition as a Gracious Giver at the North Star Gives event.

To Rules and Resolutions.

**HR 1195** (By Creighton), Commemorating the dedication of the Lone Star Monument and Historical Flag Park in Conroe.

To Rules and Resolutions.

**HR 1199** (By Patrick), Honoring the Pantego Youth Leadership Council for its work to develop community leaders.

To Rules and Resolutions.

**HR 1200** (By L. Taylor), Commending the Friendswood Senior Citizen Program for enriching the lives of seniors in the community.

To Rules and Resolutions.

**HR 1201** (By Fletcher), In memory of Officer Craig G. Story of the Arlington Police Department.

To Rules and Resolutions.

**HR 1202** (By Fletcher), In memory of Detention Officer Dionicio M. Camacho of the Harris County Sheriff's Office.

To Rules and Resolutions.

**HR 1203** (By Fletcher), In memory of Sergeant Timothy Gerard Olsovsky of the Victoria County Sheriff's Office.

To Rules and Resolutions.

**HR 1204** (By Fletcher), In memory of Deputy Sheriff Francis David Blake of the Burnet County Sheriff's Office.

To Rules and Resolutions.

**HR 1205** (By Fletcher), In memory of Officer Jesse Thomas Hamilton of the Pasadena Police Department.

To Rules and Resolutions.

**HR 1206** (By Fletcher), In memory of Deputy Sheriff Shane Thomas Detwiler of the Chambers County Sheriff's Office.

To Rules and Resolutions.

**HR 1207** (By Fletcher), In memory of Officer Henry Canales of the Houston Police Department.

To Rules and Resolutions.

**HR 1208** (By Fletcher), In memory of Border Patrol Agent Cruz C. McGuire of U.S. Customs and Border Protection.

To Rules and Resolutions.

**HR 1209** (By Fletcher), In memory of Deputy Sheriff D. Martin Robert Harvey of the Lubbock County Sheriff's Office.

To Rules and Resolutions.

**HR 1210** (By Fletcher), In memory of Sergeant Randall Dewayne White of the Bridgeport Police Department.

To Rules and Resolutions.

**HR 1211** (By Fletcher), In memory of Lieutenant Stuart Jay Alexander of the Corpus Christi Police Department.

To Rules and Resolutions.

**HR 1212** (By Fletcher), In memory of Detention Officer Cesar Arreola of the El Paso County Sheriff's Office.

To Rules and Resolutions.

**HR 1213** (By Fletcher), In memory of Senior Corporal Norman Stephen Smith of the Dallas Police Department.

To Rules and Resolutions.

**HR 1214** (By Fletcher), In memory of Officer Jillian Michelle Smith of the Arlington Police Department.

To Rules and Resolutions.

**HR 1215** (By Fletcher), In memory of Deputy Sheriff Michael R. Schaefer of the Uvalde County Sheriff's Office.

To Rules and Resolutions.

**HR 1216** (By Fletcher), In memory of Officer Ann N. O'Donnell of the University of Houston Police Department.

To Rules and Resolutions.

**HR 1217** (By Fletcher), In memory of Officer Andrew J. Rameas of the Harker Heights Police Department.

To Rules and Resolutions.

**HR 1218** (By Fletcher), In memory of Trooper Jonathan T. McDonald of the Texas Department of Public Safety.

To Rules and Resolutions.

**HR 1219** (By Fletcher), In memory of Officer Sergio A. Antillon of the San Antonio Police Department.

To Rules and Resolutions.

**HR 1220** (By Fletcher), In memory of Deputy Sheriff Odell McDuffie, Jr., of the Liberty County Sheriff's Office.

To Rules and Resolutions.

**HR 1221** (By Fletcher), In memory of Officer Karl R. McDonough of the El Paso Police Department.

To Rules and Resolutions.

**HR 1222** (By Fletcher), In memory of Corporal David Ralph Slaton of the Texas Department of Public Safety.

To Rules and Resolutions.

**HR 1223** (By Fletcher), In memory of Corrections Officer Kellie Pena of the Texas Department of Criminal Justice.

To Rules and Resolutions.

**HR 1224** (By Fletcher), In memory of Officer Leonard Reed of the Cedar Park Police Department.

To Rules and Resolutions.

**HR 1225** (By Fletcher), In memory of Officer Craig L. Shaw of the Lancaster Police Department.

To Rules and Resolutions.

**HR 1226** (By Fletcher), In memory of Border Patrol Agent Mark Van Doren of U.S. Customs and Border Protection.

To Rules and Resolutions.

**HR 1227** (By Fletcher), In memory of Officer Eydelmen Mani of the Houston Police Department.

To Rules and Resolutions.

**HR 1228** (By Fletcher), In memory of Officer Rodney T. Holder of the Abilene Police Department.

To Rules and Resolutions.

**HR 1229** (By Fletcher), In memory of Deputy Sheriff Jacob Rene Rayos of the Reeves County Sheriff's Office.

To Rules and Resolutions.

**HR 1230** (By Fletcher), In memory of Constable John William Brown of the Calhoun County Constable's Office Precinct No. 5.

To Rules and Resolutions.

**HR 1231** (By Fletcher), In memory of Officer Timothy Joseph Zurovetz of the Forest Hill Police Department.

To Rules and Resolutions.

**HR 1232** (By Woolley), Congratulating Village Republican Women on its 50th anniversary.

To Rules and Resolutions.

**HR 1233** (By Margo), In memory of Colonel Milton Leland Haskin of El Paso.

To Rules and Resolutions.

**HR 1234** (By Landtroop), In memory of Texas Department of Public Safety trooper Jonathan Thomas McDonald of Post.

To Rules and Resolutions.



**HR 1235** (By McClendon), Honoring Fiesta San Antonio 2011 and commending the event's organizers.

To Rules and Resolutions.

**HR 1236** (By Alonzo), Congratulating the Mountain View College men's basketball team on winning the National Junior College Athletic Association Division III championship.

To Rules and Resolutions.

**HR 1237** (By Guillen), Honoring Lori Peterson Perez for her community service in Rio Grande City and Starr County.

To Rules and Resolutions.

**HR 1238** (By Guillen), Paying tribute to the life of James Edwin Peterson of Rio Grande City.

To Rules and Resolutions.

**HR 1239** (By Guillen), Congratulating the Benavides High School Lady Eagles basketball team on winning district and bi-district championships during the 2010-2011 season.

To Rules and Resolutions.

**HR 1240** (By Burkett), Congratulating Elaine Whitlock of Ed Hodges Elementary School on her selection as the 2010-2011 Elementary School Principal of the Year by the Mesquite Independent School District Council of PTAs.

To Rules and Resolutions.

**HR 1241** (By Shelton), Congratulating the Paschal High School science team in Fort Worth for winning the 2011 5A Science State Championship sponsored by the Texas Math and Science Coaches Association.

To Rules and Resolutions.

**HR 1242** (By Shelton), Congratulating scout executive Dan Clifton on his retirement from the Longhorn Council of the Boy Scouts of America.

To Rules and Resolutions.

**SB 655** to Energy Resources.

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**April 7**

Agriculture and Livestock - **HB 2334**

Corrections - **HB 2004, HB 2734**

Criminal Jurisprudence - **HB 470, HB 1103, HB 1658, HB 2662, HB 2725, HJR 98**

Culture, Recreation, and Tourism - **HB 384**

Elections - **HB 1616**

Higher Education - **HB 736**

Land and Resource Management - **HB 91**

Public Education - **HB 968**

Public Health - **HB 2904, SB 156**

State Affairs - **HB 265, HB 816, HB 892, HB 966, HB 1774, HB 2499, HB 2632, HB 2680, HCR 69**

Transportation - **HB 1486, HB 1541, HB 1866, HB 1896, HB 2017, HB 2195, HB 2346, HB 2541, HB 2771, HB 2792**

**ENGROSSED**

**April 7 - HB 690, HB 849**

**ENROLLED**

**April 7 - HCR 64, HCR 65, HCR 150**

**SENT TO THE GOVERNOR**

**April 7 - HCR 64, HCR 65, HCR 150**

**SIGNED BY THE GOVERNOR**

**April 7 - HCR 62, HCR 114**