

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-NINTH DAY — TUESDAY, MARCH 8, 2005

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 42).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

The invocation was offered by Byron V. McWilliams, pastor, First Baptist Church, Odessa, as follows:

Dear Heavenly Father, thank you for this beautiful day you have given us to assemble together in our state's capitol building. We honor you as the creator of heaven and earth and the one who is the maker of life. You and you alone are worthy to be praised.

Father, our state has a rich heritage, and we thank you for that. It is filled with wonderful people, for that we give you thanks. It is a wonderful place to live, and again we say thank you.

Dear Lord, on this day these men and women gather together in these hallowed halls to represent this great State of Texas. I thank you for their representation, diligence, and the democratic process at work. These are our elected officials in this great state. They are the people's representation, and I thank you for each of them.

O God, I pray you grant wisdom to every man and woman in this capitol building as they do what they have been elected to do. I pray for decision making that brings honor to you and reflects well upon us as the great state we are. I pray specifically for our governor, the Honorable Rick Perry. Give him superb wisdom and guidance to lead our great state in these days of uncertainty. For Governor Perry, his entire cabinet, and every member of this house of representatives that is assembled here, I pray your guidance. In fact, Father, just as King David led the people of Israel with integrity of heart and skillfulness of hand, I pray those that guide our state will lead with the same integrity of heart and skillfulness of hand. May we be people who honor you, O Lord.

I thank you, again, for this great state in which we reside and for the fact that we can call ourselves Texans. And Father, if you will allow me a small indulgence for a moment, dear God, I confess that I am proud to call myself a Texan for it is the greatest state in the union. So God, what do you ask of these men and women; O God, what do you ask of all of us? As your word tells us in Micah 6:8, may we always live "to act justly, to love mercy, and to walk humbly with our God," and in the proportion that we honor you by doing that, may you honor us individually and as a state. Thank you, dear God, for Texas. Thank you, dear God, for these representatives. In the name of Jesus. Amen.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Morrison who presented Dr. Barbara Nell Conner of Hallettsville as the "Doctor for the Day."

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

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 644 - ADOPTED (by Kolkhorst)

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 644**.

The motion prevailed.

The following resolution was laid before the house:

HR 644, In memory of Kevin Kulow of Sealy.

HR 644 was read and was unanimously adopted by a rising vote.

On motion of Representative Hochberg, the names of all the members of the house were added to **HR 644** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Kolkhorst who introduced the family of Kevin Kulow.

**HR 541 - ADOPTED
(by T. King)**

Representative T. King moved to suspend all necessary rules to take up and consider at this time **HR 541**.

The motion prevailed.

The following resolution was laid before the house:

HR 541, Honoring the life of U.S. Marine Lance Corporal Rhonald Dain Rairdan of San Antonio.

HR 541 was read and was unanimously adopted by a rising vote.

On motion of Representative Uresti, the names of all the members of the house were added to **HR 541** as signers thereof.

**HR 695 - ADOPTED
(by Eiland)**

Representative Eiland moved to suspend all necessary rules to take up and consider at this time **HR 695**.

The motion prevailed.

The following resolution was laid before the house:

HR 695, In memory of Captain Grady Burke of Texas City.

(Gonzales in the chair)

HR 695 was read and was unanimously adopted by a rising vote.

On motion of Representative Bonnen, the names of all the members of the house were added to **HR 695** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Eiland who introduced the family of Captain Grady Burke.

**HR 571 - ADOPTED
(by Crownover)**

Representative Crownover moved to suspend all necessary rules to take up and consider at this time **HR 571**.

The motion prevailed.

The following resolution was laid before the house:

HR 571, Recognizing March 8, 2005, as Little Elm Day at the State Capitol.

HR 571 was adopted.

HR 455 - ADOPTED**(by J. Jones)**

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HR 455**.

The motion prevailed.

The following resolution was laid before the house:

HR 455, Honoring members of the Seagoville Chamber of Commerce on the occasion of their visit to the State Capitol.

HR 455 was adopted.

HR 611 - ADOPTED**(by B. Brown)**

Representative B. Brown moved to suspend all necessary rules to take up and consider at this time **HR 611**.

The motion prevailed.

The following resolution was laid before the house:

HR 611, Honoring Henderson County 4-H members on the occasion of their visit to the State Capitol.

HR 611 was adopted.

HR 588 - ADOPTED**(by B. Brown)**

Representative B. Brown moved to suspend all necessary rules to take up and consider at this time **HR 588**.

The motion prevailed.

The following resolution was laid before the house:

HR 588, Recognizing the Kaufman County 4-H Program on the occasion of its participants' visit to the State Capitol.

HR 588 was adopted.

HR 694 - ADOPTED**(by Kolkhorst)**

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 694**.

The motion prevailed.

The following resolution was laid before the house:

HR 694, Recognizing March 8, 2005, as Washington County Day at the State Capitol.

HR 694 was adopted.

HR 691 - ADOPTED
(by Dawson)

Representative Dawson moved to suspend all necessary rules to take up and consider at this time **HR 691**.

The motion prevailed.

The following resolution was laid before the house:

HR 691, Recognizing March 8, 2005, as Transplant Day at the State Capitol.

HR 691 was adopted.

HCR 92 - ADOPTED
(by Rose and R. Cook)

Representative Rose moved to suspend all necessary rules to take up and consider at this time **HCR 92**.

The motion prevailed.

The following resolution was laid before the house:

HCR 92, Honoring Verlin Callahan of Cedar Creek for his service to the Independent Cattlemen's Association of Texas and the wider Central Texas community.

HCR 92 was adopted.

HR 679 - ADOPTED
(by Goolsby)

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 679**.

The motion prevailed.

The following resolution was laid before the house:

HR 679, In memory of Markus Abraham Rosenberg of Dallas.

HR 679 was unanimously adopted by a rising vote.

HR 680 - ADOPTED
(by Goolsby)

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 680**.

The motion prevailed.

The following resolution was laid before the house:

HR 680, Honoring Gloria Hoffman Snyder on her 25th anniversary as head of the Parish Episcopal School in Richardson.

HR 680 was adopted.

(Speaker in the chair)

CSHB 3 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to House Rule 3, Section 5(2), and House Rule 6, Section 16(f), Representative Woolley moved to adopt the following rule governing floor consideration for **CSHB 3**:

(a) All original amendments that will be offered during second reading consideration of **CSHB 3** must be filed with the chief clerk not later than 5 p.m. on Wednesday, March 9, 2005.

(b) An amendment to **CSHB 3** is in order unless it is revenue neutral.

(c) For purposes of this rule, the fiscal impact of an amendment will be determined based on estimates provided by the Legislative Budget Board and the Office of the Comptroller.

(d) This rule does not apply to an amendment that makes an adjustment solely to correct a technical or clerical error.

A record vote was requested.

The motion prevailed by (Record 43): 105 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Eissler; Elkins; Farabee; Flores; Flynn; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pickett; Pitts; Puente; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Eiland; Escobar; Farrar; Frost; Gallego; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hochberg; Jones, J.; Laney; Leibowitz; Martinez Fischer; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Quintanilla; Raymond; Rodriguez; Solis; Strama; Thompson; Veasey.

Present, not voting — Mr. Speaker(C).

Absent — Allen, R.; Chavez; Hodge; Uresti.

STATEMENTS OF VOTE

When Record No. 43 was taken, my vote failed to register. I would have voted yes.

R. Allen

I was shown voting yes on Record No. 43. I intended to vote no.

Vo

POSTPONED BUSINESS

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

HB 639 ON SECOND READING (by Bailey, et al.)

HB 639, A bill to be entitled An Act relating to complaints against certain peace officers and fire fighters.

HB 639 was read second time on March 2 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Bailey offered the following amendment to **HB 639**:

Amend **HB 639** as follows:

(1) On page 1, strike lines 9-20 (committee printing) and substitute the following:

Sec. 614.021. APPLICABILITY OF SUBCHAPTER. (a) Except as provided by Subsection (b), this ~~[This]~~ subchapter applies only to a complaint against:

(1) a law enforcement officer of the State of Texas, including an officer of the Department of Public Safety or of the Texas Alcoholic Beverage Commission;

(2) a fire fighter who is employed by this state or a political subdivision of this state ~~[not covered by a civil service statute]~~; ~~[or]~~

(3) a peace ~~[police]~~ officer under Article 2.12, Code of Criminal Procedure, or other law who is appointed or employed by a political subdivision of this state; or

(4) a detention officer or county jailer who is appointed or employed by a political subdivision of this state ~~[not covered by a civil service statute]~~.

(b) This subchapter does not apply to a peace officer or fire fighter appointed or employed by a political subdivision that is covered by a meet and confer or collective bargaining agreement under Chapter 143 or 174, Local Government Code, if that agreement includes provisions relating to the investigation of, and disciplinary action resulting from, a complaint against a peace officer or fire fighter, as applicable.

(2) On page 2, strike lines 3-16 (committee printing) and substitute the following:

Sec. 614.023. COPY OF COMPLAINT TO BE GIVEN TO OFFICER OR EMPLOYEE. (a) A copy of a signed complaint against a law enforcement officer of this state or a ~~[a]~~ fire fighter, detention officer, county jailer, or peace ~~[police]~~ officer appointed or employed by a political subdivision of this state shall be given to the officer or employee within a reasonable time after the complaint is filed.

(b) Disciplinary action may not be taken against the officer or employee unless a copy of the signed complaint is given to the officer or employee.

(c) In addition to the requirement of Subsection (b), the officer or employee may not be indefinitely suspended or terminated from employment based on the subject matter of the complaint unless:

(1) the complaint is investigated; and

(2) there is evidence to prove the allegation of misconduct.

Amendment No. 1 was adopted.

HB 639, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**EMERGENCY CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 2 ON SECOND READING
(by Grusendorf, J. Keffer, and Hill)**

CSHB 2, A bill to be entitled An Act relating to public education and public school finance matters.

RECESS

At 12:10 p.m., the speaker announced that the house would stand recessed until 1:30 p.m. today.

AFTERNOON SESSION

The house met at 1:30 p.m. and was called to order by the speaker.

CSHB 2 - (pending business)

Amendment No. 1

Representative Grusendorf offered the following amendment to **CSHB 2**:

Floor Packet Page No. 108

Amend **CSHB 2** as follows:

(1) On page 19, lines 2-3, strike "except that a district whose adopted tax rate does not exceed \$1.00 per \$100 of valuation is not entitled to enrichment revenue" and substitute the following:

except that:

(1) a district whose adopted tax rate does not exceed \$1.00 per \$100 of valuation is not entitled to enrichment revenue; and

(2) a district's enrichment tax rate may not exceed the amount by which the district's adopted tax rate exceeds \$1.00 per \$100 of valuation

(2) On page 33, strike lines 2-3 and substitute "amount described by Section 42.311(a) (1) (A) (i):".

(3) On page 47, strike lines 17-27 and substitute the following:

Sec. 41.091. AGREEMENT. (a) A school district subject to Section 42.401 [~~with a wealth per student that exceeds the equalized wealth level.~~] may execute an agreement with the commissioner to purchase attendance credits in an

amount equal to the lesser of the difference between the district's local share under Section 42.306 and the district's tier one allotment under Section 42.304 or the amount equal to 35 percent of the district's total maintenance and operations tax revenue [sufficient, in combination with any other actions taken under this chapter, to reduce the district's wealth per student to a level that is equal to or less than the equalized wealth level].

(b) Notwithstanding Subsection (a), for the 2005-2006, 2006-2007, and 2007-2008 school years, the amount of attendance credits required to be purchased is equal to the greater of:

(1) the amount required under Subsection (a); or

(2) the amount equal to the percentage of the district's total maintenance and operations tax revenue that permits the district to retain the maximum revenue allowed under Section 42.312 for the applicable school year.

(c) Subsection (b) and this subsection expire September 1, 2008.

(4) On page 48, strike lines 1-7.

(5) On page 50, strike lines 26-27 and substitute the following:

SECTION 1A.14. Section 45.003, Education Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(6) On page 51, between lines 9 and 10, insert the following:

(e) Notwithstanding Subsection (a), a district may not adopt a tax rate for the maintenance and operations of the district that exceeds the sum of the maximum rates for purposes of Sections 42.253 and 42.306(a) unless that rate is approved by two-thirds of the qualified voters voting in an election held for that purpose. This subsection does not authorize the adoption of a tax rate for the maintenance and operations of the district that exceeds the maximum rate prescribed by Subsection (d). This subsection expires January 1, 2009.

(7) On page 51, strike the sentence that begins on line 21.

(8) On page 52, lines 7-8, strike "described by Sections 42.311(a) (1) and (2)" and substitute "to which the district is entitled under Section 42.311".

(9) On page 52, lines 17-18, strike "not to exceed the sum of the maximum rates for purposes of Sections 42.253 and 42.306(a)".

(10) On page 52, line 19, strike "a majority of".

(11) On page 130, line 4, strike "foundation school" and substitute "private foundation".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Grusendorf offered the following amendment to **CSHB 2**:
Floor Packet Page No. 323

Amend **CSHB 2** by adding the following section on page ____, line ____

If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Amendment No. 2 was adopted.

Amendment No. 3

Representatives Hochberg, Oliveira, A. Allen, Alonzo, Burnam, Castro, Coleman, R. Cook, Y. Davis, Deshotel, Dukes, Dunnam, Dutton, Eiland, Farabee, Farrar, Frost, Gallego, Herrero, Homer, Hopson, Martinez, Martinez Fischer, Menendez, McReynolds, J. Moreno, P. Moreno, Naishtat, Olivo, Peña, Quintanilla, Rodriguez, Solis, Thompson, Veasey, Villarreal, Vo, Anchia, Pickett, Escobar, M. Noriega, Leibowitz, and Gonzales offered the following amendment to **CSHB 2**:

Floor Packet Page No. 41

Amend **CSHB 2** as follows:

(1) Strike Article 1 and substitute the following:

"ARTICLE 1. PUBLIC SCHOOL FINANCE
PART A. EDUCATION FUNDING

SECTION 1A.01. Effective September 1, 2005, Section 42.101, Subchapter B, Chapter 42, Education Code is amended to read as follows:

Sec. 42.101. BASIC ALLOTMENT. For each student in average daily attendance, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or career and technology education programs, for which an additional allotment is made under Subchapter C, a district is entitled to an allotment of \$3096 [~~\$2,537~~]. A greater amount for any school year may be provided by appropriation.

SECTION 1A.02. Effective September 1, 2006, Section 42.101, Subchapter B, Chapter 42, Education Code is amended to read as follows:

Sec. 42.101. BASIC ALLOTMENT. For each student in average daily attendance, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or career and technology education programs, for which an additional allotment is made under Subchapter C, a district is entitled to an allotment of \$3225 [~~\$2,537~~]. A greater amount for any school year may be provided by appropriation.

SECTION 1A.03. Section 42.152, Subchapter C, Chapter 42, Education Code is amended by amending Subsections (a) and (t) and adding Subsection (c-2) to read as follows:

(a) For each student who is educationally disadvantaged or who is a student who does not have a disability and resides in a residential placement facility in a district in which the student's parent or legal guardian does not reside, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 0.25 [~~0.2~~], and by 2.41 for each full-time equivalent student who is in a remedial and support program under Section 29.081 because the student is pregnant.

(c-2) Notwithstanding Subsection (c), a school district may use funds allocated under this section to provide Saturday classes for third grade students who fail to perform satisfactorily on an assessment instrument administered under Section 39.023.

(t) A reduction made under this section or the General Appropriations Act in the allotment under this section, including a reduction under Section 39.031(a), does not affect the computation of students in weighted average daily attendance

for purposes of Subchapter F except that the reduction shall be applied in the same manner to districts that receive payments under Chapter 42 and districts that make payments under Chapter 41.

SECTION 1A.04. Section 42.153(a), Subchapter C, Chapter 42, Education Code is amended to read as follows:

(a) For each student in average daily attendance in a bilingual education or special language program under Subchapter B, Chapter 29, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 0.15 ~~[0.1]~~.

SECTION 1A.05. Section 42.154(a), Subchapter C, Chapter 42, Education Code is amended to read as follows:

(a) For each full-time equivalent student in average daily attendance in an approved career and technology education program in grades ~~[nine through 12 or in career and technology education programs for students with disabilities in grades]~~ seven through 12, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by a weight of 1.35.

SECTION 1A.06. Section 42.155, Subchapter C, Chapter 42, Education Code is amended by adding subsection (l) to read as follows:

(l) Beginning in the 2005-2006 school year, the allocation per mile of approved route shall be at least thirty-five percent higher than the allocation per mile for the 2004-2005 school year.

SECTION 1A.07. Subchapter C, Chapter 42, Education Code is amended by adding Section 42.159 to read as follows:

Sec. 42.159. INSTRUCTIONAL MATERIALS AND TECHNOLOGY ALLOTMENT. (a) For each student in average daily attendance, a school district is entitled to an annual allotment of \$150.

(b) Funds allotted under this section may be used only to purchase approved instructional materials, including online instructional materials.

(c) This section applies beginning with the 2006-2007 school year. This subsection expires September 1, 2007.

SECTION 1A.08. Section 42.2511(a), Education Code, is amended to read as follows:

(a) Notwithstanding any other provision of this chapter, a school district is entitled to additional state aid to the extent that state aid under this chapter based on the determination of the school district's taxable value of property as provided under Subchapter M, Chapter 403, Government Code, does not fully compensate the district for ad valorem tax revenue lost due to the increase in the homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, as proposed by HJR , 79th Legislature, Regular Session, 2005 ~~[HJR 4, 75th Legislature, Regular Session, 1997, and the additional limitation on tax increases under Section 1-b(d), Article VIII, Texas Constitution, as proposed by HJR 4, 75th Legislature, Regular Session, 1997].~~

SECTION 1A.09. Effective September 1, 2005, Section 42.2512, Education Code, is amended to read as follows:

Sec. 42.2512. ADDITIONAL STATE AID FOR PROFESSIONAL STAFF SALARIES. (a) A school district, including a school district that is otherwise ineligible for state aid under this chapter, is entitled to state aid in an amount, as determined by the commissioner, equal to the difference, if any, between:

(1) an amount equal to the product of \$2,400 [~~\$3,000~~] multiplied by the number of classroom teachers, full-time librarians, full-time counselors certified under Subchapter B, Chapter 21, and full-time school nurses employed by the district and entitled to a minimum salary under Section 21.402; and

(2) an amount equal to 80 percent of the amount of additional funds to which the district is entitled due to the increases made by Sections 1A.01, 1A.13, and 1A.14, HB 2, Acts of the 79th Legislature, Regular Session, 2005 [~~SB 4, Acts of the 76th Legislature, Regular Session, 1999~~], to:

(A) the equalized wealth level under Section 41.002;

(B) the basic allotment under Section 42.101; and

(C) the guaranteed level of state and local funds per weighted student per cent of tax effort under Section 42.302.

SECTION 1A.10. Effective September 1, 2006, Section 42.2512, Education Code, is amended to read as follows:

Sec. 42.2512. ADDITIONAL STATE AID FOR PROFESSIONAL STAFF SALARIES. (a) A school district, including a school district that is otherwise ineligible for state aid under this chapter, is entitled to state aid in an amount, as determined by the commissioner, equal to the difference, if any, between:

(1) an amount equal to the product of \$2,400 [~~\$3,000~~] multiplied by the number of classroom teachers, full-time librarians, full-time counselors certified under Subchapter B, Chapter 21, and full-time school nurses employed by the district and entitled to a minimum salary under Section 21.402; and

(2) an amount equal to 80 percent of the amount of additional funds to which the district is entitled due to the increases made by Sections 1A.02, 1A.13, and 1A.14, HB 2, Acts of the 79th Legislature, Regular Session, 2005 [~~SB 4, Acts of the 76th Legislature, Regular Session, 1999~~], to:

(A) the equalized wealth level under Section 41.002;

(B) the basic allotment under Section 42.101;

and

(C) the guaranteed level of state and local funds per weighted student per cent of tax effort under Section 42.302.

SECTION 1A.11. Subchapter E, Chapter 42, Education Code is amended by adding Section 42.2513 to read as follows:

Sec. 42.2513. ADDITIONAL TRANSITIONAL AID. (a) Notwithstanding any other provision of this chapter or Chapter 41, and provided that a school district imposes a tax of at least \$1.25 on the \$100 valuation of taxable property, a school district is entitled to the amount of state revenue necessary to maintain state and local revenue per student in weighted average daily attendance in the amount equal to the sum of:

(1) the greater of:

(A) the amount of state and local revenue per student in weighted average daily attendance for the maintenance and operation of the district, to which the district was entitled for the 2004-2005 school year under Chapter 42, or, if the district was subject to Chapter 41, the amount to which the district was entitled under that chapter, including any amounts the district received under Rider 82, page III-23, Chapter 1330, Acts of the 78th Legislature, Regular Session, 2003 (the General Appropriations Act); or

(B) the amount of state and local revenue per student in weighted average daily attendance for the maintenance and operation of the district to which the district would have been entitled for the 2005-2006 school year under Chapter 42, as that chapter existed on January 1, 2005, or, if the district would have been subject to Chapter 41, as that chapter existed on January 1, 2005, the amount to which the district would have been entitled under that chapter, based on the funding elements in effect for the 2004-2005 school year and including any amounts described by Rider 82, page III-23, Chapter 1330, Acts of the 78th Legislature, Regular Session, 2003 (the General Appropriations Act); and

(2) an amount equal to three percent of the greater of the amounts described by Subdivision (1).

(b) The amount of revenue to which a school district is entitled because of the technology allotment under Section 32.005 or the instructional materials and technology allotment under Section 42.241 is not included in making a determination under Subsection (a).

(c) The commissioner shall determine the amount of state funds to which a school district is entitled under this section. The commissioner's determination is final and may not be appealed.

SECTION 1A.12. Section 42.252(a), Subchapter E, Chapter 42, Education Code is amended to read as follows:

(a) Each school district's share of the Foundation School Program is determined by the following formula:

$$LFA = TR \times DPV$$

where:

"LFA" is the school district's local share;

"TR" is a tax rate which when multiplied by the ratio of the actual taxable value of the property in the district for the current tax year divided by the taxable value of property in the district for the preceding tax year as determined under Subchapter M, Chapter 403, Government Code, raises \$0.86 for each hundred dollars of valuation [~~is an effective tax rate of \$0.86~~]; and

"DPV" is the taxable property value in the school district for the preceding year determined under Subchapter M, Chapter 403 Government Code.

SECTION 1A.13. Section 42.302(a), Subchapter E, Chapter 42, Education Code is amended to read as follows:

(a) Each school district is guaranteed a specified amount per weighted student in state and local funds for each cent of tax effort over that required for the district's local fund assignment up to the maximum level specified in this subchapter. The amount of state support, subject only to the maximum amount under Section 42.303, is determined by the formula:

$$\text{GYA} = (\text{GL} \times \text{WADA} \times \text{DTR} \times 100) - \text{LR}$$

where:

"GYA" is the guaranteed yield amount of state funds to be allocated to the district;

"GL" is the dollar amount guaranteed level of state and local funds per weighted student per cent of tax effort, which is the quotient of the basic allotment under Section 42.101 divided by 86 [§27.14] or a greater amount for any year provided by appropriation;

"WADA" is the number of students in weighted average daily attendance, which is calculated by dividing the sum of the school district's allotments under Subchapters B and C, less any allotment to the district for transportation and [§] any allotment under Section 42.158, [and 50 percent of the adjustment under Section 42.102,] by the basic allotment for the applicable year;

"DTR" is the district enrichment tax rate of the school district, which is determined by multiplying the district's adopted tax rate by the ratio of the actual taxable value of the property in the district for the current tax year divided by the taxable value of property in the district for the preceding year as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 42.2521, and subtracting the district's "TR" as calculated under Section 42.252(a) [subtracting the amounts specified by Subsection (b) from the total amount of maintenance and operations taxes collected by the school district for the applicable school year and dividing the difference by the quotient of the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 42.2521, divided by 100]; and

"LR" is the local revenue, which is determined by multiplying "DTR" by the quotient of the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 42.2521, divided by 100.

SECTION 1A.14. Section 41.002, Chapter 41, Education Code is amended to read as follows:

Sec. 41.002. EQUALIZED WEALTH LEVEL. ~~[(a)]~~ A school district may not have a wealth per student that exceeds the wealth per student that produces the guaranteed level of state and local funds per weighted student per cent of tax effort under Section 42.302 [§305,000].

SECTION 1A.15. (1) Section 11.013(d), Tax Code is amended to read as follows:

(b) An adult is entitled to exemption from taxation by a school district of \$45,000 [§15,000] of the appraised value of the adult's residence homestead, except that \$10,000 of the exemption does not apply to an entity operating under former Chapter 17, 18, 25, 26, 27, or 28, Education Code, as those chapters existed on May 1, 1995, as permitted by Section 11.301, Education Code.

(2) This Section takes effect only if **HJR** ____, Acts of the 79th Legislature, Regular Session, 2005, takes effect. If that resolution does not take effect, this Section has no effect.

SECTION 1A.16. Section 26.08, Tax Code, is amended by adding Subsections (a-1)-(a-3) and amending Subsections (i) and (k) to read as follows:

(a-1) Except as provided by Subsection (a-2), for the 2005 tax year, a school district may not impose a tax for the maintenance and operations of the district that exceeds the greater of:

(1) the rate equal to five-sixths of the rate adopted by the district for maintenance and operations for the 2004 tax year; or

(2) the rate necessary to ensure that the district receives the amount of revenue described by Sections 42.2513(a)(1) and (2), Education Code, provided that the rate may not exceed \$1.25 on the \$100 valuation of taxable property.

(a-2) Notwithstanding any other provision of law, for the 2005 tax year a school district permitted by special law on January 1, 2005, to impose an ad valorem tax for maintenance and operations at a rate greater than \$1.50 on the \$100 valuation of taxable property in the district may continue to impose a tax for the maintenance and operations of the district at a rate not to exceed the rate that is \$0.25 less than the rate adopted by the district for maintenance and operations for the 2004 tax year.

(a-3) Subsections (a-1), (a-2), and this subsection expire January 1, 2006.

(i) For purposes of this section, the rollback tax rate of a school district is the sum of:

(1) the tax rate that, applied to the current total value for the district, would impose taxes in an amount that, when added to state funds that would be distributed to the district under Chapter 42, Education Code, for the school year beginning in the current tax year using that tax rate, would provide the same amount of state funds distributed under Chapter 42 and maintenance and operations taxes of the district per student in weighted average daily attendance for that school year that would have been available to the district in the preceding year if the funding elements for Chapters 41 and 42, Education Code, for the current year had been in effect for the preceding year;

(2) the rate of \$0.04 [~~\$0.06~~] per \$100 of taxable value; and

(3) the district's current debt rate.

(k) For purposes of this section, for the [~~2003, 2004,~~] 2005, 2006, 2007, or 2008 tax year, for a school district that is entitled to state funds under Section 4(a-1), (a-2), (a-3), (a-4), (a-5), or (a-6), Article 3.50-9, Insurance Code, the rollback tax rate of the district is the sum of:

(1) the tax rate that, applied to the current total value for the district, would impose taxes in an amount that, when added to state funds that would be distributed to the district under Chapter 42, Education Code, for the school year beginning in the current tax year using that tax rate, would provide the same amount of state funds distributed under Chapter 42 and maintenance and operations taxes of the district per student in weighted average daily attendance for that school year that would have been available to the district in the preceding year if the funding elements for Chapters 41 and 42, Education Code, for the current year had been in effect for the preceding year;

(2) the tax rate that, applied to the current total value for the district, would impose taxes in the amount that, when added to state funds that would be distributed to the district under Chapter 42, Education Code, for the school year beginning in the current tax year using that tax rate, permits the district to comply with Section 3, Article 3.50-9, Insurance Code;

(3) the rate of ~~\$0.04~~ ~~[\$0.06]~~ per \$100 of taxable value; and

(4) the district's current debt rate.

SECTION 1A.17. Section 311.013, Tax Code, is amended by adding Subsection (l) to read as follows:

(l) This subsection applies only to a reinvestment zone created before January 1, 2005, for which a school district entered into an agreement before that date to pay a portion of the tax increment produced by the school district into the tax increment fund established for the zone. In addition to the amount the school district is otherwise required to pay into the tax increment fund each year, the comptroller shall pay into the fund from any available source an additional amount. The additional amount is the amount by which the amount the district would have been required to pay into the fund for the current year under the agreement if the district levied taxes at the district's 2004 tax rate exceeds the amount the district is otherwise required to pay into the fund for the current year. This subsection ceases to apply to the reinvestment zone on the later of the dates specified by Sections 311.017(a)(1) and (2) for the reinvestment zone.

PART B. SCHOOL DISTRICT EFFICIENCY

SECTION 1B.01. Subchapter A, Chapter 11, Education Code, is amended by adding Section 11.003 to read as follows:

Sec. 11.003. ADMINISTRATIVE EFFICIENCY. (a) The Commissioner shall develop and implement a program allowing a school district board of trustees to enter into an agreement with another district or a regional education service center for a cooperative arrangement regarding administrative services, including transportation, food service, purchasing, and payroll functions.

(b) An agreement under this section must contain an explanation of how the cooperative arrangement would allow a participating school district to reduce costs, operate more efficiently, and improve educational quality.

(c) This section does not limit a school district's authority to enter into any other agreement authorized by law.

(d) The commissioner shall develop and implement the program described by this section not later than January 1, 2006. This subsection expires March 1, 2006.

SECTION 1B.02. Subchapter H, Chapter 45, Education Code, is amended by adding Section 45.233 to read as follows:

Sec. 45.233. REVIEW OF TAX COLLECTIONS. The comptroller shall periodically examine the effectiveness of school districts in collecting district taxes.

(2) Strike SECTION 2A.04 and substitute the following:

SECTION 2A.04. Section 21.402, Education Code, is amended by amending Subsections (a) and (d) and adding Subsections (c-1), (c-2), (c-3), (e) and (f) to read as follows:

(a) Except as provided by Subsection (d), (e), or (f), a school district must pay each classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse not less than the minimum monthly salary, based on the employee's level of experience, determined by the following formula:

$$MS = SF \times FS$$

where:

"MS" is the minimum monthly salary;

"SF" is the applicable salary factor specified by Subsection (c); and

"FS" is the amount, as determined by the commissioner under Subsection (b), of state and local funds per weighted student available to a district eligible to receive state assistance under Section 42.302 with an enrichment tax rate, as defined by Section 42.302, equal to the maximum rate authorized under Section 42.303, except that the amount of state and local funds per weighted student does not include the amount attributable to the increase in the guaranteed level made by **HB 3343**, Acts of the 77th Legislature, Regular Session, 2001 or by **HB 2**, Acts of the 79th Legislature, Regular Session, 2005.

(c-1) Notwithstanding Subsection (a), for the 2005-2006 school year, a classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse is entitled to a monthly salary that is at least equal to the sum of:

(1) the monthly salary the employee would have received for the 2005-2006 school year under the district's salary schedule or other compensation system, including any local supplement and any money representing a career ladder supplement the employee would have received in the 2005-2006 school year; and

(2) \$200.

(c-2) Notwithstanding Subsection (a), for the 2006-2007 school year, a classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse is entitled to a monthly salary that is at least equal to the sum of:

(1) the monthly salary the employee would have received for the 2006-2007 school year under the district's salary schedule or other compensation system, including any local supplement and any money representing a career ladder supplement the employee would have received in the 2006-2007 school year; and

(2) \$400.

(c-3) Subsections (c-1) and (c-2) and this subsection expire September 1, 2006.

(d) A classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse employed by a school district in the 2006-2007 [~~2000-2001~~] school year is, as long as the employee is employed by the same district, entitled to a salary that is at least equal to the salary the employee received for the 2006-2007 [~~2000-2001~~] school year.

(e-1) For the 2005-2006 school year, in addition the amounts specified in (c-1), each school district shall spend an amount equal to the product of \$400 multiplied by the number of classroom teachers, full-time librarians, full-time counselors certified under Subchapter B, Chapter 21, and full-time school nurses employed by the district and entitled to a minimum salary under Section 21.402 on:

(1) additional across the board salary increases for all employees subject to the minimum salary schedule; or

(2) additional stipends, in amounts determined by the district, to encourage successful classroom teachers who hold appropriate certificates issued as provided by Subchapter B and have at least three years of classroom experience to:

(A) teach or serve as a mentor or master teacher at a campus that is considered low-performing under Section 39.132;

(B) teach or serve as a mentor or master teacher at a campus or in a program where at least 70 percent of the students are educationally disadvantaged;

(C) serve as a mentor or master teacher in a subject for which they are certified and which is designated by the Commissioner as a critical shortage area; or

(D) teach or serve in a program that is designed to provide highly qualified teachers to students that are at risk of failing or dropping out.

(e-2) Beginning with the 2006-2007 school year, in addition to the amounts specified in (c-2), each school district shall spend an amount equal to the product of \$800 multiplied by the number of classroom teachers, full-time librarians, full-time counselors certified under Subchapter B, Chapter 21, and full-time school nurses employed by the district and entitled to a minimum salary under Section 21.402 on:

(1) additional across the board salary increases for all employees subject to the minimum salary schedule; or

(2) additional stipends, in amounts determined by the district, to encourage successful classroom teachers who hold appropriate certificates issued as provided by Subchapter B and have at least three years of classroom experience to:

(A) teach or serve as a mentor or master teacher at a campus that is considered low-performing under Section 39.132;

(B) teach or serve as a mentor or master teacher at a campus or in a program where at least 70 percent of the students are educationally disadvantaged;

(C) serve as a mentor or master teacher in a subject for which they are certified and which is designated by the Commissioner as a critical shortage area; or

(D) teach or serve in a program that is designed to provide highly qualified teachers to students that are at risk of failing or dropping out.

(f) No later than June 1, 2007, the commissioner shall adjust the factors in Subsection (a) above such that the minimum monthly salary calculated under Subsection (a) is \$400 greater than the minimum monthly salary the formula would have generated.

(3) On page 69, line 11, between "software" and "or" insert "or provide commercially available software".

(4) Strike SECTIONS 2C.01, 2C.05, and 2C.06.

(5) Strike SECTIONS 2C.02 and 2C.10.

(6) In ARTICLE 2, PART C, add the following appropriately-numbered SECTION to read as follows:

SECTION 2C. __. Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.0216 to read as follows:

Sec. 28.0216. LIMITS ON ASSIGNMENT OF STUDENTS TO TEACHERS. (a) A student in grades Kindergarten through 6 may not be assigned for two consecutive school years to a teacher who:

(1) has less than one year of teaching experience; or

(2) does not hold the appropriate certificate issued by the State Board for Educator Certification.

(b) In a subject for which a student takes an assessment under Section 39.023(a) or (c), a student in grade 7 or higher may not be assigned for two consecutive school years to a teacher who:

(1) has less than one year of teaching experience; or

(2) does not hold the appropriate certificate issued by the State Board for Educator Certification.

(7) Strike SECTION 2D.03.

(8) Strike SECTION 2D.13.

(9) On page 94, strike lines 25 and 26 and substitute "required by this subchapter, a school district shall provide to high school students at grade levels determined by the commissioner the opportunity to take"

(10) Beginning on page 107, line 17, strike all language through page 110, line 20.

(11) On page 129, line 17, strike "has" and substitute "and "private or independent institution of higher education" have".

(12) On page 130, strike lines 1 through 5 and substitute "this section.".

(13) On page 130, line 24, between "university" and "whose" insert "or private or independent institution of higher education".

(14) In ARTICLE 3, strike the following conforming amendments: SECTIONS 3.01, 3.02, 3.03, 3.04, and 3.05.

(15) Strike SECTION 3.06 and substitute the following:

SECTION 3.01. Section 12.106(a), Education Code, is amended to read as follows:

(a) A charter holder is entitled to receive for the open-enrollment charter school funding under Chapter 42 as if the school were a school district without a tier one local share for purposes of Section 42.253 and without any local revenue ("LR") for purposes of Section 42.302. In determining funding for an open-enrollment charter school, adjustments under Sections 42.102, 42.103,

42.104, and 42.105 and the district enrichment tax rate ("DTR") under Section 42.302 are based on the average adjustment and average district enrichment tax rate for the state, as estimated at the beginning of the school year, and provided that the amount of state funding for each student is not subject to adjustment after the beginning of the school year due to changes in the property value or collection rates for the state.

(16) In ARTICLE 3, strike the following conforming amendments: SECTIONS 3.07, 3.08, 3.09, 3.10, 3.12, 3.13, 3.14, 3.15, 3.16, and 3.17.

(17) In ARTICLE 3, strike the following conforming amendments: SECTIONS 3.25 and 3.26.

(18) On page 150, strike lines 4 through 9 and substitute the following:

"(b) After setting aside an appropriate amount in accordance with this section, the commissioner shall proportionately reduce each district's tier one allotment or, for a district that does not receive a Tier I allotment, increase the district's payments under Chapter 41. A reduction in tier one allotments under this section does not affect the computation of the guaranteed amount of revenue per student per cent of tax effort under Section 42.252."

(19) In ARTICLE 3, strike SECTIONS 3.28 through 3.50.

(20) In ARTICLE 3, insert the following appropriately-numbered SECTIONS to read as follows:

SECTION 3.__. Section 42.005(a), Education Code, is amended by adding Subdivision (3) to read as follows:

(3) for a district that operates under a flexible school day program under Section 29.0822, the average daily attendance as calculated by the commissioner in accordance with Section 29.0822(d).

SECTION 3.__. Section 42.102 is amended to read as follows:

(a) The basic allotment for each district is adjusted to reflect the geographic variation in known resource costs and costs of education due to factors beyond the control of the school district.

(b) The cost of education adjustment is the cost of education index adjustment adopted by the foundation school fund budget committee and contained in Chapter 203, Title 19, Texas Administrative Code, as that chapter existed on March 26, 1997. The commissioner shall adjust modify adjustment as necessary to compensate for the equal application of the adjustment to each of the two tiers of the system.

SECTION 3.__. (1) Section 403.302(j), Education Code, is amended to read as follows:

(j) For purposes of Section 42.2511, Education Code, the comptroller shall certify to the commissioner of education:

(1) a final value for each school district computed on a residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, of \$15,000 [~~\$5,000~~]; and

(2) a final value for each school district computed on:

(A) a residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, of \$45,000 [~~\$15,000~~]; and

(B) the effect of the additional limitation on tax increases under Section 1-b(d), Article VIII, Texas Constitution.

(2) This Section takes effect only if **HJR** ____, Acts of the 79th Legislature, Regular Session, 2005, takes. If that resolution does not take effect, this Section has no effect."

(21) On page 163, line 17, strike "and 57".

(22) On page 163, strike lines 21-22 and reletter remaining subsections appropriately.

(23) Beginning on page 163, line 23, strike all language through page 164, line 3, and substitute the following:

"(c) Sections 21.357, 39.023(j), 41.002 (b), 41.002(e), 41.002(f), 41.002(g), 42.103(e), and 42.2514 of the Education Code are repealed."

(24) On page 164, strike lines 6 through 14.

(25) Strike the last two sentences of SECTION 4.03.

(Harper-Brown in the chair)

Amendment No. 4

Representative Hochberg offered the following amendment to Amendment No. 3:

Amend Floor Amendment No. 3 as follows:

(1) On page 7, line 14, between "SECTION 1A.11" and "Subchapter" insert "Effective September 1, 2005,".

(2) On page 9, between lines 10 and 11, insert the following new appropriately numbered section and renumber the remaining sections accordingly:

SECTION 1A. ____. Effective September 1, 2006, Subchapter E, Chapter 42, Education Code is amended by adding Section 42.2513 to read as follows:

Sec. 42.2513. ADDITIONAL TRANSITIONAL AID. (a) Notwithstanding any other provision of this chapter or Chapter 41, and provided that a school district imposes a tax of at least \$1.25 on the \$100 valuation of taxable property, a school district is entitled to the amount of state revenue necessary to maintain state and local revenue per student in weighted average daily attendance in the amount equal to the sum of:

(1) the amount of state and local revenue per student in weighted average daily attendance for the maintenance and operation of the district to which the district would have been entitled for the 2006-2007 school year under Chapter 42, as that chapter existed on January 1, 2005, or, if the district would have been subject to Chapter 41, as that chapter existed on January 1, 2005, the amount to which the district would have been entitled under that chapter, based on the funding elements in effect for the 2004-2005 school year and including any amounts described by Rider 82, page III-23, Chapter 1330, Acts of the 78th Legislature, Regular Session, 2003 (the General Appropriations Act); and

(2) an amount equal to three percent of the amount described by Subdivision (1).

(b) The amount of revenue to which a school district is entitled because of the technology allotment under Section 32.005 or the instructional materials and technology allotment under Section 42.241 is not included in making a determination under Subsection (a).

(c) The commissioner shall determine the amount of state funds to which a school district is entitled under this section. The commissioner's determination is final and may not be appealed.

Amendment No. 4 was adopted.

Amendment No. 5

Representative McReynolds offered the following amendment to Amendment No. 3:

Amend the Hochberg amendment to **CSHB 2** as follows:

(1) On page 4, strike lines 6-12 and substitute the following:

SECTION 1A.06. Section 42.155, Education Code, is amended by amending Subsection (h) and adding Subsection (1) to read as follows:

(h) If funds [Funds] allotted under this section exceed the district's or county's cost of [must be used in] providing transportation services, the district or county may use the excess funds for any legal purpose.

(1) Beginning in the 2005-2006 school year, the allocation per mile of approved route shall be at least thirty-five percent higher than the allocation per mile for the 2004-2005 school year, or the amount of \$1.50, whichever is higher.

Amendment No. 5 was adopted.

(Speaker in the chair)

Representative Chisum moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 44): 81 Yeas, 67 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Brown, F.; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Guillen; Herrero; Hochberg; Hodge; Homer; Hopson; Hunter; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez;

Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Smith, T.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 44. I intended to vote no.

Hamilton

I was shown voting yes on Record No. 44. I intended to vote no.

Hughes

I was shown voting yes on Record No. 44. I intended to vote no.

Reyna

When Record No. 44 was taken, I was temporarily out of the house chamber. I would have voted yes.

T. Smith

Amendment No. 6

Representative Olivo offered the following amendment to **CSHB 2**:

Floor Packet Page No. 86

Amend **CSHB 2** on page 2, line 4, by striking "adequate" and substituting "necessary".

Amendment No. 6 was withdrawn.

Amendment No. 7

Representative Gallego offered the following amendment to **CSHB 2**:

Floor Packet Page No. 87

Amend **CSHB 2** on page 6, line 5, after the period, insert:

"(f) The legislature may not appropriate, for any biennium, an amount of state funds for institutional facilities that is less than the amount appropriated for these purposes in the preceding biennium, adjusted for student population growth. For the 2006-2007 biennium, the legislature may not appropriate an amount of state funds for institutional facilities that is less than the amount appropriated for these purposes in the 2002-2003 biennium, adjusted for student population growth."

Amendment No. 7 was withdrawn.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

CSHB 2 - (consideration continued)**Amendment No. 8**

Representative Gallego offered the following amendment to **CSHB 2**:

Floor Packet Page No. 88

Amend **CSHB 2** on page 6, line 5, after the period, insert:

"(f) The legislature may not appropriate, for any biennium, an amount of state funds for full day pre-Kindergarten programs that is less than the amount appropriated for these purposes in the preceding biennium, adjusted for student population growth. For the 2006-2007 biennium, the legislature may not appropriate an amount of state funds for full day pre-Kindergarten programs that is less than the amount appropriated for these purposes in the 2002-2003 biennium, adjusted for student population growth."

Representative Hupp moved to table Amendment No. 8.

A record vote was requested.

The motion to table prevailed by (Record 45): 84 Yeas, 62 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Griggs; Guillen; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Bailey; Edwards; Taylor.

STATEMENT OF VOTE

When Record No. 45 was taken, I was in the house but away from my desk. I would have voted yes.

Taylor

Amendment No. 9

Representative Martinez Fischer offered the following amendment to **CSHB 2**:

Floor Packet Page No. 89

Amend **CSHB 2** on page 6, line 5, by inserting the following after the period:

"(f) The board may not recommend and the legislature may not appropriate, for any biennium, an amount of state funds for the maintenance and operation of public schools and for the erection and equipment of public school buildings that is less than the amount appropriated for those purposes in the preceding biennium, adjusted for student population growth."

Representative Nixon moved to table Amendment No. 9.

A record vote was requested.

The motion to table prevailed by (Record 46): 86 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Alonzo; Hilderbran; Strama.

STATEMENTS OF VOTE

When Record No. 46 was taken, my vote failed to register. I would have voted no.

Alonzo

I was shown voting no on Record No. 46. I intended to vote yes.

R. Cook

When Record No. 46 was taken, I was in the house but away from my desk. I would have voted no.

Strama

Amendment No. 10

Representative Martinez Fischer offered the following amendment to **CSHB 2**:

Floor Packet Page No. 90

Amend **CSHB 2** on page 6, line 5, after the period, insert:

"(f) The legislature may not appropriate, for any biennium, an amount of state funds for advanced placement programs that is less than the amount appropriated for these purposes in the preceding biennium, adjusted for student population growth. For the 2006-2007 biennium, the legislature may not appropriate an amount of state funds for advanced placement programs that is less than the amount appropriated for these purposes in the 2002-2003 biennium, adjusted for student population growth."

Representative Kolkhorst moved to table Amendment No. 10.

A record vote was requested.

The motion to table prevailed by (Record 47): 84 Yeas, 64 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Guillen; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Seaman.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 47. I intended to vote no.

Baxter

When Record No. 47 was taken, I was in the house but away from my desk. I would have voted yes.

Seaman

Amendment No. 11

Representative Martinez Fischer offered the following amendment to **CSHB 2**:

Floor Packet Page No. 91

Amend **CSHB 2** on page 6, line 5, after the period, insert:

"(f) The legislature may not appropriate, for any biennium, an amount of state funds for the master reading and math teacher programs that is less than the amount appropriated for these purposes in the preceding biennium, adjusted for student population growth. For the 2006-2007 biennium, the legislature may not appropriate an amount of state funds for the master reading and math teacher programs that is less than the amount appropriated for these purposes in the 2002-2003 biennium, adjusted for student population growth."

Amendment No. 12

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

Amend the Martinez Fischer amendment to **CSHB 2** (packet page 91) as follows:

- (1) On page 1 of the amendment, line 1, before "Amend", insert "(1)".
- (2) On page 1 of the amendment, lines 3 and 8, strike "may not" both places it appears and substitute "shall not".
- (3) Add the following appropriately numbered item to the amendment:
() Amend **CSHB 2** on page 13, line 8, by striking "may not" and substituting "shall not".

Amendment No. 12 was adopted.

Representative Nixon moved to table Amendment No. 11.

A record vote was requested.

The motion to table prevailed by (Record 48): 80 Yeas, 67 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.;

Kolkhorst; Krusee; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Anchia; Bailey; Baxter; Burnam; Campbell; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Kuempel; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

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

Absent — Seaman.

STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 48. I intended to vote no.

Alonzo

I was shown voting yes on Record No. 48. I intended to vote no.

Merritt

Amendment No. 13

On behalf of Representative Gallego, Representative Solis offered the following amendment to **CSHB 2**:

Floor Packet Page No. 87

Amend **CSHB 2** on page 6, line 5, after the period, insert:

"(f) The legislature may not appropriate, for any biennium, an amount of state funds for institutional facilities that is less than the amount appropriated for these purposes in the preceding biennium, adjusted for student population growth. For the 2006-2007 biennium, the legislature may not appropriate an amount of state funds for institutional facilities that is less than the amount appropriated for these purposes in the 2002-2003 biennium, adjusted for student population growth."

Representative Harper-Brown moved to table Amendment No. 13.

A record vote was requested.

The motion to table prevailed by (Record 49): 85 Yeas, 63 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn;

Gattis; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Davis, J.

Amendment No. 14

Representative Farrar offered the following amendment to **CSHB 2**:
Floor Packet Page No. 92

Amend **CSHB 2** on page 6, line 5, after the period, insert:

"(f) The legislature may not appropriate, for any biennium, an amount of state funds for the reading, math and science initiative that is less than the amount appropriated for these purposes in the preceding biennium, adjusted for student population growth. For the 2006-2007 biennium, the legislature may not appropriate an amount of state funds for the reading, math and science initiative that is less than the amount appropriated for these purposes in the 2002-2003 biennium, adjusted for student population growth."

Representative Kolkhorst moved to table Amendment No. 14.

A record vote was requested.

The motion to table prevailed by (Record 50): 84 Yeas, 64 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Baxter; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, D.; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Luna.

Amendment No. 15

On behalf of Representative Coleman, Representative Gonzales offered the following amendment to **CSHB 2**:

Floor Packet Page No. 93

Amend **CSHB 2** on page 6, line 5, after the period, insert:

"(f) The legislature may not appropriate, for any biennium, an amount of state funds for the investment capital fund that is less than the amount appropriated for these purposes in the preceding biennium, adjusted for student population growth. For the 2006-2007 biennium, the legislature may not appropriate an amount of state funds for the investment capital fund that is less than the amount appropriated for these purposes in the 2002-2003 biennium, adjusted for student population growth."

Representative Nixon moved to table Amendment No. 15.

CSHB 2 - POINT OF ORDER

Representative Eiland raised a point of order against further consideration of **CSHB 2** under Article VIII, Section 6 of the Texas Constitution on the grounds that **CSHB 2** appropriates money for more than two years.

The speaker overruled the point of order.

A record vote was requested.

The motion to table prevailed by (Record 51): 82 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Baxter; Haggerty.

STATEMENT OF VOTE

When Record No. 51 was taken, my vote failed to register. I would have voted yes.

Baxter

Amendment No. 16

Representative Olivo offered the following amendment to **CSHB 2**:

Floor Packet Page No. 94

Amend **CSHB 2** as follows:

(1) On page 6, between lines 8 and 9, insert new section 42.008 as follows:

Sec. 42.008. DISCRIMINATION PROHIBITED. (a) A school district, open-enrollment charter school or other entity that provides educational services may not receive state funds unless the entity adopts a student admissions policy prohibiting discrimination on account of the ethnicity, race, disability, religion, academic performance, athletic ability, national origin or disciplinary history of the student, except as authorized by Chapter 37, Education Code.

(Hunter in the chair)

Representative Crownover moved to table Amendment No. 16.

A record vote was requested.

The motion to table prevailed by (Record 52): 89 Yeas, 59 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hupp; Isett; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto;

Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hochberg; Hodge; Jones, D.; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

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

Amendment No. 17

Representative Olivo offered the following amendment to **CSHB 2**:

Floor Packet Page No. 95

Amend **CSHB 2** as follows:

(1) On page 6 of the committee substitute, between lines 22 and 23, insert the following:

(d) The amounts prescribed by Subsection (a) for an accreditation allotment and amounts prescribed for special student allotments under Subchapter C shall be adjusted annually in accordance with this subsection as necessary to reflect inflation. The commissioner shall determine the amount of the adjustment for each school year based on the difference, if any, between the Texas Consumer Price index most recently published by the comptroller as of May 1 of the calendar year in which the school year begins and the Texas Consumer Price index most recently published as of May 1, 2004.

Representative Delisi moved to table Amendment No. 17.

A record vote was requested.

The motion to table prevailed by (Record 53): 82 Yeas, 66 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter(C); Hupp; Isett; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, D.; Jones, J.; King, T.; Krusee; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker.

Absent — Smithee.

Amendment No. 18

Representative Dutton offered the following amendment to **CSHB 2**:

Floor Packet Page No. 97

Amend **CSHB 2** in Section 1A.01 of the bill, in added Section 42.151, Education Code, as follows:

(1) On page 9, line 9, strike "Funds" and substitute "Except as provided by Subsection (m), funds".

(2) On page 10, between lines 19 and 20, insert the following:

(m) Notwithstanding any other provision of law, a school district may use funds allocated under this section to provide Saturday classes for third grade students who fail to perform satisfactorily on an assessment instrument administered under Section 39.023.

Amendment No. 19

Representative Dutton offered the following amendment to Amendment No. 18:

Amend the Dutton amendment to **CSHB 2** on page 1 of the amendment (packet page 97), line 9, by striking "third grade students" and substituting "students in grade levels one through four".

Amendment No. 19 was adopted.

Amendment No. 18, as amended, was adopted.

Amendment No. 20

Representatives Turner and Giddings offered the following amendment to **CSHB 2**:

Floor Packet Page No. 335

Page 10, amend Section 42.152 ACCELERATED PROGRAMS ALLOTMENT. (a) A school district is entitled to an annual allotment for the costs of providing accelerated programs in an amount determined by the formula:

APA=1,000 X ADA X PR**Amendment No. 21**

Representative Turner offered the following amendment to Amendment No. 20:

Amend the Turner amendment to **CSHB 2** on page 1 of the amendment (packet page 335) by striking the text of the amendment and substituting the following:

Amend **CSHB 2** on page 10, line 24, by striking "877" and substituting "950".

Amendment No. 21 was adopted.

(Farabee in the chair)

Representative B. Keffer moved to table Amendment No. 20.

(Speaker in the chair)

A record vote was requested.

The motion to table prevailed by (Record 54): 80 Yeas, 67 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Krusee; Kuempel; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Guillen; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Kolkhorst; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Hughes; Merritt.

STATEMENT OF VOTE

I was shown voting yes on Record No. 54. I intended to vote no.

Blake

Amendment No. 22

Representative Gallego offered the following amendment to **CSHB 2**:
Floor Packet Page No. 98

Amend **CSHB 2** on page 10, line 24, strike "877" and substitute "1754".

Amendment No. 22 was withdrawn.

Amendment No. 23

Representative Gallego offered the following amendment to **CSHB 2**:
Floor Packet Page No. 99

Amend **CSHB 2** on page 11, line 25, strike "500" and substitute "880".

Representative B. Keffer moved to table Amendment No. 23.

A record vote was requested.

The motion to table prevailed by (Record 55): 83 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Guillen; Hamilton; Herrero; Hochberg; Hodge; Homer; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Hopson.

STATEMENT OF VOTE

When Record No. 55 was taken, I was in the house but away from my desk. I would have voted no.

Hopson

Amendment No. 24

Representative Seaman offered the following amendment to **CSHB 2**:

Floor Packet Page No. 100

Amend **CSHB 2** as follows:

(1) On page 12, line 4, strike "ALLOTMENT." and substitute "ALLOTMENT; ADVISORY COMMITTEE. (a)".

(2) On page 12, between lines 9 and 10, insert the following:

(b) The career and technology program advisory committee consists of one member appointed by the governor, one member appointed by the lieutenant governor, and one member appointed by the speaker of the house of representatives. A member serves at the pleasure of the official who appointed the member and is not entitled to compensation or reimbursement for expenses.

(c) The advisory committee is required to meet only as necessary to approve or reject a decision of the agency to deny approval or revoke approval of a career and technology education course for purposes of funding under Subsection (a).

(d) The agency may not deny approval or revoke approval of a career and technology education course for purposes of funding under Subsection (a) unless the denial or revocation is approved by a majority of the membership of the career and technology program advisory committee.

Amendment No. 25

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

Amend the Seaman amendment to **CSHB 2** (amendment packet page 100) by striking the text on page 1 of the amendment, lines 2-20, and substituting the following:

(1) On page 12 of the bill, at the end of line 4, insert "(a)".

(2) On page 12 of the bill, between lines 9 and 10, insert the following:

(b) The agency may not withdraw or revoke approval for an career and technology education program that was approved as of January 1, 2005.

Amendment No. 25 was adopted.

Amendment No. 24, as amended, was adopted.

Amendment No. 26

Representative Olivo offered the following amendment to **CSHB 2**:

Floor Packet Page No. 101

Amend **CSHB 2** as follows:

(1) On page 15, between lines 2 and 3, insert the following:

(c) A school district that does not provide transportation services may not receive a transportation allotment under this subchapter.

(2) On page 15, line 18, strike "is not required to" and substitute "shall".

Amendment No. 26 was withdrawn.

Amendment No. 27

Representative McReynolds offered the following amendment to **CSHB 2**:
Floor Packet Page No. 102

Amend **CSHB 2** by striking the text on page 14, line 8, through page 15, line 20, and substituting the following:

SUBCHAPTER D. TRANSPORTATION ALLOTMENT

Sec. 42.201. TRANSPORTATION ALLOTMENT. Each district or county operating a transportation system is entitled to allotments for transportation costs as provided by this subchapter.

Sec. 42.202. DEFINITIONS. In this subchapter:

(1) "Eligible special education student" means a student who is eligible for special education services under Section 29.003 and who would be unable to attend classes without special transportation services.

(2) "Linear density" means the average number of regular eligible students transported daily, divided by the approved daily route miles traveled by the respective transportation system.

(3) "Regular eligible student" means a student who resides two or more miles from the student's campus of regular attendance, measured along the shortest route that may be traveled on public roads, and who is not classified as a student eligible for special education services.

Sec. 42.203. REGULAR TRANSPORTATION ALLOTMENT. (a) Each school district or county operating a regular transportation system is entitled to an allotment based on the daily cost per regular eligible student of operating and maintaining the regular transportation system and the linear density of that system.

(b) In determining the cost, the commissioner shall give consideration to factors affecting the actual cost of providing these transportation services in each school district or county. The commissioner shall compute the average actual cost and shall report that cost to the Legislative Budget Board for consideration by the legislature in the General Appropriations Act.

(c) The allotment per mile of approved route may not exceed the amount set by appropriation.

Sec. 42.204. HAZARDOUS CONDITIONS TRANSPORTATION ALLOTMENT. (a) A school district or county may apply for and on approval of the commissioner receive an additional amount of up to 10 percent of its regular transportation allotment to be used for the transportation of children who live within two miles of the school they attend and who would be subject to hazardous traffic conditions if they walked to school.

(b) Each board of trustees shall provide to the commissioner the definition of hazardous conditions applicable to that district and shall identify the specific hazardous areas for which the allotment is requested. A hazardous condition exists where no walkway is provided and children must walk along or cross a freeway or expressway, an underpass, an overpass or a bridge, an uncontrolled major traffic artery, an industrial or commercial area, or another comparable condition.

Sec. 42.205. PRIVATE OR COMMERCIAL TRANSPORTATION ALLOTMENT. (a) The commissioner may grant an amount set by appropriation for private or commercial transportation for eligible students from isolated areas. The need for this type of transportation grant shall be determined on an individual basis, and the amount granted may not exceed the actual cost.

(b) The grants may be made only in extreme hardship cases. A grant may not be made if the students live within two miles of an approved school bus route.

Sec. 42.206. TRANSPORTATION OF CAREER AND TECHNOLOGY EDUCATION STUDENTS. The cost of transporting career and technology education students from one campus to another inside a school district or from a sending district to another secondary public school for a career and technology program or an area career and technology school or to an approved postsecondary institution under a contract for instruction approved by the agency shall be reimbursed based on the number of actual miles traveled times the district's official extracurricular travel per mile rate as set by the board of trustees and approved by the agency.

Sec. 42.207. TRANSPORTATION OF SPECIAL EDUCATION STUDENTS. (a) A school district or county that provides special transportation services for eligible special education students is entitled to a state allotment paid on a previous year's cost-per-mile basis. The maximum rate per mile allowable shall be set by appropriation based on data gathered from the first year of each preceding biennium.

(b) A school district may use a portion of its support allocation to pay transportation costs, if necessary. The commissioner may grant an amount set by appropriation for private transportation to reimburse parents or their agents for transporting eligible special education students. The mileage allowed shall be computed along the shortest public road from the student's home to school and back, morning and afternoon. The need for this type of transportation shall be determined on an individual basis and shall be approved only in extreme hardship cases.

Sec. 42.208. DETERMINATION OF TRANSPORTATION ALLOTMENTS OF DISTRICT BELONGING TO COUNTY TRANSPORTATION SYSTEM. If a school district belongs to a county transportation system, the district's transportation allotment is determined on the basis of the number of approved daily route miles in the district multiplied by the allotment per mile to which the county transportation system is entitled.

Sec. 42.209. TRANSPORTATION ALLOTMENT FOR TEXAS SCHOOL FOR THE DEAF. The Texas School for the Deaf is entitled to an allotment under this subchapter. The commissioner shall determine the appropriate allotment.

Sec. 42.210. TRANSPORTATION TO CHILD-CARE FACILITIES. Notwithstanding any other provision of this subchapter, the commissioner may not reduce the allotment to which a school district or county is entitled under this subchapter because, as authorized by Section 34.007, the district or county provides transportation for an eligible student to and from a child-care facility, as

defined by Section 42.002, Human Resources Code, instead of the student's residence, if the transportation is provided within the approved routes of the district or county for the school the student attends.

Sec. 42.211. USE OF TRANSPORTATION ALLOTMENTS. Funds allotted under this subchapter must be used in providing transportation services.

[Sections 42.212-42.220 reserved for expansion]

Amendment No. 28

Representatives McReynolds, Otto, B. Cook, Blake, Phillips, Eiland, Orr, Anderson, Kuempel, Flynn, and Kolkhorst offered the following amendment to Amendment No. 27:

Floor Packet Page No. 336

Amend the McReynolds amendment to **CSHB 2** (amendment packet, page 102) by striking the text from page 1, line 3 of the amendment to page 4, line 18 of the amendment, and substituting the following:

SUBCHAPTER D. TRANSPORTATION ALLOTMENT

Sec. 42.201. TRANSPORTATION ALLOTMENT. (a) Each school district or county operating a regular transportation system is entitled to an allotment of \$1.50 per mile for each approved route mile traveled by the system.

(b) If the amount of an allotment under this section that a school district or county receives exceeds the district's or county's cost of operating the transportation system, the district or county may use the excess funds for any legal purpose.

[Sections 42.202-42.220 reserved for expansion]

Amendment No. 28 was adopted. (Hartnett recorded voting no.)

A record vote was requested.

Amendment No. 27, as amended, was adopted by (Record 56): 78 Yeas, 61 Nays, 2 Present, not voting.

Yeas — Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Eissler; Elkins; Farabee; Flores; Flynn; Frost; Gallego; Gattis; Geren; Gonzales; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Hegar; Hilderbran; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberg; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Noriega, M.; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pitts; Riddle; Rose; Smithee; Swinford; Talton; Van Arsdale; West; Wong; Woolley.

Nays — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farrar; Haggerty; Harper-Brown; Hartnett; Herrero; Hill; Hochberg; Hodge; Hope; Howard; Jackson; Jones, J.; Keel; Krusee; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Menendez; Moreno,

J.; Moreno, P.; Naishtat; Olivo; Pickett; Puente; Raymond; Reyna; Ritter; Rodriguez; Smith, T.; Smith, W.; Solis; Solomons; Strama; Thompson; Truitt; Turner; Uresti; Veasey; Villarreal; Vo; Zedler.

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

Absent — Bailey; Giddings; Guillen; Homer; Madden; Quintanilla; Seaman; Straus; Taylor.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 56. I intended to vote no. When I voted "yes" on Amendment No. 27 (Record No. 56), it was my belief and understanding that it was going to increase transportation funding for my local school districts. It was after my vote was registered that I learned this amendment would actually be detrimental to schools in my district. Therefore, I wish to register my vote as no.

Bonnen

I was shown voting no on Record No. 56. I intended to vote yes.

Deshotel

When Record No. 56 was taken, I was in the house working with another member on the amendment. I would have voted no.

Giddings

I was shown voting yes on Record No. 56. I intended to vote no.

Goodman

I was shown voting yes on Record No. 56. I intended to vote no.

Goolsby

I was shown present, not voting on Record No. 56. I intended to vote yes.

Gonzalez Toureilles

When Record No. 56 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 56 was taken, I was in the house but away from my desk. I would have voted no.

Madden

I was shown voting no on Record No. 56. I intended to vote yes.

Martinez

I was shown voting yes on Record No. 56. I intended to vote no.

McCall

I was shown voting yes on Record No. 56. I intended to vote no.

M. Noriega

When Record No. 56 was taken, I was in the house but away from my desk. I would have voted yes.

Quintanilla

When Record No. 56 was taken, I was in the house but away from my desk. I would have voted yes.

Seaman

When Record No. 56 was taken, I was in the house but away from my desk. I would have voted yes.

Straus

When Record No. 56 was taken, I was in the house but away from my desk. I would have voted yes.

Taylor

Amendment No. 29

Representative Flores offered the following amendment to **CSHB 2**:

Floor Packet Page No. 106

Amend **CSHB 2** (House Committee Printing) on page 15, line 17, SECTION 1A.01 of the bill by striking "Sec. 42.204" and substitute with the following:

"Sec. 42.204. USE OF TRANSPORTATION ALLOTMENT. (a) A school district is required to use funds allotted under this subchapter in providing transportation of children to and from school.

(b) Funds allotted for student transportation under this subchapter that are not used by a school district shall be returned to the commissioner.

(c) A school district or county may apply for and on approval of the commissioner receive an amount in addition to its regular transportation allotment if the school district can provide to the commissioner that the district has spent more on transportation than the current formula provides.

(d) The commissioner shall determine the amount of the additional allotment received under this subsection. A determination by the commissioner under this subsection is final and may not be appealed.

Amendment No. 29 was withdrawn.

Amendment No. 30

Representative Eiland offered the following amendment to **CSHB 2**:

Floor Packet Page No. 107

Amend **CSHB 2** as follows:

(1) On page 17, between lines 13 and 14, insert the following:

(c) The commissioner and the State Board of Education shall adopt policies designed to ensure that, not later than the 2012–2013 school year:

(1) the total amount spent for a school year by school districts in this state on traditional, bound textbooks is less than 25 percent of the average amount used by the Texas Education Agency to purchase traditional, bound textbooks in each year of the state fiscal biennium ending August 31, 2005; and

(2) the money saved by reducing spending on traditional, bound textbooks is used to purchase electronic instructional materials or other technology that may be used to convey information to a student or that otherwise contributes to the learning process.

(2) On page 17, line 14, strike "(c) This section applies" and substitute "(d) Subsections (a) and (b) apply".

Amendment No. 31

Representative Eiland offered the following amendment to Amendment No. 30:

Amend the Eiland amendment to **CSHB 2** on page 1 of the amendment (packet page 107) by adding the following appropriately numbered item to the amendment and renumbering the subsequent items appropriately:

() On page 73, in Part 2C of the bill, between lines 17 and 18, insert the following appropriately numbered sections and renumber the subsequent sections of the bill accordingly:

SECTION 2C. ____. The heading to Subchapter B, Chapter 11, Education Code is amended to read as follows:

SUBCHAPTER B. [~~INDEPENDENT~~] SCHOOL DISTRICTS

SECTION 2C. ____. Subchapter B, Chapter 11, Education Code, is amended by adding Section 11.0011 to read as follows:

Sec. 11.0011. REFERENCE TO INDEPENDENT SCHOOL DISTRICT.
A reference in law to "independent school district" means "school district."

Amendment No. 31 was adopted.

Amendment No. 30 was withdrawn.

Amendment No. 32

Representative Bonnen offered the following amendment to **CSHB 2**:
Floor Packet Page No. 111

Amend **CSHB 2** as follows:

(1) On page 20, strike lines 4-13 and substitute the following:

(a-1) Notwithstanding Subsection (a), the district enrichment tax rate may not exceed the rate of \$0.05 per \$100 of valuation for the 2005 tax year.

(2) On page 20, line 18, strike "2009" and substitute "2006".

Amendment No. 32 was withdrawn.

Amendment No. 33

Representatives W. Smith and Bonnen offered the following amendment to **CSHB 2**:

Floor Packet Page No. 112

Amend **CSHB 2** as follows:

- (1) On page 20, line 3, strike "\$0.10" and substitute "\$0.15".
- (2) On page 20, strike lines 6-13 and substitute the following:
 - (1) for the 2005 tax year, the rate of \$0.03 per \$100 of valuation;
 - (2) for the 2006 tax year, the rate of \$0.06 per \$100 of valuation;
 - (3) for the 2007 tax year, the rate of \$0.09 per \$100 of valuation; and
 - (4) for the 2008 tax year, the rate of \$0.12 per \$100 of valuation.
- (3) On page 51, line 7, strike "\$0.10" and substitute "\$0.15".

Amendment No. 34

Representative Truitt offered the following amendment to Amendment No. 33:

Amend the Smith amendment to **CSHB 2** on page 1 of the amendment (amendment packet page 112) by striking lines 2-13 of the amendment.

Amendment No. 34 was adopted.

Amendment No. 33, as amended, was adopted.

Amendment No. 35

Representative Hilderbran offered the following amendment to **CSHB 2**:

Floor Packet Page No. 114

Amend **CSHB 2** as follows:

- (1) On page 22, between lines 19 and 20, insert the following:
 - (a-1) The sum of the total accreditation allotments and any special student allotments under Subchapter C of a school district that has not more than 400 students in average daily attendance is adjusted by applying the formula, of the following formulas, that results in the greatest adjusted allotment:
 - (1) the formula in Subsection (b), (c), or (d) for which the district is eligible; or
 - (2) $A = ((400 - ADA) \times .0025) \times SA$.
- (2) On page 23, line 11, strike "(b) or (c)" and substitute "(a-1), (b), or (c)".

Amendment No. 36

Representative Hilderbran offered the following amendment to Amendment No. 35:

Amend the proposed Hilderbran amendment to **CSHB 2** (page 114 of the amendment packet) by striking item (1) of the proposed amendment (page 1, lines 2-13) and substituting the following:

- (1) On page 4, strike lines 8-11 and substitute the following:
 - (b) A school district that experiences a decline of two percent or more in average daily attendance shall be funded on the basis of:
 - (1) the actual average daily attendance of the preceding school year, if the district has fewer than 1,600 students in average daily attendance in the current school year; or

(2) an average daily attendance not to exceed 98 percent of the actual average daily attendance of the preceding school year, if the district has 1,600 or more students in average daily attendance in the current school year.

(2) On page 22, strike lines 20-27, and on page 23, strike lines 1-13, and substitute the following:

(b) The sum of the total accreditation allotments and any special student allotments under Subchapter C of a school district that has not more than 400 students in average daily attendance is adjusted by applying the following formula, or the formula under Subsection (c) if that results in a greater allotment:

$$\underline{A = ((400 - ADA) \times .004) \times SA}$$

(b-1) Notwithstanding Subsection (b), the sum of the total accreditation allotments and any special student allotments under Subchapter C of a school district that has not more than 400 students in average daily attendance is adjusted for the following school years by applying the following formulas, or the appropriate formula under Subsection (c-1) if that results in a greater allotment:

(1) for the 2005-2006 school year:

$$\underline{A = ((400 - ADA) \times .003) \times SA}$$

(2) for the 2006-2007 school year:

$$\underline{A = ((400 - ADA) \times .0033) \times SA}$$

(3) for the 2007-2008 school year:

$$\underline{A = ((400 - ADA) \times .0035) \times SA; \text{ and}}$$

(4) for the 2008-2009 school year:

$$\underline{A = ((400 - ADA) \times .0038) \times SA}$$

(c) The sum of the total accreditation allotments and any special student allotments under Subchapter C of a school district that has not more than 1,600 students in average daily attendance is adjusted by applying the following formula, or the formula under Subsection (d) if that results in a greater allotment:

$$\underline{A = ((1,600 - ADA) \times .0004) \times SA}$$

(c-1) Notwithstanding Subsection (c), the sum of the total accreditation allotments and any special student allotments under Subchapter C of a school district that has not more than 1,600 students in average daily attendance is adjusted for the following school years by applying the following formulas, or the appropriate formula under Subsection (d-1) if that results in a greater allotment:

(1) for the 2005-2006 school year:

$$\underline{A = ((1,600 - ADA) \times .00028) \times SA}$$

(2) for the 2006-2007 school year:

$$\underline{A = ((1,600 - ADA) \times .00031) \times SA}$$

(3) for the 2007-2008 school year:

$$\underline{A = ((1,600 - ADA) \times .00034) \times SA; \text{ and}}$$

(4) for the 2008-2009 school year:

$$\underline{A = ((1,600 - ADA) \times .00037) \times SA}$$

(d) The sum of the total accreditation allotments and any special student allotments under Subchapter C of a school district that offers a kindergarten through grade 12 program and has less than 5,000 students in average daily attendance is adjusted by applying the formula, of the following formulas, that results in the greatest allotment:

(1) the formula in Subsection (b) or (c) for which the district is eligible;

or

(2) $A = ((5,000 - ADA) \times .00004) \times SA$.

(d-1) Notwithstanding Subsection (d), the sum of the total accreditation allotments and any special student allotments under Subchapter C of a school district that offers a kindergarten through grade 12 program and has less than 5,000 students in average daily attendance is adjusted for the following school years by applying the following formulas, or the appropriate formula under Subsection (b) or (c) if that results in a greater allotment:

(1) for the 2005-2006 school year:

$$A = ((5,000 - ADA) \times .000028) \times SA$$

(2) for the 2006-2007 school year:

$$A = ((5,000 - ADA) \times .000031) \times SA$$

(3) for the 2007-2008 school year:

$$A = ((5,000 - ADA) \times .000034) \times SA; \text{ and}$$

(4) for the 2008-2009 school year:

$$A = ((5,000 - ADA) \times .000037) \times SA$$

(e) Subsections (b), (c), and (d) apply beginning with the 2009-2010 school year. Subsections (b-1), (c-1), and (d-1) and this subsection expire September 1, 2010.

(3) On page 24, line 1, strike "75" and substitute "90".

(4) On page 24, line 7, strike "60" and substitute "70".

(5) On page 24, between lines 21 and 22, insert the following:

(c) Notwithstanding Subsection (a), a school district to which that subsection applies that offers a half-day prekindergarten program with at least three students in average daily attendance shall be provided an adjusted accreditation allotment on the basis of the applicable number of students in average daily attendance prescribed by Subsection (a), plus an additional five students in average daily attendance.

Amendment No. 36 was adopted.

Representative B. Keffer moved to table Amendment No. 35.

A record vote was requested.

The motion to table prevailed by (Record 57): 82 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anchia; Anderson; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Casteel; Chisum; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Flynn; Gattis; Geren; Giddings; Gonzales; Goodman; Griggs; Grusendorf; Haggerty; Hamric; Harper-Brown; Hartnett; Hegar; Hill; Hochberg; Hope; Howard; Hupp; Isett; Keel; Keffer, B.; Keffer, J.; King, P.; Krusee; Kuempel; Laubenberg; Madden; McCall; Miller; Mowery; Nixon; Orr; Otto; Paxton; Peña; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Baxter; Blake; Burnam; Campbell; Castro; Chavez; Coleman; Cook, B.; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Gonzalez Tourelles; Guillen; Hamilton; Hardcastle; Herrero; Hilderbran; Hodge; Homer; Hopson; Hughes; Hunter; Jones, D.; Jones, J.; King, T.; Kolkhorst; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Naishtat; Noriega, M.; Olivo; Phillips; Pickett; Ritter; Rodriguez; Solis; Swinford; Uresti; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent — Bailey; Goolsby; Jackson; Oliveira; Seaman; Smithee.

STATEMENTS OF VOTE

I was shown voting no on Record No. 57. I intended to vote yes.

Escobar

I was shown voting yes on Record No. 57. I intended to vote no.

Gonzales

When Record No. 57 was taken, I was in the house but away from my desk. I would have voted yes.

Seaman

Amendment No. 37

Representative Chisum offered the following amendment to **CSHB 2**:

Floor Packet Page No. 115

Amend **CSHB 2** as follows:

- (1) On page 31, lines 10-11, strike "the sum of".
- (2) On page 31, strike lines 12-27 and substitute the following:
 - (1) for the 2005-2006 school year, the sum of:

(A) the greater of:

(i) the amount of state and local revenue per student in average daily attendance for the maintenance and operation of the district to which the district was entitled for the 2004-2005 school year under Chapter 42, or, if the district was subject to Chapter 41, the amount to which the district was entitled under that chapter, including any amounts the district received under Rider 82, page III-23, Chapter 1330, Acts of the 78th Legislature, Regular Session, 2003 (the General Appropriations Act); or

(ii) the amount of state and local revenue per student in average daily attendance for the maintenance and operation of the district to which the district would have been entitled for the 2005-2006 school year under Chapter 42, as that chapter existed on January 1, 2005, or, if the district would have been subject to Chapter 41, as that chapter existed on January 1, 2005, the amount to which the district would have been entitled under that chapter, based on the funding elements in effect for the 2004-2005 school year and including any amounts described by Rider 82, page III-23, Chapter 1330, Acts of the 78th Legislature, Regular Session, 2003 (the General Appropriations Act); and

(B) an amount equal to three percent of the greater of the amounts described by Paragraph (A); and

(2) for the 2006-2007 or a subsequent school year, the sum of:

(A) the greater of:

(i) the amount of state and local revenue per student in average daily attendance for the maintenance and operation of the district to which the district was entitled for the 2004-2005 school year under Chapter 42, or, if the district was subject to Chapter 41, the amount to which the district was entitled under that chapter, including any amounts the district received under Rider 82, page III-23, Chapter 1330, Acts of the 78th Legislature, Regular Session, 2003 (the General Appropriations Act); or

(ii) the amount of state and local revenue per student in average daily attendance for the maintenance and operation of the district to which the district would have been entitled for the 2006-2007 school year under Chapter 42, as that chapter existed on January 1, 2005, or, if the district would have been subject to Chapter 41, as that chapter existed on January 1, 2005, the amount to which the district would have been entitled under that chapter, based on the funding elements in effect for the 2004-2005 school year and including any amounts described by Rider 82, page III-23, Chapter 1330, Acts of the 78th Legislature, Regular Session, 2003 (the General Appropriations Act); and

(B) an amount equal to three percent of the greater of the amounts described by Paragraph (A).

(3) On page 32, strike lines 1-7.

(4) On page 32, line 24, between "subtitle," and "the", insert "but subject to Subsection (e).".

(5) On page 33, between lines 14 and 15, insert the following:

(e) If the amount to which a school district is entitled under Section 42.311 exceeds the amount to which the district is entitled under this section, the district is entitled to the greater amount.

(6) On page 33, line 15, strike "(e)" and substitute "(f)".

Amendment No. 38

Representatives Campbell and Raymond offered the following amendment to Amendment No. 37:

Amend the Chisum amendment to **CSHB 2** as follows:

(1) On page 1 of the amendment (packet page 115), line 15, between "Act" and the semicolon, insert ", and any amounts the district received under an agreement under Subchapter E, Chapter 41".

(2) On page 2 of the amendment (packet page 116), line 12, between "Act" and the semicolon, insert ", and any amounts the district received under an agreement under Subchapter E, Chapter 41".

Amendment No. 38 was adopted.

Amendment No. 37, as amended, was adopted.

Amendment No. 39

Representative Dutton offered the following amendment to **CSHB 2**:
Floor Packet Page No. 122

Amend **CSHB 2** in SECTION 1A.01 of the bill, in PART A, ARTICLE 1, on page 42, between lines 21 and 22, by inserting the following:

Sec. 42.5011. APPLICABILITY. (a) This subchapter applies only to a school district that contains one or more campuses considered low-performing under Section 39.132 for the preceding school year.

(b) A school district may make incentive payments under this subchapter only to employees assigned to a campus considered low-performing under Section 39.132.

Amendment No. 40

Representative Giddings offered the following amendment to Amendment No. 39:

Amend Floor Amendment No. 39 by Dutton (Page 122 of pre-filed amendments packet) by adding after Line 11 of the Dutton Amendment, the following:

"(c) A student may not be assigned to the same teacher for greater than two years if that teacher is:

(1) not certified to teach in the subject area to which that teacher has been assigned; or

(2) new to the teaching profession."

Amendment No. 40 was withdrawn.

Amendment No. 39 was withdrawn.

Amendment No. 41

Representative Kolkhorst offered the following amendment to **CSHB 2**:
Floor Packet Page No. 127

Amend **CSHB 2** in Part A, Article 1, of the bill as follows:

(1) On page 50, between lines 25 and 26, insert the following appropriately numbered section and renumber the subsequent sections accordingly:

SECTION 1A. . . Section 44.004, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The notice described by Subsection (b) must state in a distinct row for each of the following taxes:

(1) the proposed rate for the school district's maintenance and operations tax described by Section 45.003, under the heading "Maintenance and Operations Tax";

(2) the proposed rate for the school district's interest and sinking fund tax described by Section 45.001, under the heading "Interest and Sinking School Debt Service Tax Approved by Local Voters"; and

(3) the proposed rate for the school district's enrichment tax described by Section 45.003, under the heading "Local Enrichment Tax Approved by Local Voters."

(2) On page 56, between lines 1 and 2, insert the following appropriately numbered section and renumber the subsequent sections accordingly:

SECTION 1A. __. Section 33.01, Tax Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In addition to other requirements of this section, a tax bill or the separate statement accompanying the tax bill for a school district must state in a distinct row for each of the following taxes:

(1) the rate for the maintenance and operations tax described by Section 45.003, Education Code, and the amount of tax due under that tax rate, under the heading "Maintenance and Operations Tax";

(2) the rate for the interest and sinking fund tax described by Section 45.001, Education Code, and the amount of tax due under that tax rate, under the heading "Interest and Sinking School Debt Service Tax Approved by Local Voters"; and

(3) the rate for the enrichment tax described by Section 45.003, Education Code, and the amount of tax due under that tax rate, under the heading "Local Enrichment Tax Approved by Local Voters."

Amendment No. 41 was withdrawn.

Amendment No. 42

Representative Geren offered the following amendment to **CSHB 2**:
Floor Packet Page No. 126

Amend **CSHB 2** by striking the text on page 47, line 17, through page 48, line 7, and substituting the following:

Sec. 41.091. AGREEMENT. A school district subject to Section 42.401 ~~[with a wealth per student that exceeds the equalized wealth level]~~ may execute an agreement with the commissioner to purchase attendance credits in an amount equal to the difference between the district's local share under Section 42.306 and the district's tier one allotment under Section 42.304 ~~[sufficient, in combination with any other actions taken under this chapter, to reduce the district's wealth per student to a level that is equal to or less than the equalized wealth level].~~

Representative Eissler moved to table Amendment No. 42.

A record vote was requested.

The motion to table was lost by (Record 58): 65 Yeas, 80 Nays, 1 Present, not voting.

Yeas — Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Eissler; Elkins; Gattis; Goolsby; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jackson; Keel; Keffer, B.;

King, P.; Krusee; Laubenberg; Madden; McCall; Miller; Morrison; Nixon; Orr; Paxton; Phillips; Reyna; Riddle; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Wong; Woolley; Zedler.

Nays — Allen, A.; Allen, R.; Alonzo; Bailey; Burnam; Casteel; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzalez Toureilles; Goodman; Griggs; Guillen; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; Hughes; Jones, D.; Jones, J.; Keffer, J.; King, T.; Kolkhorst; Kuempel; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Mowery; Naishtat; Noriega, M.; Oliveira; Olivo; Otto; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Turner; Uresti; Veasey; Villarreal; Vo; West.

Present, not voting — Mr. Speaker(C).

Absent — Anchia; Gonzales; Strama; Thompson.

A record vote was requested.

Amendment No. 42 was adopted by (Record 59).

FIVE DAY POSTING RULE SUSPENDED

Representative Giddings moved to suspend the five day posting rule to allow the Committee on Business and Industry to consider bills before the committee. The bills were previously posted for hearing today.

The motion prevailed.

CSHB 2 - (consideration continued)

The vote of the house was taken on the adoption of Amendment No. 42 and the vote was announced yeas 77, nays 72.

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 59): 75 Yeas, 73 Nays, 0 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Bailey; Burnam; Casteel; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Griggs; Guillen; Haggerty; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; Hughes; Jones, D.; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Orr; Otto; Peña; Pickett; Pitts; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Nays — Mr. Speaker(C); Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Campbell; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eiland; Eissler;

Elkins; Flynn; Gattis; Goolsby; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Reyna; Riddle; Seaman; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Absent — Callegari; Puente.

REASON FOR VOTE

I voted against Amendment No. 42 due to the negative impact this amendment would have on Fairfield, Groesbeck, Teague, and Dew ISDs.

B. Cook

The speaker stated that Amendment No. 42 was adopted by the above vote. (The vote was reconsidered later today, and Amendment No. 42 failed of adoption.)

Amendment No. 43

Representative Kolkhorst offered the following amendment to **CSHB 2**:
Floor Packet No. 127

Amend **CSHB 2** in Part A, Article 1, of the bill as follows:

(1) On page 50, between lines 25 and 26, insert the following appropriately numbered section and renumber the subsequent sections accordingly:

SECTION 1A.__. Section 44.004, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The notice described by Subsection (b) must state in a distinct row for each of the following taxes:

(1) the proposed rate for the school district's maintenance and operations tax described by Section 45.003, under the heading "Maintenance and Operations Tax";

(2) the proposed rate for the school district's interest and sinking fund tax described by Section 45.001, under the heading "Interest and Sinking School Debt Service Tax Approved by Local Voters"; and

(3) the proposed rate for the school district's enrichment tax described by Section 45.003, under the heading "Local Enrichment Tax Approved by Local Voters."

(2) On page 56, between lines 1 and 2, insert the following appropriately numbered section and renumber the subsequent sections accordingly:

SECTION 1A.__. Section 33.01, Tax Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In addition to other requirements of this section, a tax bill or the separate statement accompanying the tax bill for a school district must state in a distinct row for each of the following taxes:

(1) the rate for the maintenance and operations tax described by Section 45.003, Education Code, and the amount of tax due under that tax rate, under the heading "Maintenance and Operations Tax";

(2) the rate for the interest and sinking fund tax described by Section 45.001, Education Code, and the amount of tax due under that tax rate, under the heading "Interest and Sinking School Debt Service Tax Approved by Local Voters"; and

(3) the rate for the enrichment tax described by Section 45.003, Education Code, and the amount of tax due under that tax rate, under the heading "Local Enrichment Tax Approved by Local Voters."

Amendment No. 44

Representative Kolkhorst offered the following amendment to Amendment No. 43:

Amend the Kolkhorst amendment to **CSHB 2** (amendment packet page 127) on page 1, line 23, of the amendment by striking "33.01" and substituting "31.01".

Amendment No. 44 was adopted.

Amendment No. 43, as amended, was adopted.

Amendment No. 45

On behalf of Representative Coleman, Representative Anchia offered the following amendment to **CSHB 2**:

Floor Packet Page No. 129

Amend **CSHB 2** on page 12, between lines 22 and 23, by inserting the following:

"Sec. 42.156. GIFTED AND TALENTED STUDENT ALLOTMENT. (a) For each identified student a school district serves in a program for gifted and talented students that the district certifies to the commissioner as complying with Subchapter D, Chapter 29, a district is entitled to an annual allotment of \$546 for each school year or a greater amount provided by appropriation.

(b) Funds allocated under this section, other than the amount that represents the program's share of general administrative costs, must be used in providing programs for gifted and talented students under Subchapter D, Chapter 29, including programs sanctioned by International Baccalaureate and Advanced Placement, or in developing programs for gifted and talented students. Each district must account for the expenditure of state funds as provided by rule of the State Board of Education. If by the end of the 12th month after receiving an allotment for developing a program a district has failed to implement a program, the district must refund the amount of the allotment to the agency within 30 days.

(c) Not more than five percent of a district's students in average daily attendance are eligible for funding under this section.

(d) If the amount of state funds for which school districts are eligible under this section exceeds the amount of state funds appropriated in any year for the programs, the commissioner shall reduce each district's tier one allotments in the same manner described for a reduction in allotments under Section 42.253.

(e) If the total amount of funds allotted under this section before a date set by rule of the State Board of Education is less than the total amount appropriated for a school year, the commissioner shall transfer the remainder to any program for which an allotment under Section 42.152 may be used.

(f) After each district has received allotted funds for this program, the State Board of Education may use up to \$500,000 of the funds allocated under this section for programs such as MATHCOUNTS, Future Problem Solving, Odyssey of the Mind, and Academic Decathlon, as long as these funds are used to train personnel and provide program services. To be eligible for funding under this subsection, a program must be determined by the State Board of Education to provide services that are effective and consistent with the state plan for gifted and talented education."

(Flynn in the chair)

Representative B. Keffer moved to table Amendment No. 45.

A record vote was requested.

The motion to table prevailed by (Record 60): 79 Yeas, 66 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Baxter; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Hegar; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Vo.

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

Absent — Edwards; Madden; Villarreal.

STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 60 because I was in the chair. I intended to vote yes.

Flynn

When Record No. 60 was taken, my vote failed to register. I would have voted yes.

Madden

(Speaker in the chair)

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry, 8 a.m. Wednesday, March 9, E2.028, for a public hearing, to consider bills before the committee, including the bills posted for today's meeting.

CSHB 2 - (consideration continued)

Amendment No. 46

Representative Escobar offered the following amendment to **CSHB 2**:
Floor Packet Page No. 131

Amend **CSHB 2** by adding a new Section to read as follows:

SECTION.

Sec. 42.2591. CERTIFICATION OF SUFFICIENT APPROPRIATIONS FOR FOUNDATION SCHOOL PROGRAM. (a) Before the beginning of each school year, the commissioner shall certify in writing whether the legislature has appropriated sufficient state funds for purposes of the Foundation School Program for the following school year. For purposes of this section, an appropriation of state funds for purposes of the Foundation School Program is sufficient if:

(1) the appropriated state funds constitute at least 60 percent of the cost of the Foundation School Program; and

(2) the appropriated state funds, in combination with the local school district funds to be generated using the tax rates authorized by law for maintenance and operation, permit each school district to provide a basic program of education that is rated academically acceptable or higher under Section 39.072.

(b) The commissioner may make the certification required by Subsection (a) only after holding a public hearing. A school district may designate a person to appear at the hearing and testify as to the sufficiency of the appropriation for purposes of the Foundation School Program.

(c) If the commission determines that the legislature has appropriated sufficient state funds for purposes of the Foundation School Program for the following school year, any school district may bring an action in a district court in Travis County challenging that determination.

(d) If the commissioner determines that the legislature has not appropriated sufficient state funds for purposes of the Foundation School Program for the following school year, any school district may bring an action in a district court in Travis County to enjoin the comptroller from issuing any warrants to school

districts for payments for the following school year until the legislature has appropriated sufficient state funds. An injunction under this subsection may not take effect until the 90th day after the date the court enters the injunction.

(e) This Section applies beginning with the 2005-2006 school year.

Representative Nixon moved to table Amendment No. 46.

A record vote was requested.

The motion to table prevailed by (Record 61): 85 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Allen, R.; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Gonzales; Gonzalez Tourelles; Guillen; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Anderson; Giddings; Goodman.

STATEMENT OF VOTE

When Record No. 61 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

Amendment No. 42 - Vote Reconsidered

Representative R. Allen moved to reconsider the vote by which Amendment No. 42 was adopted.

A record vote was requested.

The vote of the house was taken on the motion to reconsider the vote by which Amendment No. 42 was adopted and the vote was announced yeas 75, nays 73.

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 62): 75 Yeas, 72 Nays, 0 Present, not voting.

Yeas — Mr. Speaker(C); Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Campbell; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Flynn; Gattis; Goolsby; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Hope; Howard; Hunter; Hupp; Isett; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Reyna; Riddle; Seaman; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Casteel; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Griggs; Guillen; Haggerty; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; Hughes; Jones, D.; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Pitts; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Absent — Callegari; Hilderbran; Puente.

STATEMENT OF VOTE

When Record No. 62 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

The speaker stated that the motion to reconsider the vote by which Amendment No. 42 was adopted prevailed by the above vote.

A record vote was requested.

Amendment No. 42 failed of adoption by (Record 63): 72 Yeas, 76 Nays, 0 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Casteel; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Griggs; Guillen; Haggerty; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; Hughes; Jones, D.; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Pitts; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Smith, T.; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Nays — Mr. Speaker(C); Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Campbell; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards;

Eiland; Eissler; Elkins; Flynn; Gattis; Goolsby; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Riddle; Seaman; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Absent — Callegari; Puente.

STATEMENT OF VOTE

I was shown voting no on Record No. 63. I intended to vote yes.

Edwards

Amendment No. 47

Representative Dutton offered the following amendment to **CSHB 2**:
Floor Packet Page No. 122

Amend **CSHB 2** in SECTION 1A.01 of the bill, in PART A, ARTICLE 1, on page 42, between lines 21 and 22, by inserting the following:

Sec. 42.5011. APPLICABILITY. (a) This subchapter applies only to a school district that contains one or more campuses considered low-performing under Section 39.132 for the preceding school year.

(b) A school district may make incentive payments under this subchapter only to employees assigned to a campus considered low-performing under Section 39.132.

Amendment No. 48

Representative Giddings offered the following amendment to Amendment No. 47:

Amend the Dutton amendment to **CSHB 2** (amendment packet page 122) by striking the amendment and substituting the following:

Amend **CSHB 2** on page 82, between lines 23 and 24, by adding the following section, appropriately numbered:

SECTION 2D. __. Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.0216 to read as follows:

Sec. 28.0216. LIMITS ON ASSIGNMENT OF STUDENTS TO TEACHERS. (a) A student in kindergarten through grade six may not be assigned for two consecutive school years to a teacher who:

(1) has less than one year of teaching experience; or

(2) does not hold the certificate required under Section 21.003.

(b) In a subject for which a student is assessed under Section 39.023 (a) or (c), a student in grade seven through 12 may not be assigned for two consecutive years to a teacher who:

(1) has less than one year of teaching experience; or

(2) does not hold the certificate required under Section 21.003.

Amendment No. 48 was adopted.

Amendment No. 47, as amended, was adopted.

Amendment No. 49

Representative Martinez Fischer offered the following amendment to **CSHB 2**:

Floor Packet Page No. 132

Amend **CSHB 2** in ARTICLE 1, PART A, by inserting the following appropriately-numbered SECTION:

"SECTION 1A. ___. Section 29.086, Education Code is amended to read as follows:

Sec. 29.086. BASIC SKILLS PROGRAMS FOR HIGH SCHOOL STUDENTS. (a) A school district shall [~~may~~] apply to the commissioner for funding of special programs for students in grade nine who are at risk of not earning sufficient credit or who have not earned sufficient credit to advance to grade 10 and who fail to meet minimum skills levels established by the commissioner. A school district may, with the consent of a student's parent or guardian, assign a student to a program under this section. A program under this section may no exceed 210 instructional days.

(b) A program under this section must emphasize basic skills in areas of the required curriculum under Section 28.002 and must offer students the opportunity to increase credits required for high school graduation under state or school district policy. A program under this section may be provided by a school district or an entity contracting with a school district to provide the program.

(c) The commissioner shall award funds to districts in accordance with a competitive grant process developed by the commissioner. A grant may be made to a consortium of school districts. The criteria by which the commissioner awards a grant must include the quality of the proposed program and the school district's demonstrated need for the program. An approved program must include criteria that permit measurement of student progress, and the district shall:

(1) annually evaluate the progress of students in the program; and

(2) submit the results of the evaluation to the commissioner at the end of the school year.

(d) The commissioner shall establish minimum levels of student enrollment and standards of student progress required for continued funding of a program under this section. The commissioner may eliminate funding for a program in a subsequent school year if the program fails to achieve sufficient levels of student progress.

(e) The amount of a grant under this section must take into account funds distributed to the school district under Chapter 42.

(f) The commissioner may adopt rules for the administration of programs under this section."

Representative Grusendorf moved to table Amendment No. 49.

(West in the chair)

A record vote was requested.

The motion to table prevailed by (Record 64): 83 Yeas, 59 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West(C); Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Herrero; Hodge; Homer; Hopson; Jones, J.; King, T.; Leibowitz; Martinez; Martinez Fischer; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker.

Absent — Blake; Deshotel; Gallego; Hochberg; Laney; Luna; McClendon.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 64. I intended to vote no.

Baxter

When Record No. 64 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

Amendment No. 50

Representative Isett offered the following amendment to **CSHB 2**:

Floor Packet Page No. 134

Amend **CSHB 2** by adding the following section and renaming subsequent parts accordingly:

SECTION _____. Implementation of revenue maintenance provisions for districts under Countywide Equalization System. (a) This section applies only to a school district that receives local property tax revenue from a countywide equalization tax imposed in accordance with former Chapter 18 and authorized by Section 11.301.

(b) In implementing any provision of this chapter that entitles a school district to maintain the amount of state and local revenue per student in average daily attendance that would have been available to the district using the funding elements under Chapters 41 and 42 in effect during the 2004-2005 school year,

the commissioner shall consider the tax rate of each district receiving revenue from a countywide equalization tax to be the sum of the equalization tax rate and the rate imposed by the district.

Amendment No. 50 was adopted.

Amendment No. 51

Representative Dunnam offered the following amendment to **CSHB 2**:
Floor Packet Page No. 135

Amend **CSHB 2** in PART A, ARTICLE 1, by inserting the following appropriately-numbered SECTION to read as follows:

"SECTION 1A.15. (a) Section 11.013(d), Tax Code is amended to read as follows:

(b) An adult is entitled to exemption from taxation by a school district of \$45,000 [~~\$15,000~~] of the appraised value of the adult's residence homestead, except that \$10,000 of the exemption does not apply to an entity operating under former Chapter 17, 18, 25, 26, 27, or 28, Education Code, as those chapters existed on May 1, 1995, as permitted by Section 11.301, Education Code.

(b) This Section takes effect only if **HJR** ___, Acts of the 79th Legislature, Regular Session, 2005, takes. If that resolution does not take effect, this Section has no effect."

Amendment No. 51 - Point of Order

Representative Chisum raised a point of order against further consideration of Amendment No. 51 under Rule 11, Section 2 of the House Rules on the grounds that it is not germane to the bill.

(Speaker in the chair)

The speaker sustained the point of order, speaking as follows:

Representative Chisum raises a point of order against further consideration of Representative Dunnam's amendment on the grounds that a portion of the amendment, which would increase the homestead property tax exemption from \$15,000 to \$45,000 is not germane to **CSHB 2**.

I thank the members for their arguments and direction to authority.

Under Rule 11, Section 2, a proposition on a subject different from the subject under consideration shall be admitted as an amendment or as a substitute for the motion or proposition under debate. Additionally, under the House Rules "an amendment to a committee substitute laid before the house in lieu of an original bill is germane if each subject of the amendment is a subject that is included in the committee substitute or was included in the original bill."

The house journals contain a number of examples of amendments which bear some relation to the subject of the bill. Although amendments are often well-cloaked as matters bearing some relation to the primary subject, the chair must examine the primary purpose of the amendment and seek if they expand the scope of the bill. See House Journal, page 1147 (75th Legislature). The test is whether the subject of the amendment is also the subject of the bill. Amendments which expand the scope of bill are not germane.

In this case, the chair is of the opinion that the bill before us was narrowly limited and the subject of the bill is the funding and operation of public schools. It is the chair's opinion that issues related to valuation of property for ad valorem taxation, which is the section of Mr. Dunnam's amendment that is complained of, is not within the subject of **CSHB 2**. Because the amendment would expand the scope of the bill, which as reported from committee was narrowly limited, and because they are different subjects, the point of order is sustained.

Amendment No. 52

Representative Phillips offered the following amendment to **CSHB 2**:

Floor Packet Page No. 338

Amend **CSHB 2** as follows:

(1) On page 60, line 21, strike "(c-1) and (c-2)" and substitute "(c-1), (c-2), and (c-3)".

(2) On page 62, between lines 21 and 22, insert the following:

(c-2) This subsection applies only to a classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse employed by a school district that demonstrates to the commissioner's satisfaction that the district paid the employee an additional amount during each of the 2003–2004 and 2004–2005 school years to compensate for reductions made in the health coverage or compensation supplementation provided by former Article 3.50-8, Insurance Code, by the amendment of that article by Section 57, Chapter 201, Acts of the 78th Legislature, Regular Session, 2003. Notwithstanding Subsection (a) or (c-1), for the 2005–2006 school year, an employee to whom this subsection applies is entitled to a monthly salary that is at least equal to the sum of:

(1) the monthly salary the employee would have received for the 2005-2006 school year under the district's salary schedule for the 2004-2005 school year, if that schedule had been in effect for the 2005–2006 school year, including any local supplement and any money representing a career ladder supplement the employee would have received in the 2005-2006 school year; and

(2) an amount equal to \$100 less the additional amount paid by the school district as determined by the commissioner.

(3) On page 62, line 22, strike "(c-2) Subsection (c-1)" and substitute "(c-3) Subsections (c-1), (c-2),".

Amendment No. 52 was withdrawn.

Amendment No. 53

Representatives Isett, Corte, Keel, Baxter, Bonnen, and Straus offered the following amendment to **CSHB 2**:

Floor Packet Page No. 136

Amend **CSHB 2** by adding the following appropriately lettered part to Article 1 of the bill and relettering the subsequent parts accordingly:

PART ___. SOCIAL SECURITY CONTRIBUTIONS

SECTION 1___. Subchapter B, Chapter 606, Government Code, is amended by adding Section 606.0261 to read as follows:

Sec. 606.0261. PAYMENT OF SCHOOL DISTRICT CONTRIBUTIONS.

(a) Subject to Subsection (b), the state shall pay 50 percent of the total costs incurred by a school district in making contributions for social security coverage for the district's employees.

(b) Payment of state assistance under this section is limited to:

(1) school districts that covered district employees under the social security program before January 1, 2005; and

(2) contributions made on behalf of employees in a class of employees the district covered under the social security program before January 1, 2005.

(c) Using funds appropriated for the purpose, the commissioner of education shall distribute money to which school districts are entitled under this section in accordance with rules adopted by the commissioner.

SECTION 1___. This part takes effect September 1, 2005.

Amendment No. 53 was adopted.

Amendment No. 54

Representative Hope offered the following amendment to **CSHB 2**:

Floor Packet Page No. 138

Amend **CSHB 2** as follows:

(1) On page 57, between lines 7 and 8, insert the following:

(c) A school district that enters into an agreement for a cooperative arrangement described by Subsection (a) is entitled to keep any money the district saves as a result of reduced costs or increased efficiencies under the arrangement.

(2) On page 57, line 8, strike "(c)" and substitute "(d)".

Amendment No. 54 was adopted.

Amendment No. 55

Representative J. Moreno offered the following amendment to **CSHB 2**:

Floor Packet Page No. 139

Amend **CSHB 2** as follows:

(1) Amend the heading to ARTICLE 2 to read as follows:

"STUDENT-TEACHER EXCELLENCE AND GOOD SCHOOLS [EDUCATION EXCELLENCE]".

(2) Strike SECTION 2A.04 and substitute the following:

SECTION 2A.04. Section 21.402, Education Code, is amended by amending Subsections (a) and (d) and adding Subsections (c-1), (c-2), (c-3), (e) and (f) to read as follows:

(a) Except as provided by Subsection (d), (e), or (f), a school district must pay each classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse not less than the minimum monthly salary, based on the employee's level of experience, determined by the following formula:

$$MS = SF \times FS$$

where:

"MS" is the minimum monthly salary;

"SF" is the applicable salary factor specified by Subsection (c); and

"FS" is the amount, as determined by the commissioner under Subsection (b), of state and local funds per weighted student available to a district eligible to receive state assistance under Section 42.302 with an enrichment tax rate, as defined by Section 42.302, equal to the maximum rate authorized under Section 42.303, except that the amount of state and local funds per weighted student does not include the amount attributable to the increase in the guaranteed level made by **HB 3343**, Acts of the 77th Legislature, Regular Session, 2001 or by **HB 2**, Acts of the 79th Legislature, Regular Session, 2005.

(c-1) Notwithstanding Subsection (a), for the 2005-2006 school year, a classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse is entitled to a monthly salary that is at least equal to the sum of:

(1) the monthly salary the employee would have received for the 2005-2006 school year under the district's salary schedule or other compensation system, including any local supplement and any money representing a career ladder supplement the employee would have received in the 2005-2006 school year; and

(2) \$200.

(c-2) Notwithstanding Subsection (a), for the 2006-2007 school year, a classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse is entitled to a monthly salary that is at least equal to the sum of:

(1) the monthly salary the employee would have received for the 2006-2007 school year under the district's salary schedule or other compensation system, including any local supplement and any money representing a career ladder supplement the employee would have received in the 2006-2007 school year; and

(2) \$400.

(c-3) Subsections (c-1) and (c-2) and this subsection expire September 1, 2006.

(d) A classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse employed by a school district in the 2006-2007 [~~2000-2001~~] school year is, as long as the employee is employed by the same district, entitled to a salary that is at least equal to the salary the employee received for the 2006-2007 [~~2000-2001~~] school year.

(e-1) For the 2005-2006 school year, in addition the amounts specified in (c-1), each school district shall spend an amount equal to the product of \$400 multiplied by the number of classroom teachers, full-time librarians, full-time counselors certified under Subchapter B, Chapter 21, and full-time school nurses employed by the district and entitled to a minimum salary under Section 21.402 on:

(1) additional across the board salary increases for all employees subject to the minimum salary schedule; or

(2) additional stipends, in amounts determined by the district, to encourage successful classroom teachers who hold appropriate certificates issued as provided by Subchapter B and have at least three years of classroom experience to:

(A) teach or serve as a mentor or master teacher at a campus that is considered low-performing under Section 39.132;

(B) teach or serve as a mentor or master teacher at a campus or in a program where at least 70 percent of the students are educationally disadvantaged;

(C) serve as a mentor or master teacher in a subject for which they are certified and which is designated by the Commissioner as a critical shortage area; or

(D) teach or serve in a program that is designed to provide highly qualified teachers to students that are at risk of failing or dropping out.

(e-2) Beginning with the 2006-2007 school year, in addition to the amounts specified in (c-2), each school district shall spend an amount equal to the product of \$800 multiplied by the number of classroom teachers, full-time librarians, full-time counselors certified under Subchapter B, Chapter 21, and full-time school nurses employed by the district and entitled to a minimum salary under Section 21.402 on:

(1) additional across the board salary increases for all employees subject to the minimum salary schedule; or

(2) additional stipends, in amounts determined by the district, to encourage successful classroom teachers who hold appropriate certificates issued as provided by Subchapter B and have at least three years of classroom experience to:

(A) teach or serve as a mentor or master teacher at a campus that is considered low-performing under Section 39.132;

(B) teach or serve as a mentor or master teacher at a campus or in a program where at least 70 percent of the students are educationally disadvantaged;

(C) serve as a mentor or master teacher in a subject for which they are certified and which is designated by the Commissioner as a critical shortage area; or

(D) teach or serve in a program that is designed to provide highly qualified teachers to students that are at a risk of failing or dropping out.

(f) No later than June 1, 2007, the commissioner shall adjust the factors in Subsection (a) above such that the minimum monthly salary calculated under Subsection (a) is \$400 greater than the minimum monthly salary the formula would have generated.

(3) On page 69, line 11, between "software" and "or" insert "or provide commercially available software".

(4) Strike SECTIONS 2C.01, 2C.05, and 2C.06.

(5) Strike SECTIONS 2C.02 and 2C.10.

(6) In ARTICLE 2, PART C, add the following appropriately-numbered SECTION to read as follows:

SECTION 2C. __. Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.0216 to read as follows:

Sec. 28.0216. LIMITS ON ASSIGNMENT OF STUDENTS TO TEACHERS. (a) A student in grades Kindergarten through 6 may not be assigned for two consecutive school years to a teacher who:

(1) has less than one year of teaching experience; or

(2) does not hold the appropriate certificate issued by the State Board for Educator Certification.

(b) In a subject for which a student takes an assessment under Section 39.023(a) or (c), a student in grade 7 or higher may not be assigned for two consecutive school years to a teacher who:

(1) has less than one year of teaching experience; or

(2) does not hold the appropriate certificate issued by the State Board for Educator Certification.

(7) Strike SECTION 2D.03.

(8) Strike SECTION 2D.13.

(9) On page 94, strike lines 25 and 26 and substitute "required by this subchapter, a school district shall provide to high school students at grade levels determined by the commissioner the opportunity to take"

(10) Beginning on page 107, line 17, strike all language through page 110, line 20.

(11) On page 129, line 17, strike "has" and substitute "and "private or independent institution of higher education" have".

(12) On page 130, strike lines 1 through 5 and substitute "this section.".

(13) On page 130, line 24, between "university" and "whose" insert "or private or independent institution of higher education".

(14) In ARTICLE 3, strike the following conforming amendments: SECTIONS 3.01, 3.02, 3.03, 3.04, and 3.05.

(15) Strike SECTION 3.06 and substitute the following:

SECTION 3.01. Section 12.106(a), Education Code, is amended to read as follows:

(a) A charter holder is entitled to receive for the open-enrollment charter school funding under Chapter 42 as if the school were a school district without a tier one local share for purposes of Section 42.253 and without any local revenue ("LR") for purposes of Section 42.302. In determining funding for an open-enrollment charter school, adjustments under Sections 42.102, 42.103,

42.104, and 42.105 and the district enrichment tax rate ("DTR") under Section 42.302 are based on the average adjustment and average district enrichment tax rate for the state, as estimated at the beginning of the school year, and provided that the amount of state funding for each student is not subject to adjustment after the beginning of the school year due to changes in the property value or collection rates for the state.

(16) In ARTICLE 3, strike the following conforming amendments: SECTIONS 3.07, 3.08, 3.09, 3.10, 3.12, 3.13, 3.14, 3.15, 3.16, and 3.17.

(17) In ARTICLE 3, strike the following conforming amendments: SECTIONS 3.25 and 3.26.

(18) On page 150, strike lines 4 through 9 and substitute the following:

"(b) After setting aside an appropriate amount in accordance with this section, the commissioner shall proportionately reduce each district's tier one allotment or, for a district that does not receive a Tier I allotment, increase the district's payments under Chapter 41. A reduction in tier one allotments under this section does not affect the computation of the guaranteed amount of revenue per student per cent of tax effort under Section 42.252."

(19) In ARTICLE 3, strike SECTIONS 3.28 through 3.50.

(20) In ARTICLE 3, insert the following appropriately-numbered SECTIONS to read as follows:

SECTION 3. __. Section 42.005(a), Education Code, is amended by adding Subdivision (3) to read as follows:

(3) for a district that operates under a flexible school day program under Section 29.0822, the average daily attendance as calculated by the commissioner in accordance with Section 29.0822(d).

SECTION 3. __. Section 42.102 is amended to read as follows:

(a) The basic allotment for each district is adjusted to reflect the geographic variation in known resource costs and costs of education due to factors beyond the control of the school district.

(b) The cost of education adjustment is the cost of education index adjustment adopted by the foundation school fund budget committee and contained in Chapter 203, Title 19, Texas Administrative Code, as that chapter existed on March 26, 1997. The commissioner shall adjust modify adjustment as necessary to compensate for the equal application of the adjustment to each of the two tiers of the system.

SECTION 3. __. (1) Section 403.302(j), Education Code, is amended to read as follows:

(j) For purposes of Section 42.2511, Education Code, the comptroller shall certify to the commissioner of education:

(1) a final value for each school district computed on a residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, of \$15,000 [~~\$5,000~~]; and

(2) a final value for each school district computed on:

(A) a residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, of \$45,000 [~~\$15,000~~]; and

(B) the effect of the additional limitation on tax increases under Section 1-b(d), Article VIII, Texas Constitution.

(2) This Section takes effect only if **HJR _____**, Acts of the 79th Legislature, Regular Session, 2005, takes. If that resolution does not take effect, this Section has no effect."

(21) On page 163, line 17, strike "and 57".

(22) On page 163, strike lines 21-22 and reletter remaining subsections appropriately.

(23) Beginning on page 163, line 23, strike all language through page 164, line 3, and substitute the following:

"(c) Sections 21.357, 39.023(j), 41.002(b), 41.002(e), 41.002(f), 41.002(g), 42.103(e), and 42.2514 of the Education Code are repealed."

(24) On page 164, strike lines 6 through 14.

(25) Strike the last two sentences of SECTION 4.03.

Amendment No. 55 was withdrawn.

Amendment No. 56

On behalf of Representative Coleman, Representative Veasey offered the following amendment to **CSHB 2**:

Floor Packet Page No. 150

Amend **CSHB 2** by striking SECTION 2A.02 and renumbering subsequent sections accordingly.

Representative Grusendorf moved to table Amendment No. 56.

A record vote was requested.

The motion to table prevailed by (Record 65): 78 Yeas, 67 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Blake; Burnam; Castro; Chavez; Coleman; Cook, B.; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Guillen; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Chisum; Davis, J.; Keffer, J.; Laney.

STATEMENT OF VOTE

I was shown voting yes on Record No. 65. I intended to vote no.

Baxter

Amendment No. 57

Representative Howard offered the following amendment to **CSHB 2**:

Floor Packet Page No. 151

Amend **CSHB 2** on page 59 by striking lines 19-22.

Amendment No. 57 was adopted.

Amendment No. 58

Representative Howard offered the following amendment to **CSHB 2**:

Floor Packet Page No. 152

Amend **CSHB 2** as follows:

(1) On page 60, strike the sentence that begins on line 2.

(2) On page 59, line 24, strike "Subsection (c)" and substitute "Subsections (c) and (d)".

(3) On page 60, between lines 11 and 12, insert the following:

(c) As part of compliance with continuing education requirements under this section, a principal or superintendent must attend advanced management training courses or programs as prescribed by board rule.

(4) On page 60, line 12, strike "(c)" and substitute "(d)".

Amendment No. 58 was adopted.

Amendment No. 59

Representative McClendon offered the following amendment to **CSHB 2**:

Floor Packet Page No. 154

Amend **CSHB 2** as follows:

(1) On page 60, line 9, strike "Each" and substitute "Except as provided by Section 21.059, each [Each]".

(2) On page 60, between lines 18 and 19, insert the following appropriately numbered section and renumber the subsequent sections of the bill accordingly:

SECTION 2A. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.059 to read as follows:

Sec. 21.059. EXTENSION OF CERTAIN DEADLINES FOR ACTIVE DUTY MILITARY PERSONNEL. A person who holds a certificate or permit under this subchapter who is a member of the state military forces or a reserve component of the armed forces of the United States and who is ordered to active duty by proper authority is entitled to an additional amount of time, equal to the total number of years or parts of years that the educator serves on active duty, to complete:

(1) any continuing education requirements; and

(2) any requirements relating to renewal or extension of the person's certificate or permit.

(3) On page 65, between lines 2 and 3, insert the following appropriately numbered section and renumber the subsequent sections of the bill accordingly:

SECTION 2A. Section 21.059, Education Code, as added by this Act, applies to a person who holds a certificate or permit under Subchapter B, Chapter 21, Education Code, and is a member of the state military forces or a reserve component of the armed forces of the United States and who is ordered to report for active duty beginning on or after September 1, 2004.

Amendment No. 59 was adopted.

Amendment No. 60

Representatives Casteel, Peña, Hughes, Hamilton, B. Cook, and Bonnen offered the following amendment to **CSHB 2**:

Floor Packet Page No. 171

Amend **CSHB 2** as follows:

(1) On page 25, between lines 17 and 18, insert the following:

Sec. 42.3051. ADDITIONAL STATE AID OR CREDIT AGAINST COST OF ATTENDANCE CREDITS FOR PROFESSIONAL STAFF SALARIES. (a) A school district, including a school district that is otherwise ineligible for state aid under this chapter, is entitled to state aid in an amount, as determined by the commissioner, equal to the product of \$3,000 multiplied by the number of classroom teachers, full-time librarians, full-time counselors certified under Subchapter B, Chapter 21, and full-time school nurses employed by the district and entitled to a minimum salary under Section 21.402.

(b) A school district subject to Section 42.401 that elects to purchase average daily attendance credit under Subchapter D, Chapter 41, is entitled to credit, in the amount of state aid to which the district is entitled under this section, against the total amount required under Section 41.093 for the district to purchase attendance credits.

(c) A determination by the commissioner under this section is final and may not be appealed.

(d) The commissioner may adopt rules to implement this section.

(2) Strike page 61, lines 15-27, and page 62, lines 1-10, and substitute the following:

(c) The minimum monthly salary under this section is ~~[factors per step are]~~ as follows:

Years Experience	0	1
Monthly Salary	\$2,824 [5656]	\$2,881 [5790]
[Factor]		
Years Experience	3	4
Monthly Salary	\$2,996 [6058]	\$3,117 [6340]
[Factor]		
Years Experience	6	7
Monthly Salary	\$3,359 [6906]	\$3,472 [7168]

[Factor]		
Years Experience	9	10
Monthly Salary	<u>\$3,679</u> [7654]	<u>\$3,773</u> [7872]
[Factor]		
Years Experience	12	13
Monthly Salary	<u>\$3,949</u> [8284]	<u>\$4,028</u> [8467]
[Factor]		
Years Experience	15	16
Monthly Salary	<u>\$4,176</u> [8844]	<u>\$4,244</u> [8970]
[Factor]		
Years Experience	18	19
Monthly Salary	<u>\$4,368</u> [9260]	<u>\$4,426</u> [9394]
[Factor]		

(3) On page 62, line 21, strike "\$100" and substitute "\$400".

Amendment No. 61

On behalf of Representatives Casteel and Eissler, Representative Hamilton offered the following amendment to Amendment No. 60:

Amend the Casteel amendment to **CSHB 2** (amendment packet, page 171) by striking the text from page 1, line 2 of the amendment through page 2, line 23 of the amendment and substituting the following:

(1) On page 36, between lines 22 and 23, insert the following:

Sec. 42.3131. USE OF CERTAIN REVENUE FOR ENHANCED COMPENSATION. (a) Beginning with the 2005–2006 school year, a school district must use at least 50 percent of all state and local maintenance and operations revenue in excess of the level expended in the 2004–2005 school year for the purpose of providing enhanced compensation to classroom teachers.

(b) The commissioner shall adopt rules necessary to implement this section. The rules must ensure that classroom teacher average salaries are increased by the lesser of:

(1) The \$3,000 per year; or

(2) the amount that can be provided using 44 percent of the increase in the district's maintenance and operations revenue from the 2004–2005 school year.

(c) A school district that paid employees an additional amount during each of the 2003–2004 and 2004–2005 school years to compensate for reductions made in the health coverage or compensation supplementation provided by former Article 3.50-8, Insurance Code, may apply to the commissioner for authority to provide a lesser amount of enhanced compensation than the amount otherwise required by this section, to the extent equitable considering the additional compensation provided by the district during the 2003–2004 and 2004–2005 school years.

Amendment No. 61 was adopted.

Amendment No. 62

Representative Eissler offered the following amendment to Amendment No. 60:

Substitute the following for the amendment by ___ to the Casteel amendment to **CSHB 2** (amendment packet, page 171):

Amend the Casteel amendment to **CSHB 2** (amendment packet, page 171) by striking the text from page 1, line 2 of the amendment through page 2, line 23 of the amendment and substituting the following:

(1) On page 36, between lines 22 and 23, insert the following:

Sec. 42.3131. USE OF CERTAIN REVENUE FOR ENHANCED COMPENSATION. (a) Beginning with the 2005–2006 school year, a school district must use at least 50 percent of all state and local maintenance operations revenue in excess of the level expended in the 2004–2005 school year for the purpose of providing enhanced compensation to classroom teachers, full-time librarians, full-time counselors certified under Subchapter B, Chapter 21, and full-time school nurses.

(b) The commissioner shall adopt rules necessary to implement this section. The rules must ensure salaries provided to individuals listed in Subsection (a) are increased by the lesser of:

(1) \$3,000 per year; or

(2) the amount that can be provided using 44 percent of the increase in the district's maintenance and operations revenue from the 2004-2005 school year.

(c) A school district that paid employees an additional amount during each of the 2003–2004 and 2004-2005 school years to compensate for reductions made in the health coverage or compensation supplementation provided by former Article 3.50-8, Insurance Code, may apply to the commissioner for authority to provide a lesser amount of enhanced compensation than the amount otherwise required by this section, to the extent equitable considering the additional compensation provided by the district during the 2003-2004 and 2004-2005 school years.

Amendment No. 63

Representative Dunnam offered the following substitute amendment for Amendment No. 62:

Amend the Eissler substitute for the amendment to the Casteel amendment to **CSHB 2** by striking the text and substituting the following:

Amend the Casteel amendment to **CSHB 2** (amendment packet, page 171) by striking the text from page 1, line 2 of the amendment through page 2, line 23 of the amendment and substituting the following:

(1) On page 32, between lines 22 and 23 by inserting the following:

"Sec. 42.3111. ADDITIONAL STATE AID FOR PROFESSIONAL STAFF SALARIES. (a) A school district, including a school district that is otherwise ineligible for state aid under this chapter, is entitled to state aid in an amount, as determined by the commissioner, equal to the difference, if any, between:

(1) an amount equal to the product of \$2400 multiplied by the number of professional employees employed by the district and entitled to a minimum salary under Section 21.402; and

(2) an amount equal to 80 percent of the amount of additional funds to which the district is entitled due to the increases made by **HB 2**, Acts of the 79th Legislature, Regular Session, 2005."

(2) Strike SECTION 2A.04 substitute the following:

"SECTION 2A.04 Section 21.402, Education Code, is amended by amending Subsections (a) and (d) and adding Subsections (c-1), (c-2), (c-3), (e) and (f) to read as follows:

(a) Except as provided by Subsection (d), (e), or (f), a school district must pay each classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse not less than the minimum monthly salary, based on the employee's level of experience, determined by the following formula:

$$MS = SF \times FS$$

where:

"MS" is the minimum monthly salary;

"SF" is the applicable salary factor specified by Subsection (c); and

"FS" is the amount, as determined by the commissioner under Subsection (b), of state and local funds per weighted student available to a district eligible to receive state assistance under Section 42.302 with an enrichment tax rate, as defined by Section 42.302, equal to the maximum rate authorized under Section 42.303, except that the amount of state and local funds per weighted student does not include the amount attributable to the increase in the guaranteed level made by **HB 3343**, Acts of the 77th Legislature, Regular Session, 2001 or by **HB 2**, Acts of the 79th Legislature, Regular Session, 2005.

(c-1) Notwithstanding Subsection (a), for the 2005–2006 school year, a classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse is entitled to a monthly salary that is at least equal to the sum of:

(1) the monthly salary the employee would have received for the 2005-2006 school year under the district's salary schedule or other compensation system, including any local supplement and any money representing a career ladder supplement the employee would have received in the 2005–2006 school year; and

(2) \$200.

(c-2) Notwithstanding Subsection (a), for the 2006–2007 school year, a classroom teacher, a full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse is entitled to a monthly salary that is at least equal to the sum of:

(1) the monthly salary the employee would have received for the 2006–2007 school year under the district's salary schedule or other compensation system, including any local supplement and any money representing a career ladder supplement the employee would have received in the 2006-2007 school year; and

(2) \$400.

(c-3) Subsections (c-1) and (c-2) and this subsection expire September 1, 2006.

(d) A classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse employed by a school district in the 2006-2007 [~~2000-2001~~] school year is, as long as the employee is employed by the same district, entitled to a salary that is at least equal to the salary the employee received for the 2006-2007 [~~2000-2001~~] school year.

(e-1) For the 2005-2006 school year, in addition the amounts specified in (c-1), each school district shall spend an amount equal to the product of \$400 multiplied by the number of classroom teachers, full-time librarians, full-time counselors certified under Subchapter B, Chapter 21, and full-time school nurses employed by the district and entitled to a minimum salary under Section 21.402 on:

(1) additional across the board salary increases for all employees subject to the minimum salary schedule; or

(2) additional stipends, in amounts determined by the district, to encourage successful classroom teachers who hold appropriate certificates issued as provided by Subchapter B and have at least three years of classroom experience to:

(A) teach or serve as a mentor or master teacher at a campus that is considered low-performing under Section 39.132;

(B) teach or serve as a mentor or master teacher at a campus or in a program where at least 70 percent of the students are educationally disadvantaged;

(C) serve as a mentor or master teacher in a subject for which they are certified and which is designated by the Commissioner as a critical shortage area; or

(D) teach or serve in a program that is designed to provide highly qualified teachers to students that are at risk of failing or dropping out.

(e-2) Beginning with the 2006-2007 school year, in addition to the amounts specified in (c-2), each school district shall spend an amount equal to the product of \$800 multiplied by the number of classroom teachers, full-time librarians, full-time counselors certified under Subchapter B, Chapter 21, and full-time school nurses employed by the district and entitled to a minimum salary under Section 21.402 on:

(1) additional across the board salary increases for all employees subject to the minimum salary schedule; or

(2) additional stipends, in amounts determined by the district, to encourage successful classroom teachers who hold appropriate certificates issued as provided by Subchapter B and have at least three years of classroom experience to:

(A) teach or serve as a mentor or master teacher at a campus that is considered low-performing under Section 39.132;

(B) teach or serve as a mentor or master teacher at a campus or in a program where at least 70 percent of the students are educationally disadvantaged;

(C) serve as a mentor or master teacher in a subject for which they are certified and which is designated by the Commissioner as a critical shortage area; or

(D) teach or serve in a program that is designed to provide highly qualified teachers to students that are at risk of failing or dropping out.

(f) No later than June 1, 2007, the commissioner shall adjust the factors in Subsection (a) above such that the minimum monthly salary calculated under Subsection (a) is \$400 greater than the minimum monthly salary that formula would have generated."

Representative Eissler moved to table Amendment No. 63.

A record vote was requested.

The motion to table prevailed by (Record 66): 78 Yeas, 70 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hupp; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Bohac; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; Hunter; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Isett.

A record vote was requested.

Amendment No. 62 was adopted by (Record 67): 102 Yeas, 42 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dutton; Edwards; Eissler; Elkins; Farabee; Flynn; Gallego; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer;

Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Madden; McCall; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Van Arsdale; Villarreal; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dunnam; Eiland; Escobar; Farrar; Flores; Frost; Giddings; Gonzales; Gonzalez Toureilles; Hardcastle; Herrero; Hochberg; Hodge; Jackson; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Pickett; Puente; Quintanilla; Rodriguez; Solis; Thompson; Turner; Uresti; Veasey.

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

Absent — Jones, J.; Peña; Truitt; Vo.

STATEMENTS OF VOTE

I was shown voting no on Record No. 67. I intended to vote yes.

Flores

I was shown voting yes on Record No. 67. I intended to vote no.

Gallego

When Record No. 67 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

I was shown voting no on Record No. 67. I intended to vote yes.

Quintanilla

When Record No. 67 was taken, I was in the house but away from my desk. I would have voted no.

Truitt

When Record No. 67 was taken, I was temporarily out of the house chamber. I would have voted yes.

Vo

AMENDMENT NOS. 60, 61, 62, and 63 – DEBATE

REPRESENTATIVE CASTEEL: Mr. Speaker, members, this amendment is an attempt to do what's right for public school teachers and those in the classroom. And I worked with the other members of the committee and it basically is a pay raise for public school teachers. And I am amending the one that I pre-filed, which was across-the-board 3,000, and this amendment. The amendment I have filed is a 3,000 across-the-board pay raise for public school teachers. Teachers in the classroom, librarians, nurses, and counselors.

MR. SPEAKER: The following amendment to the amendment, the clerk will read the amendment. Hold on members we're going to scan this amendment in, just a moment.

MR. SPEAKER: The following amendment to the amendment, the clerk will read the amendment.

READING CLERK: Amendment to the amendment by Casteel.

CASTEEL: I explained the first one. Tuffy's with me up here, he's going to explain this one.

REPRESENTATIVE HAMILTON: Basically what we're doing here guys is—

MR. SPEAKER: Chair recognizes Mr. Hamilton.

HAMILTON: Thank you, Mr. Speaker.

HAMILTON: Basically what this is—we're going to bring in—44 percent of the new money is going to be dedicated to teachers', librarians', counselors', and nurses' salaries.

REPRESENTATIVE TURNER: Mr. Speaker?

MR. SPEAKER: Mr. Turner, for what purpose?

HAMILTON: We're going to have an amendment that's fixing to come on.

TURNER: Will the gentleman yield?

HAMILTON: The superintendents didn't want the money anyway, they already called me, they told me they wanted this for teachers and so we're—

MR. SPEAKER: Mr. Hamilton, do you yield to Mr. Turner? Do you yield to Mr. Turner?

HAMILTON: I yield to Mr. Turner.

MR. SPEAKER: The gentlemen yields, Mr. Turner.

TURNER: Thank you, Mr. Speaker. My good friend, Representative Hamilton.

HAMILTON: This is all about the children, Mr. Turner.

TURNER: I understand.

HAMILTON: The children of Houston will benefit from this.

TURNER: Well, you know you got me when you talk about the children. Let's talk about this amendment and the money. Now explain—explain the amendment to me one more time. So I make sure I got it.

HAMILTON: Okay, this means that 44 percent of the money is going to be dedicated to the teachers, to teachers' salaries.

TURNER: Forty-four percent of what money?

HAMILTON: The new money we're bringing in from **HB 2**.

TURNER: How much new money are we talking about?

HAMILTON: \$2.1 billion.

TURNER: 2.1 million?

HAMILTON: Billion.

TURNER: Billion. And the \$2.1 billion, those dollars are coming from where?

HAMILTON: We're not advised about that.

TURNER: I'm sorry?

HAMILTON: We're not advised, it's an appropriations matter.

TURNER: Well, let me just say—and I know Representative Hamilton that you supported me on my other amendment. But, I want to focus on, about two or three—three hours ago I had an amendment dealing with comp ed. And my amendment only cost \$235 million for comp ed. And I was rebuffed because people told me that \$235 million were not present. Now we're talking about pay raise for teachers. Can you tell us how much this amendment is costing our local school districts?

HAMILTON: Well, we were counting on spending this money right here. That's why we told you no a while ago.

TURNER: But how much—how much money are we talking about?

HAMILTON: Forty-four percent.

TURNER: But 40—

HAMILTON: —of \$2.1 billion.

TURNER: But when you take 44 percent of the money we are planning to allocate to the school districts then what are they supposed—what are they supposed to do with that other 56 percent that you're giving them? I mean, what are they supposed to do with the other 56 percent and how much is that?

HAMILTON: We yield to Rob.

MR. SPEAKER: Chair recognizes Mr. Eissler.

REPRESENTATIVE EISSLER: Thank you, Mr. Speaker. What this is—

TURNER: Hello, Representative Eissler.

EISSLER: Thank you, sir.

TURNER: How are you doing?

EISSLER: It's about the children of Houston.

TURNER: Well, I know but the children's bank is broke. So, tell me about how—

EISSLER: Actually it's about—

TURNER: —how you're going to find some money for the districts.

EISSLER: About—what this is, Mr. Turner, is all new money.

TURNER: All what new money?

EISSLER: New money coming to the schools.

TURNER: But you told me three to four hours ago on my amendment dealing with comp ed there was no money. And, in fact, I think you voted to table my bill that had \$235 million that you all told me who serve on the appropriations committee.

EISSLER: And there's a reason for that.

TURNER: And I serve on the appropriations committee.

EISSLER: There's a reason for that.

TURNER: Y'all told me there was no money in the end.

EISSLER: Eighty-five to 90 percent of comp, of operating money, goes to payroll.

TURNER: Eighty-five of what now?

EISSLER: Half of that goes to teachers. So you figure 88 percent payroll, 44 percent goes to teachers.

TURNER: You all are mandating out of the new money—out of the new money—quote, new money that you all are going to give to the school districts.

EISSLER: That's right, and if you do the math—

TURNER: You all are going to mandate from Austin, Texas, that from this new money you are going to give our local school districts, that they are going to spend 44 percent of this so-called new money that has yet to arrive and has not yet been appropriated, you all are going to mandate that for a pay raise for the teachers.

EISSLER: And you know what?

TURNER: Now, help me understand why the teachers should think that they're going to get any money from some new money that has yet to be appropriated when you all voted three to four hours ago against the new money that I was trying to get for comp ed.

EISSLER: And there's a reason for that. We knew it was going here.

TURNER: What now?

EISSLER: It's nearly \$3,000 a teacher on the average.

TURNER: I'm sorry?

EISSLER: It's nearly \$3,000 per teacher.

TURNER: You were saving the money for the teachers? Are you telling me tonight at three minutes to 10, that the reason why you tabled my money for the children is because you all were saving the money for the teachers to give it to them at 10 o'clock on this night. Is that what you all are telling me?

EISSLER: No, because we didn't have this figured out then.

TURNER: You didn't have it figured out. Look, I've been on appropriations now for the past few months and I still haven't figured it out. And you trying to tell me you figured it out in the last three hours?

EISSLER: I have great confidence in you, Mr. Turner.

TURNER: No, don't have confidence in me, because I'm trying to find out where this new money is for these teachers that you all are going to mandate.

EISSLER: Add a billion and a half and another 600 million for enrollment growth, that's \$2.1 billion. Three hundred thousand teachers in Texas, right? Seven thousand dollars is your quotient. Forty-four percent of that—44 percent of that less one percent for incentives, is a little over \$3,000 per teacher. Now, what this amendment does is, it puts the lesser of 3,000 or 44 percent for additional money for teachers.

TURNER: You're going to take 44 percent?

EISSLER: Correct.

TURNER: —of the new money that you all are giving them and you're going to dedicate that to the teachers.

EISSLER: Correct.

TURNER: And from that 44 percent is going to equal what sort of a pay raise?

EISSLER: Well, the lesser of \$3,000 or the 44 percent, by the rules of the commissioner—

TURNER: And the 44 percent equates to how much in dollars and cents?

EISSLER: Roughly, \$3,000 per teacher.

TURNER: Three thousand dollars.

EISSLER: On the average, correct.

TURNER: —on the average for teachers based on that 44 percent?

EISSLER: Yes.

TURNER: And so the local school districts can take the other 56 percent and pay for everything else?

EISSLER: Probably 50. Well, 88 percent, 85 to 90 percent is payroll.

TURNER: Now, Representative Eissler.

EISSLER: Sir?

TURNER: Representative Eissler, you all told me earlier there was no money available. I'm just trying to understand if there was not any money available for \$235 million. I'm going to stay on this one because we are talking about the teachers and I don't think anyone is interested in putting up some red herring claiming that we're giving teachers a pay raise when in actuality we're not giving them a pay raise at all. Now that is the worst of the worst.

EISSLER: That is not true.

TURNER: Well, I'm going to challenge you because I think it's important if we're going to talk about a pay raise for the teachers, that we talk in dollars and cents and, in actual dollars and cents and not in some charade.

EISSLER: It's not a charade.

TURNER: Okay, then tell me where the money is for these teachers. Are you saying to me that if we vote for this amendment and it stays on, that you are guaranteeing that the teachers in the State of Texas are going to get a \$3,000 pay raise?

EISSLER: Or 44 percent, whichever is less.

TURNER: And, the 44 percent equates to what in dollars and cents?

EISSLER: Might be a little less than that depending on the inflow of money.

TURNER: And the \$3,000 or the 44 percent, that equates to how much total? How much is that?

EISSLER: Well, I figure 300,000 teachers.

TURNER: And so how much is that?

EISSLER: Nine hundred million.

TURNER: Nine hundred million dollars? So you're saying you're giving a pay—you're giving a pay—you're providing between 900 and a billion dollars for a teacher pay raise?

EISSLER: It's acceptable to the author. We don't want to be a wise guy on this. I move adoption of the amendment to the amendment.

TURNER: You don't want, there are more questions.

REPRESENTATIVE EILAND: Mr. Speaker?

EILAND: Will the gentleman yield?

MR. SPEAKER: Mr. Eiland, just a moment. Mr. Eiland, for what purpose?

EILAND: Will the gentleman yield for a question?

EISSLER: Sure, I yield.

MR. SPEAKER: The gentleman yields.

EILAND: Bottom line, Mr. Eissler, however well intended this amendment may be, this is a simply a \$900 million headline gimmick, right?

EISSLER: What? Say again. A \$900 million what?

EILAND: A \$900 million headline, newspaper headline gimmick.

EISSLER: Oh.

EILAND: I mean this is an unfunded mandate of \$900 million to school districts.

EISSLER: I beg to differ. I would say it is a funded mandate.

EILAND: How much has this bill changed is with regard to the amount of money appropriated to it since 12:05 this afternoon?

MR. SPEAKER: Members, Mr. Taylor. Representative Taylor raises a point of order. The gentlemen's time has expired. The point of order is well taken and sustained. Members, Ms. Casteel sends up an amendment to the amendment, and it is acceptable to the author. Is there objection? Chair hears none. The amendment to the amendment is adopted. The following amendment, the clerk will read the amendment. The following substitute to the amendment, the clerk will read the amendment.

READING CLERK: Substitute by Eissler.

EISSLER: Members, this adds—let's see—full-time counselors, librarians, and nurses to the personnel—

REPRESENTATIVE LUNA: Mr. Speaker?

EISSLER: —affected.

LUNA: Mr. Speaker?

MR. SPEAKER: Ms. Luna, for what purpose?

LUNA: Will the gentleman yield?

MR. SPEAKER: Will you yield, Mr. Eissler?

EISSLER: I will.

MR. SPEAKER: The gentleman yields.

LUNA: Thank you, Mr. Speaker. Mr. Eissler, I need to understand the dollars that are flowing with your amendment. We are looking at additional money above the '04-'05. So, what amount is that, that you're talking about? What is the difference between '04-'05?

EISSLER: My estimate?

LUNA: Yes, please.

EISSLER: I'm not on appropriations, but my estimate is 2.1 billion.

LUNA: Okay, so then you are going to take a portion of the 2.1 billion. What is the net you end up actually putting into the classroom for students?

EISSLER: Well, the amendment is 50 percent.

LUNA: So, you're taking that down to 1.1?

EISSLER: 1.05.

LUNA: 1.05 and you're then again apportioning that so that part of that goes into the pay raise.

EISSLER: Correct.

LUNA: So, what—at the end of the day, what are we really going to say we have done to improve the level of education adequacy in this state?

EISSLER: I'm sorry. Could you repeat?

LUNA: What amount of money are you actually going to end up with putting into **HB 2**.

EISSLER: Roughly \$3,000 per 900, well \$900 million.

LUNA: Okay, but you're carving some of that out to go to a teacher pay raise.

EISSLER: That's what I'm talking about.

LUNA: So what's left? How much is left that's going to be dedicated to compensatory education?

EISSLER: Well, I imagine whatever portion is left times the number of students times the 877. But that's, but that's going to be in compensation as well. That's what you're doing with the money.

LUNA: You are diverting funds that you are claiming are going to end up in the classroom with students. Is that correct?

EISSLER: It is, it is. I'm sorry?

LUNA: You're diverting funds away from the programs you have reported to this body and to the public that we're increasing by diverting into a pay raise. Is that correct?

EISSLER: Well, that's part of the money. That is the classroom. That's where the money is going, you've got comp ed money, you've got bilingual money that goes to the classroom, that goes to teachers.

LUNA: The same pool of money is now going to go into this pay raise that you are claiming.

EISSLER: And, if you study any—

LUNA: —to be funding.

EISSLER: —school districts' budget, upwards of 85 to 90 percent is on payroll.

LUNA: I know, I've heard you say that already. But what amount of money after you divert these dollars to a purported pay raise is going to be left, Mr. Eissler?

EISSLER: You're left with \$900 million.

REPRESENTATIVE PICKETT: Mr. Speaker?

MR SPEAKER: Mr. Pickett, for what purpose?

LUNA: Mr. Speaker, I have one more question. What money—what is the first money out? Are we going to—is the TEA going to first take out the money that's supposed go to incentives? Is that what's going to be done?

EISSLER: I imagine.

LUNA: So, it is your intent that the money that was purported to be for incentives is going to be the first money out to pay for this pay raise. You just said that.

EISSLER: I don't know if that's important. I don't see the connection there.

LUNA: Well, if this is a lump sum of money, is the first money out going to be the money that was supposed to go to incentives, Mr. Eissler?

EISSLER: Well, incentives will also be there.

PICKETT: Mr. Speaker?

MR. SPEAKER: Mr. Pickett, for what purpose?

PICKETT: Will the gentleman yield?

MR. SPEAKER: Mr. Eissler, do you yield?

EISSLER: Yes, Mr. Pickett.

MR. SPEAKER: The gentleman yields.

PICKETT: Mr. Eissler, let's try this again. I need to get clear on this. Before this amendment was offered.

EISSLER: I thought this would be a lot easier than this.

PICKETT: Well, I did too. Let's go back a little bit. Before this amendment was offered there was kind of a dollar amount that's floating around with **HB 2**. Okay, do we agree on that, whatever that dollar amount is? Now, we have an amendment before us that proposes a pay raise for teachers. Is that also correct? Okay?

EISSLER: Yes.

PICKETT: There was not a pay raise in **HB 2** as it was presented. That's \$3,000 per teacher. So how are we going to pay for the pay raise in this amendment?

EISSLER: I hate to ask a question and answer a question with a question. When you put money into schools, what do they do with it?

PICKETT: I don't know what you're getting at. You had all the money divided—divided up and appropriated to use that term. You've been telling this body that there's an "X" dollar amount that's going to schools and it's going 80 percent or whatever it was for salaries.

EISSLER: And, and when you—

PICKETT: Now, wait, wait, wait. Eighty percent is going for salaries or whatever your number is. Now, we've got an amendment that as it was originally drafted was about a \$2.8 billion increase to the bill. The amendment has now been amended and you're telling us it's not a cost to the bill? Is this what we call a contingency rider? Is this a bunch of ifs?

EISSLER: No, it's a mandate that's funded.

PICKETT: Alright. Is the real case here that we weren't going to vote up and down on a pay raise and so now we have a contingency amendment that gives false hope? This is no pay raise really. Is it?

EISSLER: It's a mandate on how the school districts will spend the money.

PICKETT: Is this a real pay raise amendment that's being offered?

EISSLER: Yes.

PICKETT: You guarantee it's a \$3,000 pay raise.

EISSLER: Or 44 percent, whichever is less.

PICKETT: Forty-four percent of what? Give me your number again.

EISSLER: New money to schools. New money.

PICKETT: How much is that?

EISSLER: Well, my guess is, my estimate is 2.1 billion is the total amount.

PICKETT: Okay, and again this is the same \$2.1 billion we've been counting for other things—adding up and adding up and now it's the same. Is it because we still have checks in the checkbook that we can write a check?

EISSLER: No, you seem to think that these are separate expenditures. What—you look at a school district's budget, upwards of 90 percent is payroll. Half of that goes to teachers.

PICKETT: So an amendment to **HB 2** giving a \$3,000 pay raise to teachers doesn't cost us anything.

EISSLER: No.

PICKETT: That's correct?

EISSLER: Well, it costs us but, that's money that's already there.

PICKETT: Are you sure this isn't just a way to keep from voting on a pay raise that's a \$2.8 billion cost to the bill. I mean I'll work on it. If you want to vote on a pay raise for teachers that's \$2.8 billion, tell us. This amendment doesn't say anything.

EISSLER: It directs how the schools will spend their money, or their new money. New money.

PICKETT: This is new money. You keep on saying new money.

EISSLER: Yes.

PICKETT: So we've had \$2.1 billion sitting in **HB 2** that we haven't spent yet until we got to this amendment.

EISSLER: This is what puts the money in the classroom. This is the mandate to the classroom.

PICKETT: This is the mandate from who?

EISSLER: To money to the classroom from the legislature.

PICKETT: Okay, let me tell you I tried this once before but I'll do it one more time.

EISSLER: Why is this hard? What am I missing?

PICKETT: Before this amendment was offered—before this amendment was offered, where was the \$2.1 billion going to go?

EISLER: I'm sorry?

PICKETT: Before this amendment was offered, where was the \$2.1 billion going to go?

EISLER: To the school districts.

PICKETT: And what were they going to use it for?

EISLER: Most likely 85 to 90 percent on salaries.

PICKETT: So, in the bill as presented you had—why do we need the amendment? You're telling me that you already had programmed in a \$3,000 pay raise?

EISLER: This directs it to the classroom.

PICKETT: Why didn't you promote that if you already had it in the bill?

EISLER: Because this directs it to the classroom at 50 percent and to the teachers compensation, 44 percent or \$3,000.

PICKETT: Now, you're telling this body that before this amendment, you already had programmed in a \$3,000 pay raise for teachers and now, this just guarantees though, that it goes to the teacher? It's already in the bill?

EISLER: This amendment directs it to the classroom, it directs it to the teachers.

PICKETT: It directs it to the teacher. Before the amendment it was directed, again, we don't know. We haven't answered that question yet. Before this amendment where was the \$2.1 billion directed?

EISLER: It was directed to the ISDs, to the schools. Same place it's going now except we're getting more specific.

PICKETT: What were they going—

EISLER: —more specific in directing it.

MR. SPEAKER: Mr. Gattis raised the point of order, the gentleman's time has expired. The point of order is well taken and sustained. Members, hold on just a moment. The following substitute to the substitute, the clerk will read the substitute.

READING CLERK: Substitute to the substitute, by Dunnam.

MR. SPEAKER: Members, members, you might want to pay attention. Mr. Eissler has a substitute on the floor, Mr. Dunnam is offering a substitute to the substitute. Chair recognizes Mr. Dunnam.

REPRESENTATIVE DUNNAM: Thank you, Mr. Speaker, members. This is not as complex as it may appear. It is quite simple actually. We're being told that we should give the teachers, I guess, an unfunded \$3,000 raise. It's been my position for some time that teachers do need a raise, they need an across-the-board raise, and we need to bring them up to the national average. This is a substitute for Mr. Eissler's idea which had something to do with \$3,000 and 44 percent and the lesser of whatever. I don't quite understand that. What I

do understand is that Texas teachers are \$4,800 below the national average in teacher pay. In this substitute amendment, would bring Texas teachers up to the national average in teacher pay over the next two years. Under this substitute they would receive a \$2,400 raise next year. The following year they would receive a \$2,400 raise and by the time we came back for the 80th legislative session, those of us who come back, we would be at the national average in teacher pay. And that's quite simply the choice that we have here. Are we going to bring Texas teachers up to the national average this biennium or are we going to give them the lesser of 44 percent of something or \$3,000 or whatever is less? Now, that's the proposition. I can tell you what my amendment means. My amendment means that Texas teachers would be at the national average of teacher pay in the next two years, and that's it. Seventy-five percent of Texas, Texans, Texas citizens believe that we should bring our teachers up and give them an across-the-board teacher pay raise. And if we're going to vote for something on teacher pay it ought to be getting us to the national average.

MR. SPEAKER: Chair recognizes Mr. Eissler.

EISSLER: Thank you, Mr. Speaker, members, my amendment or substitute puts us past that national average and offers more. I move to table.

MR. SPEAKER: Chair recognizes Mr. Dunnam.

DUNNAM: When I went to school, and it was a public school, \$4,800 was more than \$3,000. I believe that \$4,800 is more than the lesser of \$3,000 or 44 percent of anything. The choice is real clear. He's moved to table. If you want Texas teachers to be at the national average in two years please vote no on the motion to table.

MR. SPEAKER: Mr. Dunnam sends up a substitute to the substitute. All those in favor vote aye, all opposed vote no. It's a record vote, the clerk will ring the bell. Question is on the motion to table Dunnam's substitute. Show Mr. Eissler voting aye. Have all voted? Have all voted? There being 78 ayes and 70 nays, the motion to table adopts. We're now back, members, on the Eissler substitute that he described a while ago. Chair recognizes—

TURNER: Mr. Speaker?

MR. SPEAKER: Mr. Turner?

TURNER: Mr. Speaker, will the gentleman please yield? Will the honorable Representative Eissler please yield to his colleague down the street?

MR. SPEAKER: The gentleman yields, Mr. Turner.

TURNER: Thank you, Mr. Speaker.

EISSLER: That's 'cause I love you Sylvester. I love you.

TURNER: And thank you, Representative Eissler. Because this is a very serious matter, we've had a few games, we've had a few laughs in the last few moments. But this is a serious moment, this is a serious matter. Now, let's go back to your bill. Because I do take it seriously whether or not we're dealing with a sham or whether or not we're really dealing with the real thing.

EISSLER: It's not a sham. It's a legitimate—

TURNER: In the bill itself, we expend about a billion dollars for the high school allotment. Do we not? There is a high school allotment in the bill. There is money for a high school allotment in the bill. We expend about a billion dollars for high schools. Do we not?

EISSLER: Yes, and —

TURNER: You are, you are not advocating that we send kids to high school with no money, are you?

EISSLER: Mr. Turner.

TURNER: No, are you advocating sending kids—

EISSLER: What we're missing here is—

TURNER: No, we're not missing anything.

EISSLER: The money for the high school allotment goes to the school district. The school district—

TURNER: I understand.

EISSLER: —pays its employees, that's what it does with the money.

TURNER: The representation has been made that this is a \$3 billion bill, at best. One billion of that is going to the high school allotment in **HB 2**.

EISSLER: And what do they do with that high school allotment?

TURNER: They are not putting it on the teachers. One billion of that is going to high school allotment.

EISSLER: They don't put it in a building. Sylvester, they don't put it in a building, it goes into a bank account with the school district. I used to do that. Okay, and then they pay the teachers and they pay the janitors and they pay the bus drivers and—90 percent of what they're paying goes to people.

TURNER: I understand your rationale. Six hundred million dollars, approximately \$600 million in the bill will be spent on textbooks and technology. Okay? Six hundred million. Now tell me how we're going to use the technology and book money on your teachers.

EISSLER: Well, you're right there. Okay?

TURNER: Well, thank you, that's one for one then. Some of the money will be going on bilingual ed?

EISSLER: Yes. And to pay teachers, to pay bilingual teachers, to pay other teachers, to pay classroom aids, to pay bus drivers, to pay cafeteria workers, to pay janitors. Okay, that's what you use the money for. It's coming in as comp ed money, it's coming in as basic allotment, it's coming in with all those labels. But it's going out on checks with people's names on them.

TURNER: And if you're—

EISSLER: Eighty-five percent to 90 percent has somebody's name on it.

TURNER: If your amendment, if your amendment does not pass.

EISSLER: Okay?

TURNER: If your amendment does not pass, are you taking the position on the floor that in reality we have about \$900 million that we could direct on other things. Is that the position you're taking? And I want everybody to take note.

EISSLER: I guess you could. I guess you could.

TURNER: Now, let me repeat the question, let me repeat the question.

EISSLER: Okay.

TURNER: Let me repeat the question, because in my amendment, and the reason why I'm a little animated on this one, is because I take seriously those kids, those comp ed kids, those at-risk students that need every dime, that we were advocating for about four hours ago. I take that very seriously. I'm not interested in charades. I'm not interested in headlines, and this is not Saturday Night Live. Okay? So, if the amendment does not pass, if the amendment does not pass, are you representing to this body that there is approximately \$900 million in **HB 2** that can be redirected for other sources?

EISSLER: This is not the appropriations bill.

TURNER: I understand, and I sit on the appropriations committee.

EISSLER: I know that.

TURNER: So, I'm asking you again. I'm asking you again, since you are advocating a teacher raise and there are teachers that are listening to this and are probably listening to it right now, if the amendment does not pass, is it your position that there is approximately \$900 million in **HB 2** that has not, that can be reappropriated. That can be redirected.

EISSLER: You mean in addition? You mean beyond the roughly \$2.1 billion.

TURNER: I'm saying if your amendment does not pass, and since you are representing that the money is there—

EISSLER: Or will be.

TURNER: Are you also saying to the body that there is not roughly \$900 million that can be redirected?

EISSLER: I can only speculate as yes.

TURNER: Is that a yes? Is that a yes?

EISSLER: Time out there, Mr. Turner.

TURNER: Take as much time, station break, when we come back to Saturday Night Live. Okay, Representative Eissler.

EISSLER: Consultation, and just to reiterate that this is money going to schools and we are mandating that it goes, this percentage, to teachers. And, I yield the floor, and we can vote. I move passage.

TURNER: But is it your position?

EISSLER: I move adoption.

TURNER: But is it your position, that if the amendment does not pass that there is \$900 million in this bill?

EISSLER: I move passage.

MR. SPEAKER: Chair recognizes Mr. Pickett.

PICKETT: Mr. Speaker, members, would you listen up for just a second, I have another idea what this thing might actually be. Before this amendment was offered in its pure form by Carter Casteel, we had a finite amount of money going to schools. Now, we had an amendment that offered a pay raise to teachers. We did not vote on that amendment as it was originally presented because that would be a cost above and beyond what is in **HB 2**. So, an amendment to the amendment was offered that says, "out of the money that's going to the schools, we can give a pay raise to the teachers if the school districts want to." So, what we did, is no additional cost, but now, we're going to pit our teachers against our school districts and they're going to fight over the same dollar that was going to go to the classroom. There is no increase for the pay raise in this amendment. We're going to have teachers fighting against school districts. We're going to have school districts deciding to get the sword out and decide which baby to split with that sword. Vote no on this amendment, it is not a true pay raise for teachers, it means nothing.

REPRESENTATIVE HOCHBERG: Mr. Speaker?

MR. SPEAKER: Mr. Hochberg, for what purpose?

HOCHBERG: Is the gentleman still there. Will he yield for a question?

PICKETT: I yield.

MR. SPEAKER: The gentleman yields.

HOCHBERG: Mr. Pickett, there's two ways a school district gets increased money. One is if we increase the formula increasing teacher's salaries before they could hire a single new teacher to handle the growth.

PICKETT: Right, which we heard was 80 percent.

HOCHBERG: Okay, thank you.

PICKETT: So, there's not even enough for that.

HOCHBERG: Thank you.

MR. SPEAKER: Chair recognizes Ms. Casteel.

CASTEEL: Folks, about 40 years ago I went into the classroom and the classroom was the public school teacher. And, I've watched this body over 35 years and they've never, to my satisfaction, given the classroom teacher what they were due. Now, this may be convoluted up here, but my intent is to get us to focus on who provides education for children. You can name all the programs in the world, but it's the classroom teacher, the librarian, the nurse, and the counselor that provides to our children and I urge you to vote yes.

REPRESENTATIVE COLEMAN: Mr. Speaker, will the gentlelady yield for a question? I have a quick question I'd like to ask.

MR. SPEAKER: Ms. Casteel, do you yield?

CASTEEL: I'll yield.

MR. SPEAKER: The lady yields.

COLEMAN: The question has been asked several times, but I'll ask you. Does the bill have enough money to do this and to take care of fast-growth school districts and to take care of special ed and take care of things that are not in there that the teacher pay raise would take care of? People have asked that several times, and the answer hasn't been a very good answer.

CASTEEL: I'm not sure that I can answer it. Now, I can just tell you what I believe, and that is the classroom—

COLEMAN: But the children—the children—

CASTEEL: You wanted me to answer—

COLEMAN: Yeah, I'm sorry ma'am.

CASTEEL: —and if you want to—

COLEMAN: No, I'm sorry, go ahead. I'm listening to you.

CASTEEL: I'll try. I believe, simple-minded as I am, that I as a public classroom teacher provide education to the children, and I would like to see them paid for once, and if it pits me against something else within the system, so be it. I fall on the side of the public classroom teacher.

COLEMAN: Ms. Casteel, I just again, I asked a different question. Then, the deal is you can't pay them with air, so I'm trying to figure out how all these things are going to happen. And, if you believe that, I'm asking do you know whether or not this can happen because the school teachers and the children can't bank on belief. They have to know the check in the bank is good? Is it a good check, Ms. Casteel?

CASTEEL: I believe what I've told you tonight, and I'll stand by it, and I yield the floor, Mr. Speaker.

COLEMAN: I'll ask you again. Is it a good check?

REMARKS ORDERED PRINTED

Representative Coleman moved to print remarks on Amendment Nos. 60, 61, 62, and 63.

The motion prevailed.

Amendment No. 60, as amended, was adopted. (Alonzo, Coleman, Y. Davis, Dukes, Escobar, Farrar, Flores, Luna, Naishtat, Rodriguez, and Thompson recorded voting no.)

Amendment No. 64

Representative Miller offered the following amendment to **CSHB 2**:
Floor Packet Page No. 184

Amend **CSHB 2** on page 64, immediately after line 27, by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 2A. Subchapter B, Chapter 22, Education Code, is amended by adding Section 22.056 to read as follows:

Sec. 22.056. PROFESSIONAL LIABILITY INSURANCE FOR CLASSROOM TEACHERS. (a) Using funds appropriated for the purpose or otherwise available to the commissioner for the purpose, the commissioner shall make available to each classroom teacher, at no cost to the teacher, professional liability insurance to provide protection from claims for damages arising out of any act or omission that is incident to or within the scope of the duties of the teacher's position of employment.

(b) The commissioner shall obtain the insurance required to be made available by this section:

(1) in an amount determined appropriate by the commissioner; and

(2) from one or more insurers authorized to engage in the business of insurance in this state.

(c) The commissioner may adopt rules necessary to implement this section.

Amendment No. 65

Representative Miller offered the following amendment to Amendment No. 64:

Amend the Miller amendment to **CSHB 2** (amendment packet, page 184) as follows:

(1) On page 1, line 10 of the amendment, immediately after "provide", insert "the costs of defense and indemnification".

(2) On page 1, between lines 19 and 20, insert the following:

(c) The insurance required to be made available by this section is in addition to the liability insurance provided by the employing school district under a general liability policy.

(3) On page 1, line 20, strike "(c)" and substitute "(d)".

Amendment No. 65 was adopted.

Amendment No. 64, as amended, was adopted.

Amendment No. 66

Representative Eissler offered the following amendment to **CSHB 2**:

Floor Packet Page No. 185

Amend **CSHB 2** by adding a new Section 2.A.06 and renumbering following sections accordingly:

SECTION 2A.06. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.457 to read as follows:

Sec. 21.457. TRAINING FOR TEACHERS TEACHING OUT OF CERTIFIED AREA. The commissioner shall develop and make available materials and other teacher training resources to assist teachers in becoming certified in the areas in which they teach. Such materials and resources shall emphasize core teaching competencies in the foundation curriculum established by Texas Education Code Chapter 28 Subchapter A and include resources that assist teachers and school administrators in the disaggregation of student performance data.

Amendment No. 66 was adopted.

Amendment No. 67

Representative Flores offered the following amendment to **CSHB 2**:

Floor Packet Page No. 189

Amend **CSHB 2** by inserting the following appropriately numbered new SECTION in the bill and renumbering the subsequent SECTIONS accordingly:

"SECTION ___. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.087 to read as follows:

Sec. 33.087. ELIGIBILITY OF STUDENTS ENROLLED IN COURSES FOR JOINT HIGH SCHOOL AND COLLEGE CREDIT. A student otherwise eligible to participate in an extracurricular activity or a University Interscholastic League competition is not ineligible because the student is enrolled in a course offered for joint high school and college credit, regardless of the location at which the course is provided."

Amendment No. 67 was withdrawn.

Amendment No. 68

Representative Elkins offered the following amendment to **CSHB 2**:

Floor Packet Page No. 190

Amend **CSHB 2** on page 72, between lines 5 and 6, by adding the following new SECTION, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 2B.___. Chapter 13, Education Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. STUDY OF CONSOLIDATION AND OTHER METHODS
FOR IMPROVING EFFICIENCY

Sec. 13.301. BLUE RIBBON COMMISSION TO STUDY EFFICIENCY.

(a) A blue ribbon commission is established to study methods designed to improve efficiency in public education. The commission shall concentrate on studying consolidation of school districts to determine any costs or savings and any effect on the quality of public education in this state that would result from consolidation. The commission shall also study other methods designed to improve efficiency to determine whether those methods would result in quantifiable cost savings in public education while maintaining or improving the quality of public education.

(b) The commission is composed of seven members as follows:

(1) two members appointed by the governor;

(2) two members appointed by the lieutenant governor;

(3) two members appointed by the speaker of the house of representatives; and

(4) the commissioner of education.

(c) The governor shall appoint as presiding officer of the commission a member of the commission, other than the commissioner of education.

(d) The agency shall serve as the commission's staff. The comptroller, Legislative Budget Board, and school districts shall cooperate with the commission in conducting the study.

(e) Not later than December 31, 2006, the commission shall submit to the legislature a report based on the commission's study under this section. The report must include:

(1) a discussion of consolidation of school districts and other methods designed to improve efficiency that the commission studied;

(2) any recommendations the commission has concerning methods that the commission studied and determined would result in quantifiable cost savings in public education while maintaining or improving the quality of public education; and

(3) the amount of cost savings determined to be associated with a method recommended under Subdivision (2).

Sec. 13.302. EXPIRATION. This subchapter expires January 15, 2007.

Amendment No. 69

Representative Dutton offered the following amendment to Amendment No. 68:

Amend the Elkins amendment to **CSHB 2** (page 190 of the amendment packet) by striking the text on page 1 of the amendment, lines 4-29, and page 2 of the amendment, lines 1-14, and substituting the following:

SECTION 2B. ____. (a) Subtitle C, Title 2, Education Code, is amended by adding Chapter 14 to read as follows:

CHAPTER 14. CONSOLIDATION OF OR DETACHMENT AND
ANNEXATION IN CERTAIN SCHOOL DISTRICTS

Sec. 14.001. PURPOSE OF CHAPTER. (a) The purpose of this chapter is to provide for the creation of one independent school district in each county in this state, having boundaries coextensive with the boundaries of the county.

(b) This chapter does not affect:

(1) the ability of a school district to consolidate or detach and annex territory under Chapter 41; or

(2) the power of the commissioner to order a consolidation or a detachment and annexation under Chapter 41.

Sec. 14.002. NONAPPLICABILITY OF CHAPTER. This chapter does not apply to:

(1) a school district that, on the effective date of this chapter, has boundaries that are coextensive with those of a single county; or

(2) a special-purpose school district under Subchapter H, Chapter 11.

Sec. 14.003. CONSOLIDATION OF CERTAIN SCHOOL DISTRICTS. Each school district that contains territory located in a single county shall enter into one or more consolidation agreements with each other school district located in the county.

Sec. 14.004. DETACHMENT AND ANNEXATION OF TERRITORY OF CERTAIN SCHOOL DISTRICTS. (a) Each school district that contains territory located in two or more counties shall enter into one or more agreements under which district territory in a county other than the county in which the largest part of the district's student population resides is detached from the district and annexed to a district in the county in which that territory is located.

(b) After completing a detachment and annexation agreement as required by Subsection (a), the school district shall enter into one or more consolidation agreements as required by Section 14.003.

Sec. 14.005. INITIATION OF PROCEDURE. A consolidation under Section 14.003 or a detachment and annexation under Section 14.004 must be initiated by a resolution of the board of trustees of each school district involved in the procedure.

Sec. 14.006. ELECTION NOT REQUIRED. An election is not required for a consolidation under Section 14.003 or a detachment and annexation under Section 14.004.

Sec. 14.007. EFFECTIVE DATE OF TRANSFER. (a) A consolidation under Section 14.003 or a detachment and annexation under Section 14.004 must have an effective date not later than July 1, 2010.

(b) On the effective date of the transfer:

(1) students residing in the transferred territory become residents of the receiving school district;

(2) title to property allocated to the receiving district vests in the district;

(3) the receiving district assumes any debt allocated to it; and

(4) the receiving district assumes jurisdiction of the annexed territory for all other purposes.

Sec. 14.008. TERMS OF AGREEMENT. An agreement under Section 14.003 or 14.004 must include, as appropriate:

(1) a schedule for electing a board of trustees of the new school district;
(2) provisions relating to the title to district property located in an area detached from one district and annexed to another; and

(3) provisions relating to allocation of debt in connection with district property located in an area detached from one district and annexed to another.

Sec. 14.009. STATUS OF RESULTING DISTRICT. A school district resulting from a consolidation or detachment and annexation under this chapter is an independent school district.

Sec. 14.010. ABOLITION OF COUNTY SYSTEM. (a) On the effective date of an agreement under this chapter creating a school district that contains all the territory in a single county that has a county system operating under former Chapter 18 as provided by Section 11.301, the county system is abolished.

(b) On the abolition of a county system under this section, all assets and liabilities of the system are transferred to the independent school district for the county.

Sec. 14.011. ASSUMPTION OF DEBT. (a) A school district that assumes the indebtedness of another district under this chapter is not required to conduct an election on assumption of the indebtedness. Without an election, the school district assuming the indebtedness may levy and collect taxes necessary to pay principal and interest on the assumed debt so long as the debt is outstanding.

(b) Without an election, a school district may issue refunding bonds for bonds of another district assumed under this chapter.

Sec. 14.012. TAXING AUTHORITY TRANSFER. If all or part of the territory of a school district is annexed to another district, the receiving district may levy taxes at the rate established in accordance with law for the district as a whole and is not required to conduct an election for the purpose of taxing the territory received.

Sec. 14.013. BOUNDARY CHANGES RESULTING IN APPRAISAL DISTRICT CHANGES. (a) This section applies if all or part of territory annexed to a school district is in an appraisal district in which the receiving district does not participate.

(b) For the tax year in which the annexation is effective, the receiving district may impose taxes on the basis of:

(1) the valuation arrived at by the appraisal district in which the territory is located before the annexation; or

(2) the valuation arrived at by a reappraisal requested by the receiving district, and conducted by the appraisal district in which the receiving district participates, in the manner prescribed by Section 25.18(c), Tax Code.

Sec. 14.014. ACTION BY COMMISSIONER. (a) If a school district required to enter into a consolidation agreement or detachment and annexation agreement under this chapter fails to do so before May 1, 2010, the commissioner shall enter an order consolidating the school district with another district or detaching territory from the district and annexing the territory to another district so that each county contains:

(1) a single independent school district; or
(2) a single independent school district and one or more special-purpose school districts under Subchapter H, Chapter 11.

(b) An order under this section may contain any appropriate provision that may be contained in an agreement under Section 14.008.

Sec. 14.015. EXPIRATION. This chapter expires September 1, 2010.

(b) Section 11.354, Education Code, is amended to read as follows:

Sec. 11.354. ABOLITION OF SPECIAL-PURPOSE DISTRICT. (a) On the written request signed by a majority of the board of trustees of a military reservation school district, the State Board of Education may abolish the district. The State Board of Education shall give written notice to the board of trustees requesting abolition.

(b) Each commissioners court shall annex the territory of the abolished military reservation school district in its county to a contiguous school district in the county.

(c) Title to the real property of the abolished military reservation district vests in the district to which the property is annexed.

(d) The school district to which territory from the abolished district is annexed assumes and is liable for the indebtedness of the abolished district.

(e) A creditor of an abolished military reservation school district must file the creditor's claim against the district with the commissioners court not later than the 60th day after the effective date on which the military reservation school district is abolished and, if the claim is not allowed, may maintain suit against the abolished military reservation school district as such. Suit must be brought not later than the first anniversary of the date on which the claim is disallowed. Process in a suit, if necessary, may be served on the county judge of each county in which the district was located. The county commissioners court shall defend any suit against an abolished military reservation school district but may settle the litigation as the commissioners court considers advisable. This section does not waive any defense available to the abolished district. ~~The territory of the abolished district and property of the district shall be disposed of as provided by Section 13.205.~~

(c) Chapter 13, Education Code, is repealed.

Amendment No. 69 was withdrawn.

Amendment No. 70

On behalf of Representative Y. Davis, Representative Thompson offered the following amendment to Amendment No. 68:

Amend the Elkins amendment to **CSHB 2** (amendment packet page 190) as follows:

(1) On page 1 of the amendment, between lines 23 and 24, insert the following:

(c) To the extent possible, the members appointed under Subsection (b) shall be appointed to reflect ethnic, racial and geographic diversity of the state.

(2) On page 1 of the amendment, line 24, strike "(c)" and substitute "(d)".

(3) On page 1 of the amendment, line 27, strike "(d)" and substitute "(e)".

(4) On page 2 of the amendment, line 1, strike "(e)" and substitute "(f)".

Amendment No. 70 was adopted.

(Uresti in the chair)

Representative Hardcastle moved to table Amendment No. 68.

A record vote was requested.

The motion to table was lost by (Record 68): 66 Yeas, 72 Nays, 2 Present, not voting.

Yeas — Allen, R.; Alonzo; Anchia; Anderson; Baxter; Blake; Branch; Brown, B.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Driver; Dunnam; Escobar; Farabee; Flynn; Frost; Gallego; Gattis; Geren; Goolsby; Griggs; Guillen; Hamilton; Hardcastle; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Hughes; Hunter; Jones, D.; Keffer, J.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberg; McReynolds; Merritt; Miller; Morrison; Mowery; Orr; Otto; Paxton; Phillips; Pitts; Raymond; Ritter; Smithee; Strama; Straus; Swinford; Veasey; Villarreal; West; Zedler.

Nays — Allen, A.; Bailey; Berman; Bohac; Bonnen; Brown, F.; Burnam; Castro; Chavez; Coleman; Corte; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dutton; Edwards; Eiland; Eissler; Elkins; Farrar; Flores; Giddings; Gonzales; Gonzalez Tourelles; Hamric; Harper-Brown; Hartnett; Herrero; Hochberg; Hodge; Howard; Hupp; Isett; Keel; Keffer, B.; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Reyna; Rodriguez; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vo; Wong; Woolley.

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

Absent — Dukes; Goodman; Grusendorf; Haggerty; Jackson; Jones, J.; King, P.; Krusee; Riddle; Rose.

STATEMENT OF VOTE

I was shown voting no on Record No. 68. I intended to vote yes.

Bonnen

(Speaker in the chair)

A record vote was requested.

Amendment No. 68, as amended, was adopted by (Record 69): 82 Yeas, 60 Nays, 1 Present, not voting. (The vote was reconsidered later today, and Amendment No. 68 was withdrawn.)

Yeas — Allen, A.; Alonzo; Bailey; Berman; Bohac; Bonnen; Brown, F.; Burnam; Casteel; Castro; Chavez; Coleman; Corte; Crownover; Davis, J.; Davis, Y.; Dawson; Denny; Deshotel; Dutton; Edwards; Eiland; Eissler; Elkins; Farrar; Flores; Flynn; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Hamric; Harper-Brown; Hartnett; Hochberg; Hodge; Howard; Hupp; Isett;

Jackson; Keel; Keffer, B.; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Moreno, J.; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Paxton; Peña; Pickett; Puente; Reyna; Rodriguez; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; Wong; Woolley; Zedler.

Nays — Allen, R.; Anchia; Anderson; Baxter; Blake; Brown, B.; Callegari; Campbell; Chisum; Cook, B.; Cook, R.; Crabb; Delisi; Driver; Dukes; Dunnam; Escobar; Farabee; Frost; Gallego; Gattis; Geren; Griggs; Guillen; Hamilton; Hardcastle; Hegar; Herrero; Hilderbran; Hill; Homer; Hope; Hopson; Hughes; Hunter; Jones, D.; Keffer, J.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; McReynolds; Merritt; Miller; Moreno, P.; Morrison; Mowery; Orr; Otto; Phillips; Pitts; Quintanilla; Raymond; Ritter; Rose; Smithee; Strama; Swinford; West.

Present, not voting — Mr. Speaker(C).

Absent — Branch; Grusendorf; Haggerty; Jones, J.; King, P.; Riddle; Straus.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 69. I intended to vote no.

Bonnen

When Record No. 69 was taken, my vote failed to register. I would have voted no.

Branch

I was shown voting yes on Record No. 69. I intended to vote no.

Eissler

I was shown voting no on Record No. 69. I intended to vote yes.

Hunter

When Record No. 69 was taken, I was in the house but away from my desk. I would have voted no.

P. King

When Record No. 69 was taken, I was in the house but away from my desk. I would have voted no.

Straus

Amendment No. 71

Representative Menendez offered the following amendment to **CSHB 2**:
Floor Packet Page No. 163

Amend **CSHB 2** as follows:

(1) Strike SECTION 2A.04 of the bill (page 60, line 19, through page 63, line 2) and substitute the following:

SECTION 2A.04. Section 21.402, Education Code, is amended by amending Subsections (a) and (c) to read as follows:

(a) Except as provided by Subsection (d)~~[(e)]~~ or (f), a school district must pay each classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse not less than the minimum monthly salary, based on the employee's level of experience, prescribed by Subsection (c) ~~[determined by the following formula:~~

$$[MS = SF \times FS$$

~~where:~~

~~["MS" is the minimum monthly salary;~~

~~["SF" is the applicable salary factor specified by Subsection (e); and~~

~~["FS" is the amount, as determined by the commissioner under Subsection (b), of state and local funds per weighted student available to a district eligible to receive state assistance under Section 42.302 with an enrichment tax rate, as defined by Section 42.302, equal to the maximum rate authorized under Section 42.303, except that the amount of state and local funds per weighted student does not include the amount attributable to the increase in the guaranteed level made by H.B. No. 3343, Acts of the 77th Legislature, Regular Session, 2001].~~

(c) The minimum monthly salary under this section is ~~[factors per step are]~~ as follows:

Years Experience	0	1
<u>Monthly Salary</u>	<u>\$2,424</u> [-5656]	<u>\$2,481</u> [-5790]
[Factor]		
Years Experience	3	4
<u>Monthly Salary</u>	<u>\$2,596</u> [-6058]	<u>\$2,717</u> [-6340]
[Factor]		
Years Experience	6	7
<u>Monthly Salary</u>	<u>\$2,959</u> [-6906]	<u>\$3,072</u> [-7168]
[Factor]		
Years Experience	9	10
<u>Monthly Salary</u>	<u>\$3,279</u> [-7654]	<u>\$3,373</u> [-7872]
[Factor]		
Years Experience	12	13
<u>Monthly Salary</u>	<u>\$3,549</u> [-8284]	<u>\$3,628</u> [-8467]
[Factor]		
Years Experience	15	16
<u>Monthly Salary</u>	<u>\$3,776</u> [-8814]	<u>\$3,844</u> [-8970]
[Factor]		
Years Experience	18	19
<u>Monthly Salary</u>	<u>\$3,968</u> [-9260]	<u>\$4,026</u> [-9394]
[Factor]		

(2) In ARTICLE 2 of the bill, insert the following appropriately lettered PART and reletter existing PARTS accordingly:

PART __. HEALTH COVERAGE OR COMPENSATION
SUPPLEMENTATION

SECTION 2__ .01. Chapter 1580, Insurance Code, is reenacted to read as follows:

CHAPTER 1580. ACTIVE EMPLOYEE HEALTH COVERAGE
OR COMPENSATION SUPPLEMENTATION
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1580.001. DEFINITIONS. In this chapter:

(1) "Cafeteria plan" means a plan as defined and authorized by Section 125, Internal Revenue Code of 1986, and its subsequent amendments.

(2) "Employee" means a participating member of the Teacher Retirement System of Texas who:

(A) is employed by a school district, other educational district whose employees are members of the Teacher Retirement System of Texas, participating charter school, or regional education service center; and

(B) is not a retiree covered under the program established under Chapter 1575.

(3) "Participating charter school" means an open-enrollment charter school established under Subchapter D, Chapter 12, Education Code, that participates in the program established under Chapter 1579.

(4) "Regional education service center" means a regional education service center established under Chapter 8, Education Code.

(5) "Trustee" means the Teacher Retirement System of Texas.

Sec. 1580.002. AUTHORITY TO ADOPT RULES; OTHER AUTHORITY. (a) The trustee may adopt rules to implement this chapter.

(b) The trustee may enter into interagency contracts with any agency of this state for the purpose of assistance in implementing this chapter.

[Sections 1580.003-1580.050 reserved for expansion]

SUBCHAPTER B. DISTRIBUTION OF STATE FUNDS BY TRUSTEE

Sec. 1580.051. DISTRIBUTION BY TRUSTEE. Each year, the trustee shall deliver to each school district, including a school district that is ineligible for state aid under Chapter 42, Education Code, each other educational district that is a member of the Teacher Retirement System of Texas, each participating charter school, and each regional education service center state funds in an amount, as determined by the trustee, equal to the product of the number of active employees employed by the district, school, or service center multiplied by \$1,000 or a greater amount as provided by the General Appropriations Act for purposes of this chapter.

Sec. 1580.052. EQUAL INSTALLMENTS. The trustee shall distribute funds under this chapter in equal monthly installments.

Sec. 1580.053. FUNDS HELD IN TRUST. All funds received by a school district, other educational district, participating charter school, or regional education service center under this chapter are held in trust for the benefit of the active employees on whose behalf the district, school, or service center received the funds.

Sec. 1580.054. RECOVERY OF DISTRIBUTIONS. The trustee is entitled to recover from a school district, other educational district, participating charter school, or regional education service center any amount distributed under this chapter to which the district, school, or service center was not entitled.

Sec. 1580.055. DETERMINATION OF TRUSTEE FINAL. A determination by the trustee under this subchapter is final and may not be appealed.

[Sections 1580.056-1580.100 reserved for expansion]

SUBCHAPTER C. EMPLOYEE ELECTION

Sec. 1580.101. EMPLOYEE COVERED BY CAFETERIA PLAN. (a) If an active employee is covered by a cafeteria plan of a school district, other educational district, participating charter school, or regional education service center, the state contribution under this chapter shall be deposited in the cafeteria plan, and the employee may elect among the options provided by the cafeteria plan.

(b) A cafeteria plan receiving state contributions under this chapter may include a medical savings account option and must include, at a minimum, the following options:

- (1) a health care reimbursement account;
- (2) a benefit or coverage other than that provided under Chapter 1579, or any employee coverage or dependent coverage available under Chapter 1579 but not otherwise fully funded by the state or the employer contributions, any of which must be a "qualified benefit" under Section 125, Internal Revenue Code of 1986, and its subsequent amendments;
- (3) an option for the employee to receive the state contribution as supplemental compensation; or
- (4) an option to divide the state contribution among two or more of the other options provided under this subsection.

Sec. 1580.102. EMPLOYEE NOT COVERED BY CAFETERIA PLAN. If an active employee is not covered by a cafeteria plan of a school district, other educational district, participating charter school, or regional education service center, the state contribution under this chapter shall be paid to the active employee as supplemental compensation.

Sec. 1580.103. SUPPLEMENTAL COMPENSATION. Supplemental compensation under this subchapter must be in addition to the rate of compensation that:

- (1) the school district, other educational district, participating charter school, or regional education service center paid the employee in the preceding school year; or
- (2) the district, school, or service center would have paid the employee in the preceding school year if the employee had been employed by the district, school, or service center in the same capacity in the preceding school year.

Sec. 1580.104. TIME FOR ELECTION. For each state fiscal year, an election under this subchapter must be made before the later of:

- (1) August 1 of the preceding state fiscal year; or
- (2) the 31st day after the date the employee is hired.

Sec. 1580.105. WRITTEN EXPLANATION; ELECTION FORM. (a) The trustee shall prescribe and distribute to each school district, other educational district, participating charter school, and regional education service center:

(1) a model explanation written in English and Spanish of the options active employees may elect under this section and the effect of electing each option; and

(2) an election form to be completed by active employees.

(b) Each state fiscal year, a school district, other educational district, participating charter school, or regional education service center shall prepare and distribute to each active employee a written explanation in English and Spanish, as appropriate, of the options the employee may elect under this section. The explanation must be based on the model explanation prepared by the trustee under Subsection (a) and must reflect all available health coverage options available to the employee. The explanation must be distributed to an employee before the later of:

(1) July 1 of the preceding state fiscal year; or

(2) the fifth day after the date the employee is hired.

(c) The written explanation under Subsection (b) must be accompanied by a copy of the election form prescribed under Subsection (a)(2).

Sec. 1580.106. RETURN OF UNENCUMBERED FUNDS. Any unencumbered funds that are returned to the school district from accounts established under Section 1580.101 may be used only to provide employee compensation, benefits, or both.

[Sections 1580.107-1580.150 reserved for expansion]

SUBCHAPTER D. MEDICAL SAVINGS ACCOUNT

Sec. 1580.151. DEFINITION. In this subchapter, "qualified health care expense" means an expense paid by an employee for medical care, as defined by Section 213(d), Internal Revenue Code of 1986, and its subsequent amendments, for the employee or the employee's dependents, as defined by Section 152, Internal Revenue Code of 1986, and its subsequent amendments.

Sec. 1580.152. RULES. The trustee, by rule, shall specify the requirements for a medical savings account established under this chapter.

Sec. 1580.153. QUALIFICATION OF ACCOUNT. (a) The trustee shall request in writing a ruling or opinion from the Internal Revenue Service as to whether the medical savings accounts established under this chapter and the state rules governing those accounts qualify the accounts for appropriate federal tax exemptions.

(b) Based on the response of the Internal Revenue Service under Subsection (a), the trustee shall:

(1) modify the rules, plans, and procedures adopted under this section as necessary to ensure the qualification of those accounts for appropriate federal tax exemptions; and

(2) certify the information regarding federal tax qualifications to the comptroller.

Sec. 1580.154. EMPLOYEE ELECTION. An employee who elects under Section 1580.101 to have state funds distributed under this chapter placed in a medical savings account may use the money in that account only for a qualified health care expense.

(3) On page 144, line 12, between "code" and the bracket, insert ", or Chapter 1580, Insurance Code".

(4) Strike SECTION 3.43 of the bill (page 158, line 24, through page 159, line 18) and substitute the following:

SECTION 3.43. Section 822.201(c), Government Code, is amended to read as follows:

(c) Excluded from salary and wages are:

- (1) expense payments;
- (2) allowances;
- (3) payments for unused vacation or sick leave;
- (4) maintenance or other nonmonetary compensation;
- (5) fringe benefits;
- (6) deferred compensation other than as provided by Subsection (b)(3);
- (7) compensation that is not made pursuant to a valid employment agreement;

(8) payments received by an employee in a school year that exceed \$5,000 for teaching a driver education and traffic safety course that is conducted outside regular classroom hours;

(9) the benefit replacement pay a person earns as a result of a payment made under Subchapter B or C, Chapter 661;

(10) supplemental compensation [~~contributions to a health reimbursement arrangement account~~] received by an employee under Chapter 1580 [Article 3.50-8], Insurance Code; [~~and~~]

(11) amounts received under the educator excellence incentive program under Subchapter J, Chapter 42, Education Code; and

(12) any compensation not described in Subsection (b).

(5) Strike SECTION 3.46 of the bill (page 160, line 26, through page 161, line 6) and renumber the subsequent sections of the bill accordingly.

(6) On page 164, strike lines 9-10 and renumber subsequent subdivisions of SECTION 4.01(g) of the bill accordingly.

(Hochberg in the chair)

Representative Delisi moved to table Amendment No. 71.

A record vote was requested.

The motion to table prevailed by (Record 70): 77 Yeas, 70 Nays, 2 Present, not voting.

Yeas — Allen, R.; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Anderson; Bailey; Brown, F.; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Griggs; Guillen; Hamilton; Herrero; Hodge; Homer; Hopson; Hughes; Isett; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo; West.

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

Absent — Haggerty.

Amendment No. 72

Representative Flores offered the following amendment to **CSHB 2**:

Floor Packet Page No. 189

Amend **CSHB 2** by inserting the following appropriately numbered new SECTION in the bill and renumbering the subsequent SECTIONS accordingly:

"SECTION ___. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.087 to read as follows:

Sec. 33.087. ELIGIBILITY OF STUDENTS ENROLLED IN COURSES FOR JOINT HIGH SCHOOL AND COLLEGE CREDIT. A student otherwise eligible to participate in an extracurricular activity or a University Interscholastic League competition is not ineligible because the student is enrolled in a course offered for joint high school and college credit, regardless of the location at which the course is provided."

Amendment No. 72 was adopted.

Amendment No. 73

On behalf of Representative Dunnam, Representative Herrero offered the following amendment to **CSHB 2**:

Floor Packet Page No. 192

Amend **CSHB 2** in PART B, ARTICLE 2, by inserting the following appropriately-numbered SECTION:

"SECTION 2B. ___. Section 31.022(b), Education Code, is amended to read as follows:

(b) The board shall organize the cycle for subjects in the foundation curriculum so that not more than one-third [~~one-sixth~~] of the textbooks for subjects in the foundation curriculum are reviewed each year. The board shall adopt rules to provide for a full and complete investigation of textbooks for each subject in the foundation curriculum at least every three [~~six~~] years. The adoption of textbooks for a subject in the foundation curriculum may be extended beyond the three-year [~~six-year~~] period only if the content of textbooks for a subject is sufficiently current."

Amendment No. 73 was withdrawn.

Amendment No. 74

Representative Olivo offered the following amendment to **CSHB 2**:

Floor Packet Page No. 193

Amend **CSHB 2** by adding the following appropriately numbered sections and renumbering the subsequent sections of the bill accordingly:

SECTION 2D.06. Section 37.008(m), Education Code, is amended to read as follows:

(m) The commissioner shall adopt rules necessary to evaluate annually the performance of each district's disciplinary alternative education program established under this subchapter. The evaluation required by this section shall be based on indicators defined by the commissioner, but must include the [student] performance of students in the program on assessment instruments administered [required] under Sections 39.023(a), (b), [and] (c), and (d), and an analysis of the performance of those students in relation to the performance on the assessment instruments of students in the regular education program at the campus in which the students in the disciplinary alternative education program would regularly be enrolled. Academically, the mission of disciplinary alternative education programs shall be to enable students to perform at grade level.

SECTION 2D.06. Section 39.182(a), Education Code, is amended to read as follows:

(a) Not later than December 1 of each year, the agency shall prepare and deliver to the governor, the lieutenant governor, the speaker of the house of representatives, each member of the legislature, the Legislative Budget Board, and the clerks of the standing committees of the senate and house of representatives with primary jurisdiction over the public school system a comprehensive report covering the preceding school year and containing:

(1) an evaluation of the achievements of the state educational program in relation to the statutory goals for the public education system under Section 4.002;

(2) an evaluation of the status of education in the state as reflected by the academic excellence indicators adopted under Section 39.051;

(3) a summary compilation of overall student performance on academic skills assessment instruments required by Section 39.023 with the number and percentage of students exempted from the administration of those instruments and the basis of the exemptions, aggregated by grade level, subject area, campus, and district, with appropriate interpretations and analysis, and discriminated by race, ethnicity, gender, and socioeconomic status;

(4) a summary compilation of overall performance of students placed in a disciplinary [an] alternative education program established under Section 37.008 on academic skills assessment instruments administered under [required by] Section 39.023(a), (c), or (d) with the number of those students exempted from the administration of those instruments and the basis of the exemptions, aggregated by district, grade level, and subject area, with appropriate interpretations and analysis, including the evaluation described by Section 37.008(m), and discriminated by mandatory or discretionary placement in the

program, race, ethnicity, gender, status as a student with a disability, status as a student of limited English proficiency, status as a migratory child as defined by 20 U.S.C. Section 6399, and socioeconomic status;

(5) a summary compilation of overall performance of students at risk of dropping out of school, as defined by Section 29.081(d), on academic skills assessment instruments required by Section 39.023 with the number of those students exempted from the administration of those instruments and the basis of the exemptions, aggregated by district, grade level, and subject area, with appropriate interpretations and analysis, and discriminated by race, ethnicity, gender, and socioeconomic status;

(6) an evaluation of the correlation between student grades and student performance on academic skills assessment instruments required by Section 39.023;

(7) a statement of the dropout rate of students in grade levels 7 through 12, expressed in the aggregate and by grade level, and a statement of the completion rates of students for grade levels 9 through 12;

(8) a statement of:

(A) the completion rate of students who enter grade level 9 and graduate not more than four years later;

(B) the completion rate of students who enter grade level 9 and graduate, including students who require more than four years to graduate;

(C) the completion rate of students who enter grade level 9 and not more than four years later receive a high school equivalency certificate;

(D) the completion rate of students who enter grade level 9 and receive a high school equivalency certificate, including students who require more than four years to receive a certificate; and

(E) the number and percentage of all students who have not been accounted for under Paragraph (A), (B), (C), or (D);

(9) a statement of the projected cross-sectional and longitudinal dropout rates for grade levels 9 through 12 for the next five years, assuming no state action is taken to reduce the dropout rate;

(10) a description of a systematic, measurable plan for reducing the projected cross-sectional and longitudinal dropout rates to five percent or less for the 1997-1998 school year;

(11) a summary of the information required by Section 29.083 regarding grade level retention of students and information concerning:

(A) the number and percentage of students retained; and

(B) the performance of retained students on assessment instruments required under Section 39.023(a);

(12) information, aggregated by district [~~type~~] and discriminated by mandatory or discretionary placement in the program, race, ethnicity, gender, status as a student with a disability, status as a student of limited English proficiency, status as a migratory child as defined by 20 U.S.C. Section 6399, and socioeconomic status, on:

(A) the number of students placed in a disciplinary [~~an~~] alternative education program established under Section 37.008;

(B) the average length of a student's placement in a disciplinary [am] alternative education program established under Section 37.008;

(C) the academic performance of students on assessment instruments required under Section 39.023(a) during the year preceding and during the year following placement in a disciplinary [am] alternative education program; and

(D) the dropout rates of students who have been placed in a disciplinary [am] alternative education program established under Section 37.008;

(13) a list of each school district or campus that does not satisfy performance standards, with an explanation of the actions taken by the commissioner to improve student performance in the district or campus and an evaluation of the results of those actions;

(14) an evaluation of the status of the curriculum taught in public schools, with recommendations for legislative changes necessary to improve or modify the curriculum required by Section 28.002;

(15) a description of all funds received by and each activity and expenditure of the agency;

(16) a summary and analysis of the instructional expenditures ratios and instructional employees ratios of school districts computed under Section 44.0071;

(17) a summary of the effect of deregulation, including exemptions and waivers granted under Section 7.056 or 39.112;

(18) a statement of the total number and length of reports that school districts and school district employees must submit to the agency, identifying which reports are required by federal statute or rule, state statute, or agency rule, and a summary of the agency's efforts to reduce overall reporting requirements;

(19) a list of each school district and disciplinary alternative education program that is not in compliance with state special education requirements, including:

(A) the period for which the district or program has not been in compliance;

(B) in the case of a school district, the manner in which the agency considered the district's failure to comply in determining the district's accreditation status; and

(C) an explanation of the actions taken by the commissioner to ensure compliance and an evaluation of the results of those actions;

(20) a comparison of the performance of open-enrollment charter schools and school districts on the academic excellence indicators specified in Section 39.051(b) and accountability measures adopted under Section 39.051(g), with a separately aggregated comparison of the performance of open-enrollment charter schools predominantly serving students at risk of dropping out of school, as defined by Section 29.081(d), with the performance of school districts; and

(21) any additional information considered important by the commissioner or the State Board of Education.

Representative Hupp moved to table Amendment No. 74.

A record vote was requested.

The motion to table prevailed by (Record 71): 85 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Hamilton; Herrero; Hochberg(C); Hodge; Homer; Hopson; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker.

Absent — Farabee; Jones, J.; King, T.

(Speaker in the chair)

Amendment No. 68 - Vote Reconsidered

Representative Berman moved to reconsider the vote by which Amendment No. 68 was adopted.

The motion to reconsider prevailed.

Amendment No. 68 was withdrawn.

Amendment No. 75

On behalf of Representative Callegari, Representative Miller offered the following amendment to **CSHB 2**:

Floor Packet Page No. 199

Amend **CSHB 2** as follows:

(1) Strike SECTION 2C.01 of the bill and renumber the subsequent sections appropriately.

(2) On page 163, line 27 strike "25.0811(b)".

Amendment No. 76

Representatives Chisum and Bonnen offered the following amendment to Amendment No. 75:

Amend **CSHB 2** as follows:

(1) On page 75, line 26, strike "The" and substitute "Effective August 1, 2006, the".

(2) On page 76, line 2, between the period and "Section" insert "Effective August 1, 2006,".

Amendment No. 76 was adopted.

Amendment No. 75, as amended, was adopted. (The vote was reconsidered on March 9, and Amendment No. 75 was withdrawn.)

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Culture, Recreation, and Tourism was cancelled.

ADJOURNMENT

Representative Escobar moved that the house adjourn until 9 a.m. tomorrow in memory of Horacio S. Ramirez of Hebronville.

The motion prevailed.

The house accordingly, at 11:52 p.m., adjourned until 9 a.m. tomorrow.

ADDENDUM

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, March 7, 2005

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 20 Berman SPONSOR: Eltife
Congratulating J. Lindsey Bradley, Jr., on his receipt of the 2004 Earl M. Collier Award for Distinguished Health Care Administration.

