

# HOUSE JOURNAL

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EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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FORTY-FIFTH DAY — WEDNESDAY, APRIL 8, 2015

The house met at 10:03 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 171).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Absent — Frank; Murphy; Walle.

The speaker recognized Representative Dale who introduced Reverend Edward C. Koharchik, pastor, St. Vincent de Paul Catholic Church, Austin, who offered the invocation as follows:

Blessed are you, Lord God of all creation, for through your goodness you have brought us to the light of a new day. You, who are the very essence of goodness and justice, of integrity and virtue; you, who are love itself, be with us this day.

Thank you for these women and men who have heard and answered the call within themselves to come forward and serve their fellow human beings, their fellow citizens, their fellow brothers and sisters, in order to provide for every person all that is good and righteous and mindful of each one's inherent dignity. This call comes from you, O God, you who are the source of all that is good. Be with these servants today and all days as they strive to govern your people. Grant them wisdom and understanding, knowledge and right judgment, perseverance,

humility, and strength in all of their deliberations. Help them to put aside their differences, and empower them to come together in respect for each other as they seek what truly is best for all whom they serve. Let them always know of your presence with them. Touch their hearts that they always seek your guidance. Help them and all of us gathered here to be forever grateful for your providential care for which we only need to ask. We pray this for your love's sake. Amen.

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

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

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 10:20 a.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

(Phillips in the chair)

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Calendars, 10:20 a.m. today, 3W.9, for a formal meeting, to set a calendar.

Licensing and Administrative Procedures, during first recess today, Desk 9, for a formal meeting, to consider pending business.

#### **HR 1712 - ADOPTED (by Lozano)**

Representative Lozano moved to suspend all necessary rules to take up and consider at this time **HR 1712**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1712**, Honoring the retired teachers of House District 43.

**HR 1712** was adopted.

On motion of Representative Tinderholt, the names of all the members of the house were added to **HR 1712** as signers thereof.

#### **HR 494 - ADOPTED (by Flynn and Price)**

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 494**.

The motion prevailed.

The following resolution was laid before the house:

**HR 494**, Recognizing April 8, 2015, as Retired Teachers Day at the State Capitol.

**HR 494** was adopted.

On motion of Representative Tinderholt, the names of all the members of the house were added to **HR 494** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representatives Flynn and Lozano who introduced representatives of the Texas Retired Teachers Association.

(Frank, Murphy, and Walle now present)

### **CAPITOL PHYSICIAN**

The chair recognized Representative Naishtat who presented Dr. Paraag Kumar of Austin as the "Doctor for the Day."

The house welcomed Dr. Kumar and thanked him for his 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).

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 12).

### **HCR 95 - READ**

**(by Geren and Craddick)**

The chair had read the following resolution:

**HCR 95**, In memory of Roy Houston Moore of Austin.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Geren who introduced family members of Roy Houston Moore, speaking as follows:

As many of you know, Roy passed away in 2013, and he was a friend to many of us who served in the chamber. For those of you who did not get to meet Roy in the halls of the Capitol, he was a man of integrity and honesty. He was born in Brownwood in 1932. He was a member of the Air Force and served in Korea. He graduated from The University of Texas. He was an avid fisherman, golfer, and famous among friends for the two amazing holes-in-one and two double eagles that he had. Roy never threw anything away. We found out in Roy's passing when we went over to Julie's house, there were a lot of ice chests; none of them had lids that would stay on or anything like that. He didn't throw anything away. If you ever need to check your eggs, throw them in a pot of water and if they float throw them out; otherwise, you can cook them no matter how old they are. On the dais today we have Julie Moore, his daughter Megan, Michael Moore, Maureen Moore, and Jack Moore. In the gallery we have a whole lot of

Roy's friends. Would y'all please stand? Thank you for allowing us to recognize Roy's life.

Representative Craddick addressed the house, speaking as follows:

Members, you know, you meet people that lobby, through the years, when you're in the legislature, and Roy Moore was just a wonderful person, easygoing, and he was more interested in talking to you about fishing than he was the bill that he was sending over there. He and Julie are a great couple, everybody in here that knows Julie, think about Julie and then ten times better with Roy. They're just wonderful people. They were always here when you needed them, and it was fun to have Roy come to your office or see you on the street, because you always had a joyful thing to say. Julie, we miss him, and we are elated to be able to participate in this.

On motion of Representative Craddick, the names of all the members of the house were added to **HCR 95** as signers thereof.

#### **REMARKS ORDERED PRINTED**

Representative Harless moved to print remarks by Representative Geren and Representative Craddick.

The motion prevailed.

#### **HR 1686 - ADOPTED (by Hunter)**

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 1686**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1686**, Recognizing April 8, 2015, as Texas Pharmacy Day at the State Capitol.

**HR 1686** was adopted.

On motion of Representative Herrero, the names of all the members of the house were added to **HR 1686** as signers thereof.

#### **FIVE-DAY POSTING RULE SUSPENDED**

Representative Pickett moved to suspend the five-day posting rule to allow the Committee on Transportation to consider **HB 2549** at 8 a.m. tomorrow in E2.012.

The motion prevailed.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Transportation, 8 a.m. tomorrow, E2.012, for a public hearing, to consider **HB 2549** and the previously posted agenda.

**HR 1836 - ADOPTED**  
**(by S. King)**

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 1836**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1836**, Recognizing April 8, 2015, as Parent Association for the Retarded of Texas Day at the State Capitol.

**HR 1836** was adopted.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Keffer moved to suspend the five-day posting rule to allow the Committee on Natural Resources to consider **HB 930**, **HB 950**, and **HB 4168** at 2 p.m. or upon final recess today in E2.010.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Natural Resources, 2 p.m. or upon final recess today, E2.010, for a public hearing, to consider **HB 930**, **HB 950**, **HB 4168**, and the previously posted agenda.

**HR 1685 - ADOPTED**  
**(by Darby)**

Representative Darby moved to suspend all necessary rules to take up and consider at this time **HR 1685**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1685**, Recognizing April 8, 2015, as Masonic Grand Lodge of Texas Day at the State Capitol.

**HR 1685** was adopted.

On motion of Representatives Raney, Murr, and Burns, the names of all the members of the house were added to **HR 1685** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Darby who introduced members of the Masonic Grand Lodge of Texas.

**HR 1687 - ADOPTED**  
**(by Klick)**

Representative Klick moved to suspend all necessary rules to take up and consider at this time **HR 1687**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1687**, Honoring Gayle Varnell for her contributions as a nurse practitioner.

**HR 1687** was adopted.

**HR 492 - PREVIOUSLY ADOPTED  
(by Israel)**

The chair laid out the following previously adopted resolution:

**HR 492**, Congratulating Paul F. Davis on his retirement from the Texas Society of Health-System Pharmacists.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Israel who introduced Paul F. Davis and members of his family.

**HR 559 - PREVIOUSLY ADOPTED  
(by Nevárez)**

The chair laid out the following previously adopted resolution:

**HR 559**, Congratulating the Honorable Val Clark Beard on her retirement as Brewster County judge.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Nevárez who introduced the Honorable Val Clark Beard and members of her family.

**HR 1653 - ADOPTED  
(by Herrero)**

Representative Herrero moved to suspend all necessary rules to take up and consider at this time **HR 1653**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1653**, Honoring the South Texas Youth Congress for its dedicated work and welcoming its members to the State Capitol.

**HR 1653** was adopted.

**HR 1855 - ADOPTED  
(by P. King)**

Representative P. King moved to suspend all necessary rules to take up and consider at this time **HR 1855**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1855**, In memory of Joe E. Sharp.

**HR 1855** was read and was unanimously adopted by a rising vote.

**HR 1719 - ADOPTED**  
**(by Y. Davis)**

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1719**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1719**, Commending Dallas County Health and Human Services for its exemplary performance in responding to the October 2014 Ebola outbreak.

**HR 1719** was adopted.

On motion of Representatives Burkett, Sheets, Button, Giddings, and R. Anderson, the names of all the members of the house were added to **HR 1719** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Y. Davis who introduced representatives of Dallas County Health and Human Services.

**HR 1560 - ADOPTED**  
**(by Vo, Button, and Wu)**

Representative Vo moved to suspend all necessary rules to take up and consider at this time **HR 1560**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1560**, Recognizing April 8, 2015, as Vietnamese American Day at the State Capitol.

**HR 1560** was adopted.

On motion of Representatives Button and Wu, the names of all the members of the house were added to **HR 1560** as signers thereof.

**HR 591 - PREVIOUSLY ADOPTED**  
**(by VanDeaver)**

The chair laid out the following previously adopted resolution:

**HR 591**, Recognizing April 8-9, 2015, as Lamar County Days at the State Capitol.

**HR 1829 - ADOPTED**  
**(by Guillen)**

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 1829**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1829**, Recognizing April 8, 2015, as Live Oak County Historical Commission Day at the State Capitol.

**HR 1829** was adopted.

On motion of Representative Guerra, the names of all the members of the house were added to **HR 1829** as signers thereof.

### **ADDRESS BY REPRESENTATIVE CANALES**

The chair recognized Representative Canales who addressed the house, speaking as follows:

I just wanted to wish my little boy a happy birthday today. He turns four years old, and so his mother was going to turn on the computer so she could show him where we're at and what we were doing. Happy birthday, son. I love you. Be home soon.

### **REMARKS ORDERED PRINTED**

Representative Nevárez moved to print remarks by Representative Canales.

The motion prevailed.

### **RECESS**

At 11:26 a.m., the chair announced that the house would stand recessed until 12 p.m. today.

### **AFTERNOON SESSION**

The house met at 12:05 p.m. and was called to order by the speaker.

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

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

#### **HB 8 ON THIRD READING (by Otto, et al.)**

**HB 8**, A bill to be entitled An Act relating to the deposit of money received from the federal government.

**HB 8** was passed by (Record 172): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddock; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz;

Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Herrero.

### STATEMENT OF VOTE

When Record No. 172 was taken, I was in the house but away from my desk. I would have voted yes.

Herrero

### HB 5 ON THIRD READING

(by Otto, Burkett, et al.)

**HB 5**, A bill to be entitled An Act relating to strategic fiscal reviews of state agencies.

**HB 5** was passed by (Record 173): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Deshotel; Dukes; Dutton; Elkins; Fairecloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Davis, Y.

### EMERGENCY CALENDAR

#### HOUSE BILLS

#### SECOND READING

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

**CSHB 4 ON SECOND READING****(by Huberty, Deshotel, K. King, Giddings, Ashby, et al.)**

**CSHB 4**, A bill to be entitled An Act relating to a high quality prekindergarten program provided by public school districts.

**CSHB 4 - POINT OF ORDER**

Representative Stickland raised a point of order against further consideration of **CSHB 4** under Rule 8, Section 1(d) of the House Rules on the grounds that the bill caption is inaccurate.

The point of order was withdrawn.

Representative Huberty moved to postpone consideration of **CSHB 4** until 12:35 p.m. today.

The motion prevailed.

**CSHB 12 ON SECOND READING****(by Longoria, S. Thompson, Phillips, G. Bonnen, et al.)**

**CSHB 12**, A bill to be entitled An Act relating to the border prosecution unit.

**CSHB 12** was passed to engrossment.

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

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

**CSHB 1678 ON SECOND READING****(by Raymond, Price, and Naishtat)**

**CSHB 1678**, A bill to be entitled An Act relating to the continuation and functions of the Governor's Committee on People with Disabilities.

**Amendment No. 1**

Representative Raymond offered the following amendment to **CSHB 1678**:

Amend **CSHB 1678** (house committee printing) as follows:

(1) In the recital to SECTION 2 of the bill, between "Code," and "is", insert "as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015,".

(2) On page 2 of the bill, strike lines 15 through 24 and substitute the following:

~~(6) [evaluate the state's compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.) and other federal and state statutes relating to rights and opportunities for persons with disabilities;~~

~~[(7)]~~ provide information and technical assistance to public and private agencies and businesses to promote and facilitate implementation of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.) and other federal and state statutes relating to rights and opportunities of persons with disabilities;

Amendment No. 1 was adopted.

**CSHB 1678**, as amended, was passed to engrossment.

**CSHB 1680 ON SECOND READING**

**(by Raymond, Burkett, and Price)**

**CSHB 1680**, A bill to be entitled An Act relating to the continuation and functions of the Texas Health Services Authority as a quasi-governmental entity and the electronic exchange of health care information.

Representative Raymond moved to postpone consideration of **CSHB 1680** until 10 a.m. Tuesday, April 14.

The motion prevailed.

**CSHB 2463 ON SECOND READING**

**(by Raymond, Burkett, and Price)**

**CSHB 2463**, A bill to be entitled An Act relating to the continuation and functions of the Department of Assistive and Rehabilitative Services.

**Amendment No. 1**

Representative Raymond offered the following amendment to **CSHB 2463**:

Amend **CSHB 2463** (house committee printing) as follows:

(1) On page 6, line 12, strike "Subchapter E" and substitute "Subchapter D-1".

(2) On page 6, line 13, strike "SUBCHAPTER E" and substitute "SUBCHAPTER D-1".

(3) Strike SECTION 5 of the bill (page 9, lines 24 through 25) and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. The following provisions of the Human Resources Code are repealed:

(1) Section 91.022, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015; and

(2) Section 117.153, as redesignated and amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015.

Amendment No. 1 was adopted.

**CSHB 2463**, as amended, was passed to engrossment.

**HB 1606 ON SECOND READING**

**(by Burkett, Price, Raymond, Dutton, Gonzales, et al.)**

**HB 1606**, A bill to be entitled An Act relating to the continuation and functions of the Texas Workforce Investment Council, including assumption of the duties of the Texas Skill Standards Board.

**HB 1606** was passed to engrossment.

**HB 3279 ON SECOND READING**  
**(by Gonzales)**

**HB 3279**, A bill to be entitled An Act relating to the authority and duties of the office of inspector general of the Health and Human Services Commission.

Representative Gonzales moved to postpone consideration of **HB 3279** until 10 a.m. Wednesday, April 15.

The motion prevailed.

**CSHB 100 ON SECOND READING**  
**(by Zerwas, Ashby, Otto, S. Turner, Clardy, et al.)**

**CSHB 100**, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education.

**Amendment No. 1**

Representative Zerwas offered the following amendment to **CSHB 100**:

Amend **CSHB 100**, by the following:

On page 12, line 15, strike "\$12,830,400" and replace with "\$14,256,000" and on page 12, line 20, strike "\$80 million" and replace with "\$75,520,000"

Amendment No. 1 was adopted.

**Amendment No. 2**

Representatives Faircloth and G. Bonnen offered the following amendment to **CSHB 100**:

Amend **CSHB 100** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Sections 55.17721(d) and (e), Education Code, are repealed.

Amendment No. 2 was withdrawn.

**CSHB 100**, as amended, was passed to engrossment. (R. Anderson, Capriglione, Fallon, Laubenberg, Rinaldi, Simpson, Spitzer, E. S. Turner, and Zedler recorded voting no.)

**POSTPONED BUSINESS**

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

**CSHB 4 ON SECOND READING**  
**(by Huberty, Deshotel, K. King, Giddings, Ashby, et al.)**

**CSHB 4**, A bill to be entitled An Act relating to a high quality prekindergarten program provided by public school districts.

**CSHB 4** was read second time earlier today and was postponed until this time.

### CSHB 4 - POINT OF ORDER

Representative Stickland raised a point of order against further consideration of **CSHB 4** under Rule 8, Section 1(d) of the House Rules on the grounds that the bill caption is inaccurate.

The speaker overruled the point of order and submitted the following statement:

Representative Stickland raised a point of order against further consideration of **CSHB 4** under Rule 8, Section 1(d) of the House Rules on the grounds that the bill caption does not contain the required short statement at its end describing the new occupational credential. The point of order is respectfully overruled.

Under Rule 8, Section 1(d) of the House Rules, "A house bill that would create a requirement that an individual or entity obtain a license, certificate, registration, permit, or other authorization before engaging in a particular occupation or profession. . . must include a short statement at the end of its title or caption indicating the general effect of the bill on the occupation or profession." See Rule 8, Section 1(d) of the House Rules. Representative Stickland asserts that under **CSHB 4**, because teachers, in order to be employed by a school district for a prekindergarten program class must have been awarded a Child Development Associate (CDA) credential, the credential is tantamount to a new certificate, registration, permit, or other authorization as contemplated under Rule 8, Section 1(d) of the House Rules triggering the need for additional language in the bill caption. Proponents of **CSHB 4** argue that the credential issue is not covered by Rule 8, Section 1(d) of the House Rules, because it does not create a requirement that the teachers obtain a license before engaging in teaching, but rather operates as a restriction on the school district as to the type of person that may be employed. Additionally, it does not expand the licensing requirements placed upon the teaching profession, which may require additional language in the bill caption. Both opponents and proponents of **CSHB 4** raised quality arguments as to the parameters of Rule 8, Section 1(d) of the House Rules—a subsection of first impression.

In general, Subsection (d) is intended to apply to bills that either expressly create a licensing requirement for an occupation or profession that does not currently have such a requirement or expand an existing licensing requirement to apply to an individual or entity for the first time.

The chair has reviewed the seven sections of the bill and the language of Rule 8, Section 1(d) of the House Rules. Because **CSHB 4** does not create a new licensing requirement for the teaching profession or expand the current licensing requirements placed upon the teaching profession to a new class of people, the bill caption did not violate Rule 8, Section 1(d) of the House Rules.

### CSHB 4 - POINT OF ORDER

Representative Stickland raised a point of order against further consideration of **CSHB 4** under Rule 8, Section 1(d) of the House Rules on the grounds that the bill caption is inaccurate.

(Geren in the chair)

The chair overruled the point of order and submitted the following statement:

Representative Stickland raised a point of order against further consideration of **CSHB 4** under Rule 8, Section 1(d) of the House Rules on the grounds that the caption for **CSHB 4** does not contain the required short statement at its end describing the expansion of the occupational certificate to the new program. The point of order is respectfully overruled.

Under Rule 8, Section 1(d) of the House Rules, "A house bill that would. . .expand an existing requirement to additional individuals or entities must include a short statement at the end of its title or caption indicating the general effect of the bill on the occupation or profession. . . ." See Rule 8, Section 1(d) of the House Rules. Representative Stickland asserts that under **CSHB 4**, because each teacher for a prekindergarten program class must be certified under Subchapter B, Chapter 21, such a provision would expand teacher certification requirements to a new class of additional individuals, namely individuals wishing to be employed as a pre-kindergarten teacher under the "high quality" prekindergarten program. Therefore, Representative Stickland argues **CSHB 4** requires additional language in the bill caption to notify the members and the public of the expansion.

In his prior ruling on Mr. Stickland's first point of order, the chair rejected this argument, finding that the plain language of the bill, within the four corners of the bill document, neither expands an existing licensure requirement to additional individuals nor creates a requirement that an individual obtain a license before engaging in a particular occupation. In general, the rule applies to bills that expressly (within the four corners of the document) (1) create a requirement that an individual or entity obtain a license to engage in an occupation or profession where no such requirement exists in current law, or (2) expand an existing licensing requirement to individuals or entities that are not required to obtain that license under current law.

While many bills are introduced that address some aspect of licensing, Rule 8, Section 1(d) of the House Rules only applies to a small subset of those bills. The licensing requirement must be a new one, which this is not, or the licensing requirement must apply to an individual or entity for the first time, which this does not. A bill would not be subject to this caption requirement, for example, if the bill only changes the qualifications to obtain a license that exists under current law or imposes a requirement on an individual or entity that is already subject to a licensing requirement. For example, a bill that imposes a duty on a city in a design build contract to only hire an engineer who has specific experience or has built a certain number of buildings is not subject to the caption requirement because the restriction on the employer (the city) neither creates a new license or expands an existing license requirement to a new class of persons.

The chair has reviewed the seven sections of the bill and the language of Rule 8, Section 1(d) of the House Rules. Because **CSHB 4** does not expand a licensing requirement of the teaching profession to apply to a new class of people for the first time, the bill caption did not violate Rule 8, Section 1(d) of the House Rules.

### CSHB 4 - POINT OF ORDER

Representative Stickland raised a point of order against further consideration of **CSHB 4** under Rule 8, Section 1(b) of the House Rules on the grounds that the bill caption is inaccurate.

(Speaker in the chair)

The speaker overruled the point of order and submitted the following statement:

Representative Stickland raised a point of order against further consideration of **CSHB 4** under Rule 8, Section 1(b) of the House Rules on the grounds that **CSHB 4's** caption fails to include a short statement acknowledging that the bill imposes a fee. The point of order is respectfully overruled.

Under Rule 8, Section 1(b) of the House Rules, "A house bill that would impose, authorize, increase, or change the rate or amount of a tax, assessment, surcharge, or fee must include a short statement at the end of its title or caption indicating the general effect of the bill on the tax, assessment, surcharge, or fee. . . ." See Rule 8, Section 1(b) of the House Rules. While the bill does not expressly state that it imposes, authorizes, increases or changes the rate or amount of a tax, assessment, surcharge, or fee, Representative Stickland asserts that **CSHB 4**, by requiring an additional condition on employment, in effect, would impose a \$425 "assessment fee" on any Texan wishing to work as a prekindergarten teacher under the proposed "high quality" program and, therefore, requires additional language in the bill caption to notify the members and the public of the fee. Representative Stickland also notes a similar point of order raised in the previous legislative session. See 83 H.J. Reg. 1615-1616 (2013) (Simpson point of order on **CSHB 63**).

The purpose of Rule 8, Section 1(b) of the House Rules is to provide clear notice to house members and the public concerning the effect of a house bill on taxes, assessments, surcharges, and fees. By operation of Rule 9, Section 1(a) of the House Rules, the caption rule also applies to house joint resolutions proposing constitutional amendments.

The precedent cited by Representative Stickland is dispositive against his position. In general, the rule applies to bills that *expressly* (within the four corners of the bill) impose, authorize, or change the rate or amount of a tax, assessment, surcharge, or fee, as well as to bills that have an equivalent purpose, such as a bill whose primary purpose is to repeal a tax or to extend a temporary fee. However, the rule does not apply to bills that *indirectly* affect the payment or application of an existing tax, assessment, surcharge, or fee, such as a bill changing a due date, repealing or otherwise eliminating a program or agency that includes fee or assessment authority, modifying or adopting a tax exemption, or modifying a class of persons or transactions subject to an existing tax or fee.

The chair has reviewed the seven sections of the bill, the precedent cited by Representative Stickland, and other precedents of the house as determined under Rule 8, Section 1(b) of the House Rules. See Rule 8, Section 1(b) of the House Rules; 83 H.J. Reg. 1615-1616 (2013) (Simpson point of order on **CSHB 63**).

Because **CSHB 4** does not impose, authorize, increase, or change the rate or amount of a tax, assessment, surcharge, or fee, the chair, therefore, finds that Rule 8, Section 1(b) of the House Rules cannot apply to **CSHB 4**.

#### **CSHB 4 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE JOHNSON: Representative Huberty, first of all I want to thank you for your work on this topic. I appreciate you and the governor both making this a priority this session. So I want you to know that my questions that I have here are really for the specific purpose of establishing what the legislative intent of your bill is and for making sure that the house knows exactly what the bill does and doesn't do so we know what we're voting on. So that's the spirit I hope you take these questions in.

REPRESENTATIVE HUBERTY: Absolutely, and I appreciate the fact that we've mended our ways and we're working together, and I want to work with you on this because I know you had a different house bill, and I appreciate your hard work on that over the summer. You've done yeoman's work as well, and I appreciate that.

JOHNSON: Well, I appreciate you, too. So my first question that I think that the house needs to hear you talk about, and I would like for you to explain, because I know you made a conscious decision to do this—we heard a lot, I mean hours, eight hours maybe, of testimony and committee, and I've got reams of paper from stakeholders that tell us that full-day pre-K is superior to half-day pre-K, and that the results of full-day pre-K are demonstrably better than what we get out of half-day pre-K. We also have a lot of evidence that shows that access issues, particularly with the at-risk population that we're talking about, are greatly improved when you go from half-day to full-day. There's a district in our area up in North Texas, DeSoto ISD, that moved from half-day to full-day, and their participation went from 57 percent or so to 97 percent—almost every eligible kid started to participate. My question to you is why did you decide—if my understanding is correct, your bill does not require districts to move to a full-day or to offer a full-day of pre-K programming. Why was that decision made?

HUBERTY: Representative, what this bill did was we focused on creating a high quality program, and I think you know, you've done all the research, but for the members of the house that haven't done this, we're spending about \$1.7 billion a year. We have very little data on anything related to: is the program effective, what's the class size, are we teaching the TEKS, is there an assessment, do we know anything about that? I think it's prudent for us to look at it from a perspective and say let's invest some money to incentivize the schools to be able to provide us this information and feedback. And there will be another amendment that Representative King is going to offer because we were having a report being given to us to provide that information on how are we doing when we get to third and fourth grade, but we're going to extend that through 2024. That gives the next legislative body the materials and the ammunition; and the reports that we speak about are all over the country. I had the benefit myself,

personally, this past summer of completing an early learning fellowship where I traveled in various states and looked at what other programs were doing—some were half-day, some were full-day.

One of the big issues that we have here in the State of Texas is we have fast-grow school districts, and I use my, everybody knows I use my school district, I'm very proud of it, Humble ISD, and my superintendent, Dr. Sconzo, but we don't have the capacity to offer full-day. We are so overcrowded that even if we could do it, we don't have the physical resources to be able to do that. While I recognize 47 percent of the school districts in the State of Texas—of the 227,000 kids that we're talking about—do offer that full-day, and I won't disagree with you that more instruction time in a classroom is always a better thing, but what we're trying to accomplish in this bill is to gather data, get additional information, get money in the pockets of the school districts so we can gather that information and incentivize them. But I will say this to you, there is nothing in this bill that will prevent a school district from going to a full-day if they so choose.

JOHNSON: Just to clarify for the membership then, it's true that your bill does not require you to offer full-day in order to receive the money under your bill, but nothing prevents them from doing it, but it is not a requirement.

HUBERTY: That's absolutely right, and I believe Representative Martinez Fischer, he and I had a discussion, since he is my new attorney and best friend, I've agreed to probably take one of his amendments that says there's nothing that would prevent them from offering a full-day. We want to be very clear and very transparent. If a school district wants to do that, that's an option. Representative Johnson, as you know, one of the things that was in your bill that we also worked on that we thought was an excellent idea was partnering with the private providers. That's a great way for us to be able to partner with them to maybe—where if enough monies are there for those school districts that they could offer that. And as you know, the ISDs will be with them. And again, I just want to clarify, I visited with one of my friends who operates four of these facilities in my district, Kevin Kilgore of Kids 'R' Kids, and we made sure we drafted the appropriate language so that it allows that to be able to happen. And I know that you wanted that in your bill as well, so we made sure that got in this bill.

JOHNSON: Well, we'll move on to a couple other topics that I think members need to know about. Your bill does not include any requirements with respect to student-teacher ratios or class size limits, either, is that correct?

HUBERTY: No, sir, it doesn't. But what I did do was—Representative Alvarado, as you know, we had pre-K day in public education. Representative Alvarado had a bill that actually required us to be able to report specifically on the number of or the ratios, the amount of people that are in that. It allows us to be able to find and identify what the student-teacher ratio was.

JOHNSON: I understand. So I know you have a reporting requirement where they have to report it, but your bill does not require them to do it.

HUBERTY: No, sir. One of the things that I think we heard in testimony was Austin ISD was a great example, because I know that was one of the things that I think you had in your bill, where it was requiring certain ratios. Austin ISD actually testified to the fact that if they had to go to that ratio, that would cost them \$10 million and basically would make it unaffordable for them to even participate in the program. But I think what the good news is, is that we're actually going to get real data, which we don't have today, to be able to make a decision. I think, I'm one of those believers that you have to have factual information to make a good business decision, and that's going to be able to help us do that, so I applaud Representative Alvarado for that legislation.

JOHNSON: I would like to move on to, I think, the \$64,000 question about your legislation that I'd like to know, and I think members need to know this as well. Can you explain to us how much money that it is your intention or that your bill will put into pre-K in this next biennium? What's the total dollar amount that you put in?

HUBERTY: Right now, we have in the appropriation rider, it's tied to this bill, the rider appropriates \$100 million in addition to, there's an additional \$30 million that's in there. So there's \$130 million above and beyond what is already currently in the pre-K budget. Now, the other thing I would say to you, and I want everybody to think about this, which is that Chairman Aycock, last night, laid out the school finance plan that the house has adopted, which includes the additional \$800 million that was there that goes directly into the formulas. And so the benefit of that program is that, you know, we are directing this 130 into pre-K, but we're also having additional funds that will go into the formulas, and you and I have talked about that. Superintendents much prefer to have the money go into their formulas, right?

JOHNSON: Yes. I want to make sure we get to this, though; this is important. I want to understand that with the \$130 million in additional funding, based on your calculations, I want to know what participation rate you used as well. But what does that turn out to be per student? Between the eligible four-year-old population, divided into \$130 million, assuming a participation rate of whatever you're going to tell me, how much does that come out to be?

HUBERTY: If everybody participated, it could be in the \$700 range, a little less than \$700. Now, will every school district participate in the program in the first year? I can't answer that off the top of my head. I can tell you this, I polled my regional area, which is Region 4, of all the school districts that are out there—so, for example, for members of our community here, Alief School District with HD Chambers, Wanda at Aldine, Sconzo, Keith Moore, all of those superintendents in that area, and they said absolutely we will participate.

JOHNSON: What participation rate did you use to get the estimate?

HUBERTY: I mean, it's simple math. If you have \$130 million and divide \$227,000—

JOHNSON: Is that the number you're using in your estimates internally to say this is what I think per child we're going to have? Are you using a different participation rate other than 100 percent? Based on the requirements in the bill, I think the participation rate will be pretty high, but I want to know what number you're using.

HUBERTY: Representative Johnson, I'm hazarding a guess. I could say it's 80 percent, I could say it's 100 percent. Let's say it's above 80 percent, as an example. If it's above 80 percent, if my math is correct, so then that would come down to 180,000 people—180,000 children, rather. You know, I think you're getting in the \$800 to \$900 range at that point.

JOHNSON: Right. Final question, I appreciate your patience with this. Explain to us, once and for all, so we can all hear it and all understand it. Is this money, this \$130 million going through the funding formulas where it'll be very similar, if not identical, to how we fund K-12 right now? Or is this different and more akin to a grant program or whatever?

HUBERTY: Thank you, Representative Johnson, and as I mentioned in my layout, we have it in the bill that talks about it where it goes through ADA, which is the formula. I don't want to get too complex with people; you understand, and I understand. But it's in the ADA, which means that's in the formula. It's in the bill. It's also in the rider that we passed, but because we wanted to make sure everybody was clear on that, my very first amendment that we offer, that Representative Yvonne Davis signed on, is very explicit, that says it is going in the formula.

(Ashby in the chair)

### REMARKS ORDERED PRINTED

Representative Johnson moved to print remarks between Representative Huberty and Representative Johnson.

The motion prevailed.

REPRESENTATIVE RINALDI: Is there a study from within the State of Texas which delineates the investment return per child on pre-K in general?

REPRESENTATIVE FARNEY: Yes, sir, actually there are several across the nation. But the one that's specifically in Texas came from the Bush School at Texas A&M University, where they found that a \$1 investment into an effective pre-K system, which this is, yields a \$3.50 value for that \$1 investment, and that's something that they stand behind.

RINALDI: And that's at 70 percent enrollment, correct?

FARNEY: I do not know about 70 percent enrollment.

RINALDI: I just want to go through some of the components of that \$3.50. The value of child care is included in there and is 37 percent of that number, correct?

FARNEY: I need to go to my desk and get my study, I'm sorry.

RINALDI: You don't know that not to be the case, correct? I mean I'm looking at the study right now, and I'm seeing that value of child care, current increased income for mothers, which is also a child-care component, and increased lifetime earnings of mothers, which is due to the two years of added child care, are also included. Together those three numbers total 51 percent of the benefits under this study of the program. So if these numbers are correct, isn't it true that a majority of the Bush School's study is not about the pre-K's value as an educational program, but as a day care program?

FARNEY: I would disagree about calling it a day care program and specifically because they mention a high quality pre-K program. A lot of those components had been built into **HB 4**. One of the key components is, that separates it from a Head Start program, when they talk about comparing a state designed program compared to the Head Start program, you'll see that the scores and the ratings go up dramatically. Head Start is improving and growing, but an important part of this—so if you look there are several other studies in New Jersey, Boston, Maryland, North Carolina, and they also show that there is strong validity in what they call efficacy in programs that are based on this type of high quality program. In Texas, I'm not sure that the Bush study was looking at this specifically, but it's the pre-K guidelines. Those are standards that are built upon, building onto the kindergarten standards that we have that are vertically and horizontally aligned, that build toward college readiness.

RINALDI: I want to point to just one other part of this study. Of the 49 percent that isn't based on child care, the increased earnings component is about 80 percent of that. That's taken from a study from Chicago which analyzed 989 low-income children in Chicago who not only received pre-K, but also weekly visits to the child and intervention including speech therapy and tutoring through third grade, correct?

FARNEY: Speaking of going up through the third grade—one thing I am happy to share with you is that a lot of these studies, again across the nation, mention something that they call fade out, which is a valid question to look at for pre-K programs. One thing they found in the longitudinal studies, and that is the longer we're into this the more we're seeing—representative, there is an absolute correlation in finding a reduced number of special ed referrals for students who have been involved in a high quality pre-K program like **HB 4**. There's also a direct correlation of fewer grade level retentions for students who are in a high quality pre-K program like **HB 4**. There's also a direct correlation between fewer children being involved in remediation if they're in a high quality program like **HB 4**. You're right to point out the difference is that it has to be a high quality program, and that is what this program is built on.

RINALDI: But just talking about the increased earnings section of the base study, this bill doesn't provide tutoring up until third grade, correct?

FARNEY: No, sir, I don't believe it does.

**Amendment No. 1**

Representative Huberty offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (house committee report) as follows:

(1) On page 3, lines 25 through 26, strike "In addition to funding granted under Subsection (b), a" and substitute "A".

(2) On page 4, line 1, strike "students enrolled in a program class" and substitute "each student who satisfies eligibility requirements under Section 29.153(b) and who is enrolled in a program class".

(3) On page 4, line 2, strike "A" and substitute "In addition to funding under Subsection (a), a".

(4) On page 4, line 2, strike "additional".

(5) On page 4, line 7, between "student" and "is", insert ":

(1) satisfies eligibility requirements under Section 29.153(b); and

(2)".

(6) On page 4, lines 9 and 10, strike "this section" and substitute "Subsection (b)".

**AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE JOHNSON: Representative Huberty, you and I have had a lot of conversations. We know this is the issue, this issue of how we fund this, that I think will determine if whether or not some of us, including myself, can actually support this legislation. So I think the body needs to understand, and I want you to explain your amendment and explain to us how this puts money into the pre-K program. You described it as a formula funding approach. Describe how it actually works so we can understand how this is different from a grant program that will be subject to appropriation risk every biennium. We really need to understand that because that is probably the most important issue to most of the stakeholders and including myself and many other members when it comes to how we do this. The total amount of money is important, but equally important is whether or not this is through the formula or it's basically a grant by another name. Could you please explain to us how we get to you describing it as a formula approach?

REPRESENTATIVE HUBERTY: Okay, I've tried to be as clear as possible on this as many times as possible. My intent, and I'm happy to have with you, Representative Johnson, at the end, hopefully if this passes, legislative intent. On page four of the bill it says the school district is entitled to receive additional funding in an amount determined by the commissioner for each qualifying student described under Subsection (c) and average daily attendance in a program class. The ADA goes through the formulas.

JOHNSON: So you're representing two of the—

HUBERTY: That's one. In two, in the rider that we offered—I'm going to yield to Chairman Aycock on the rider because he understands it.

JOHNSON: I'm trying to understand, Representative Aycock—

REPRESENTATIVE AYCOCK: I think you are wanting to follow the money flow if I understand you correctly. Is that correct?

JOHNSON: We, meaning the folks who are concerned whether or not this is a grant versus a formula, want to understand how this amendment makes it a formula-based program. The bill as filed was not structured as a formula-based program, so we want to know what this does.

AYCOCK: The money would flow according to the rider contingent on passage of this bill, which would take some certain amount of money, divide it by the students that were in the program, based on an ADA basis, and the rider directs the commissioner in how he would distribute that money. To use the term formula sort of implies that it's part of our present school formula. I don't think that's accurate.

JOHNSON: This does not do that, this still leaves—

AYCOCK: But it's not a grant program.

JOHNSON: It leaves discretion to the TEA commissioner to determine the amount?

AYCOCK: It specifies how it would be calculated, the rider does. The rider says it would take the eligible students that qualify for the high pre-K program, the high quality program, that would establish a number of ADA students. That number of ADA students would be divided into the appropriated sum of money, and the commissioner would distribute it per ADA distribution based on that calculation.

JOHNSON: Okay, two questions then. One, is this something that we would have to revisit every session in terms of what that total number would be, the total number we're dividing the ADA into, the average daily attendance into—

AYCOCK: That would certainly be a matter for Appropriations.

JOHNSON: It's something Appropriations is going to have to deal with every biennium in terms of determining what that top line number that we're dividing the number of eligible students into.

AYCOCK: The Appropriations people always have to deal with every educational funding issue.

JOHNSON: Okay, and the number that we are using for this biennium, that we're dividing into, is it this \$130 million that Representative Huberty referred to?

AYCOCK: Thirty million dollars, my understanding, in the base budget before this bill began. The rider adds another \$100 million subject to the passage of this bill.

JOHNSON: So the riders we put into Article XI on **HB 1** when we debated the budget—the \$300 million rider by Howard, the \$800 million rider by Davis, and any other riders we put in Article XI—those are not—

AYCOCK: It's up to negotiations with the conference committee. If that conference committee came up with the \$300 million, just for an example, then that ADA money would be divided into, and you'd have a higher amount per child—if that were the case when you came out of conference committee.

JOHNSON: So we're leaving it up to the conference committee to basically choose between the Article XI riders, which range from \$130 million to \$800 million, to pick which one they want which would be then the top line number that we'd use this biennium to divide the number of students into?

AYCOCK: I think that is correct. There may be a cap of not-to-exceed figure of 1,500—

### REMARKS ORDERED PRINTED

Representative Johnson moved to print remarks between Representative Huberty and Representative Johnson and between Representative Aycock and Representative Johnson.

The motion prevailed.

Representative Aycock moved to print remarks between Representative Rinaldi and Representative Farney.

The motion prevailed.

Amendment No. 1 was adopted.

### Amendment No. 2

Representative Fallon offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (house committee report) on page 3, between lines 8 and 9 by inserting the following:

Sec. 29.16399. HIGH QUALITY PREKINDERGARTEN PROGRAM AS PILOT PROGRAM. (a) Notwithstanding any other provision of this subchapter, the commissioner shall operate the high quality prekindergarten program under this subchapter as a pilot program in accordance with this section.

(b) The commissioner must:

(1) operate the pilot program until August 31, 2021;

(2) authorize the distribution of not more than \$25 million per state fiscal year for the pilot program; and

(3) annually evaluate implementation of high quality prekindergarten programs under this subchapter to measure the benefits of high quality prekindergarten programs and weigh benefits against a control group.

(c) Not later than December 1, 2020, the commissioner shall compile a report regarding the continuation of the high quality prekindergarten program under this subchapter and submit the report to the legislature.

(d) This subchapter expires September 1, 2021.

Representative Huberty moved to table Amendment No. 2.

The motion to table prevailed by (Record 174): 123 Yeas, 19 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; Koop; Kuempel; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheets; Sheffield; Simmons; Smith; Smithee; Springer; Stephenson; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Fallon; Hughes; Klick; Krause; Leach; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Simpson; Spitzer; Stickland; Tinderholt; Turner, E.S.; White, M.; Zedler.

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

Absent — Dukes; King, S.; King, T.; Peña; Thompson, E.

#### STATEMENTS OF VOTE

When Record No. 174 was taken, I was shown voting yes. I intended to vote no.

Bohac

When Record No. 174 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

When Record No. 174 was taken, I was in the house but away from my desk. I would have voted yes.

T. King

#### Amendment No. 3

Representative Martinez Fischer offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (house committee report) on page 3, line 16, after the period, by inserting "Notwithstanding any other provision of this subchapter, a prekindergarten program implemented under this subchapter may operate on a full-day basis."

Amendment No. 3 was adopted. (Cyrier, Fallon, Paul, Phillips, Rinaldi, Schofield, and Zedler recorded voting no.)

**Amendment No. 4**

Representative Laubenberg offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (house committee report) as follows:

(1) On page 4, line 5, after the period, insert "The commissioner may not establish an amount of funding per qualifying student under this subsection that exceeds \$1,500."

(2) On page 4, between lines 11 and 12, insert the following:

(e) The total amount of funding distributed to school districts under Subsection (b) may not exceed \$130 million for the state fiscal biennium ending August 31, 2017.

**Amendment No. 5**

Representative Martinez Fischer offered the following amendment to Amendment No. 4:

Amend Amendment No. 4 by Laubenberg to **CSHB 4** (house committee report), on page 1, by striking lines 8 and 9 and substituting the following: districts under Subsection (b) for the state fiscal biennium ending August 31, 2017, may not exceed the greater of:

(1) \$130 million; or

(2) the amount of the appropriation provided for the prekindergarten program under this subchapter in **HB 1**, Acts of the 84th Legislature, Regular Session, 2015, as enacted.

Amendment No. 5 was withdrawn.

Amendment No. 4 was withdrawn.

**Amendment No. 6**

Representative Leach offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (house committee report) on page 4, lines 14 through 17, by striking "that includes the prekindergarten guidelines established by the agency and measures the progress of students in meeting the recommended learning outcomes." and substituting "that:

(1) includes the prekindergarten guidelines established by the agency;

(2) measures the progress of students in meeting the recommended learning outcomes; and

(3) does not use national curriculum standards developed by the Common Core State Standards Initiative."

**AMENDMENT NO. 6 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE HUBERTY: We obviously talked about this, and I know that Representative Keough had also talked to the chairman of SBOE. They were concerned about this, and the benefit of this bill is that we do provide—the TEKS does provide some additional oversight now that SBOE will be in pre-K. The concern was that we wanted to make sure that—because in theory, the bill that we passed last session, **HB 462**, probably did not talk about pre-K.

Now that we're introducing TEKS, what you're saying is here is our law, we like our standards, we created the standards that we like and they're not Common Core, and you want that to be in pre-K. So make sure that we're very clear that the State of Texas, which by the way, I think, is the only state in the Union that has said we don't want that, but we want to make sure that for this grouping of children, when we go to the TEKS, that we do not have this in our school system, is that correct?

REPRESENTATIVE LEACH: That's absolutely right, and I want to commend you for your work last session on **HB 462**, which dealt a blow to Common Core. We just want to ensure that when we're talking about pre-K, both now and in the future, because we know Common Core can get sneaky at times and find its way into our schools. We want to ensure that's what this amendment does, is to ensure that our pre-K programs—the kids in pre-K are not exposed to it across the state.

HUBERTY: Of Common Core, that's correct.

### REMARKS ORDERED PRINTED

Representative Huberty moved to print remarks between Representative Leach and Representative Huberty.

The motion prevailed.

Amendment No. 6 was adopted.

#### Amendment No. 7

Representatives K. King and Giddings offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (house committee report) on page 4, by striking lines 20 through 21 and substituting the following:

(2) have one of the following additional qualifications:

(A) a Child Development Associate (CDA) credential;

(B) certification offered through a training center associated with Association Montessori Internationale or through the Montessori Accreditation Council for Teacher Education;

(C) at least eight years' experience of teaching in a nationally accredited child-care program; or

(D) an equivalent qualification.

Amendment No. 7 was adopted.

#### Amendment No. 8

Representative Morrison offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (house committee printing) on page 5, line 3, following the period, by inserting "The parent engagement plan must be in writing and provide for:

(1) family conferences;

(2) new family orientations;

(3) individual conversations with the parent and student conducted on a regular basis; and

(4) assessment of parental attitudes toward education and the level of parental engagement.

(Speaker in the chair)

Amendment No. 8 was withdrawn.

### **Amendment No. 9**

Representative Morrison offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (house committee report) as follows:

(1) On page 5, line 4, between "EVALUATION." and "A" insert "(a)".

(2) On page 5, between lines 9 and 10, insert the following:

(b) An assessment instrument administered to a prekindergarten program class must be selected from a list of appropriate prekindergarten assessment instruments identified by the commissioner.

Amendment No. 9 was adopted.

### **Amendment No. 10**

Representative Johnson offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (house committee report) as follows:

(1) On page 5, line 27, strike "and".

(2) On page 6, line 3, strike the period and substitute "½".

(3) On page 6, between lines 3 and 4, insert the following:

(3) student demographic information for the district's prekindergarten program classes;

(4) funding sources for the district's prekindergarten program classes;  
and

(5) curricula used in the district's prekindergarten program classes.

Amendment No. 10 was adopted.

### **Amendment No. 11**

Representative Johnson offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (house committee printing) as follows:

(1) On page 5, line 4, between the period and "A", insert "(a)".

(2) On page 5, between lines 9 and 10, insert the following:

(b) A school district may administer diagnostic assessments to students in a program class to evaluate student progress as required by Subsection (a) but may not administer a state standardized assessment instrument.

### **AMENDMENT NO. 11 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE HUBERTY: So you and I talked about this. In the bill, as you know, we have assessment instruments so that we can measure child readiness for the next grade, correct? The goal is—and we have information, I think we're going to hear in one of the next amendments that we have from Representative Farney and Representative Morrison, about what instruments can be there. But just so we're clear, we are talking about not allowing a high-stakes standardized test, like a STAAR or an EOC or something that would be

administered by Pearson or whoever the next company may or may not be. That's the intent of what you're saying? You're saying we are not going to test our kids and put them in the classroom for four hours and make them take a standardized test, is that correct?

REPRESENTATIVE JOHNSON: Correct. We're not trying to tie the hands on what the districts want to purchase to use as an assessment, but we are saying to them there is one thing you can't do, and that is you can't use a state standardized test to determine whether or not these kids are progressing, so that's right.

HUBERTY: That's a great point. We want to give them a cafeteria of plans—and as Representative Leach just pointed out, obviously not Common Core, but a cafeteria of plans that they can select from that can assess these students, but not high-stakes. Not a standardized test.

JOHNSON: That's right. We don't want four-year-olds taking standardized tests.

HUBERTY: Let me put it a different way. When we say standardized tests, because there are some tests that you can buy off-the-shelf that school districts would use, but you and I are basically saying a standardized test created by the State of Texas, administered by TEA, that would be a high-stakes test, is that correct?

JOHNSON: Right, that would have direct consequences attached to the results, like whether or not a kid could move from pre-K to kindergarten. We just want to make very clear that we do not want to create any new state standardized tests for four-year-olds to determine whether or not they can go from pre-K to kindergarten.

HUBERTY: And that's the key. Texas state standardized tests, created by TEA, administered through the system. So that's correct?

JOHNSON: That's the intent.

### **REMARKS ORDERED PRINTED**

Representative Huberty moved to print remarks between Representative Johnson and Representative Huberty.

The motion prevailed.

REPRESENTATIVE TINDERHOLT: When we talk about benchmark, or benchmark-type testing, I feel like we're making policy and laws when we're not talking to the teachers, because the teachers in my district have benchmark testing to the extreme. My concern is that we won't call it high-stakes testing, but it actually does become high-stakes testing because the school district puts so much pressure on the teachers. Were any teachers involved in the decision to add this type of benchmark testing into the program? And the only reason I ask, again, is I get a lot of feedback from my district that this so-called benchmark testing gets named other things, and it goes to the extreme and they do tons and tons of it, and it kills the teachers, and it takes a lot of time.

REPRESENTATIVE JOHNSON: Representative Tinderholt, would you like to address that question to the author of the bill?

TINDERHOLT: Either. Either is fine.

REPRESENTATIVE HUBERTY: Great question. I just want to make sure—what we just did with Representative Johnson's amendment was we don't want our babies, or our four-year-olds, taking a standardized test. As you know, if you watch any of my legislation, I hate standardized tests, can't stand them, but we have them. What we did in this bill, and what Representative Johnson just clarified for us, is that we're not going to have state standardized tests, but we have assessments. So when you listen to groups like Raise Your Hand Texas, Texans for Education Reform, TPPF, some of these groups that are out there saying we have these programs in place, and so we're creating an assessment tool. It's not a benchmark, it's an assessment of school readiness, and we give them the ability to pick from a cafeteria of plans.

I believe Representative Morrison is going to have an amendment to Representative Farney's amendment to another amendment that's coming up that's going to talk about, specifically, that we want to allow them to pick and choose. Your school district could choose a product that they believe is important for those children. But the ultimate goal is when we talk about assessment—by the way, we're going to report back and we're going to get that report when we report back, and what that's going to allow us to do is gauge readiness of that child to go into kindergarten. That's really, ultimately, what we're trying to do. But Representative Johnson's amendment was just we're not having Pearson giving a test to our little kids.

TINDERHOLT: I appreciate you answering that. I want to keep this in mind with this amendment. Any type of testing that we send in, we need to make sure that it's clearly defined, because I don't want them to be able to over-test, and that continues to happen.

HUBERTY: I am 1,000 percent with you on that, and again, when we're talking about—this is a little bit of a different thing, and you know as an educator, at this grade level, we're not testing, we're assessing. So we're looking at colors, numbers, and understanding—can they think critically at this point? That's where we understand if we can catch them early enough, we know we have a problem, and we can start remediating at a much earlier age.

Amendment No. 11 was adopted.

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

Representatives González, Moody, J. Rodriguez, Collier, and Israel offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (house committee report) on page 4, between lines 26 and 27, by inserting the following:

(d) Each prekindergarten program class must have at least one teacher qualified under Subsection (b). A school district must maintain an average ratio in a prekindergarten program class of not less than one qualified teacher or educational aide for each 18 students.

Representative Huberty moved to table Amendment No. 12.

The motion to table prevailed by (Record 175): 97 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Coleman; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keough; King, K.; King, P.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Collier; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Israel; Johnson; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Turner, C.; Turner, S.; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent — Crownover; Keffer.

### STATEMENT OF VOTE

When Record No. 175 was taken, I was shown voting yes. I intended to vote no.

S. Thompson

(Ashby in the chair)

### Amendment No. 13

Representative Farney offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (house committee report) as follows:

(1) On page 4, line 27, strike "PARENT ENGAGEMENT PLAN." and substitute "FAMILY ENGAGEMENT PLAN. (a)".

(2) On page 5, line 1, strike "parent" and substitute "family".

(3) On page 5, line 2, strike "parental" and substitute "family".

(4) On page 5, line 3, strike "parental" and substitute "family".

(5) On page 5, line 3, after the period, insert:

The family engagement plan must be based on family engagement strategies established under Subsection (b).

(b) The agency shall collaborate with other state agencies, including the Health and Human Services Commission, that provide services for children from birth through five years of age to establish prioritized family engagement strategies to be included in a school district's family engagement plan. The engagement strategies must be:

- (1) based on empirical research; and
- (2) proven to demonstrate significant positive short-term and long-term outcomes for early childhood education.

#### **Amendment No. 14**

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

Amend Amendment No. 13 by Farney to **CSHB 4** (house committee report) on page 1 of the amendment, by striking lines 11 and 12 and substituting the following:

The family engagement plan must:

- (1) be based on family engagement strategies established under Subsection (b);
- (2) be in writing; and
- (3) provide for:
  - (A) family conferences;
  - (B) new family orientations;
  - (C) individual conversations with the parent and student conducted on a regular basis; and
  - (D) assessment of parental attitudes toward education and the level of parental engagement.

#### **REMARKS ORDERED PRINTED**

Representative Tinderholt moved to print remarks between Representative Johnson and Representative Tinderholt and between Representative Huberty and Representative Tinderholt on Amendment No. 11.

The motion prevailed.

Amendment No. 14 was adopted.

#### **Amendment No. 15**

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

Amend Amendment No. 13 by Farney to **CSHB 4** (house committee report) on page 1 of the amendment, by striking lines 18 through 21 and substituting the following:

strategies must:

- (1) include programs and interventions that engage a family in supporting a student's learning at home;
- (2) be based on empirical research; and
- (3) be proven to demonstrate significant positive short-term and long-term outcomes for early childhood education.

Amendment No. 15 was adopted.

Amendment No. 13, as amended, was withdrawn.

**Amendment No. 16**

Representative Simmons offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (house committee report) on page 6 by striking lines 16 through 19 and substituting the following:

the date of a contract with a school district. The private provider must also:

(1) be accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by the commissioner;

(2) be a Texas Rising Star Program provider with a three-star certification or higher;

(3) be a Texas School Ready! participant; or

(4) have an existing partnership with a school district to provide a prekindergarten program not provided under this subchapter.

**Amendment No. 17**

Representative Bohac offered the following amendment to Amendment No. 16:

Amend Amendment No. 16 by Simmons to **CSHB 4** (house committee report) as follows:

(1) In added Subdivision (3), after "participant;", strike "or".

(2) On the last line of the text of the amendment, in added Subdivision (4), strike "subchapter." and substitute the following:  
subchapter; or

(5) be accredited by an organization that is recognized by the Texas Private School Accreditation Commission.

Amendment No. 17 was adopted.

**AMENDMENT NO. 16 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE HUBERTY: I want to read something to you, and I want to make sure you agree with me. You and I talked about this, we recognize that we had a little issue with the parental involvement piece as written. One of my constituents, Kevin Kilgore, said that the way the bill was written it stated that child-care providers with national accreditation will be included as a provider. National accreditation means the school would only have to be NAEYC-accredited. Only 2 percent of Texas preschools have that accreditation, which would eliminate 98 percent of the providers. The solution for us is to get the amendment that you just passed that provides that flexibility and additional information for those child centers in accreditation like AdvancED Texas, Texas Rising Star, Texas School Ready, and it would give school districts the authority to qualify child-care programs on their own versus through TEA, and helps them a lot—basically saying that, from their perspective, it helps the business that they're doing because we really do want to partner with them from a choice

perspective where a parent and the school district have an opportunity and a choice to do that. Would you agree that that's what our amendment did to fix this bill?

REPRESENTATIVE SIMMONS: Yes, Representative Huberty, that's exactly what this does. It gives our school districts more choice, therefore, it gives our parents more choice.

### REMARKS ORDERED PRINTED

Representative Huberty moved to print remarks between Representative Simmons and Representative Huberty.

The motion prevailed.

Amendment No. 16, as amended, was adopted.

#### Amendment No. 18

Representatives P. King and Flynn offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (house committee report) as follows:

(1) On page 5, line 15, strike "Not later than December 1, 2018" and substitute "Beginning in 2018, not later than December 1 of each even-numbered year".

(2) On page 5, line 18, strike "2018" and substitute "2024".

Amendment No. 18 was adopted.

#### Amendment No. 19

Representative Bohac offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter E, Chapter 29, Education Code, is amended by adding Section 29.1536 to read as follows:

Sec. 29.1536. AGREEMENT SETTING FORTH RESPONSIBILITIES OF PARENT, STUDENT, AND CLASSROOM TEACHER. (a) Each school district shall adopt a written agreement form for a district's prekindergarten program setting forth the responsibilities of a student's parent or guardian as well as the respective responsibilities of the student and each of the student's classroom teachers. The parent or guardian and the student's primary classroom teacher shall sign the appropriate agreement at the beginning of a school year.

(b) A student is not required to sign the agreement described by this section, but the agreement form must provide a space for the student to sign if the student elects to do so.

(c) A school district shall determine the manner in which the agreement will be enforced, including any penalties for an individual's refusal to sign the agreement.

Representative Huberty moved to table Amendment No. 19.

The motion to table prevailed by (Record 176): 103 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Burns; Button; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farney; Farrar; Flynn; Frullo; Galindo; Geren; Giddings; Gonzales; González; Guerra; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hunter; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Koop; Kuempel; Landgraf; Larson; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Moody; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Peña; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schaefer; Schubert; Sheffield; Simpson; Smith; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, M.; Wu; Zerwas.

Nays — Anderson, R.; Bohac; Bonnen, G.; Burkett; Burrows; Capriglione; Dale; Elkins; Fallon; Fletcher; Frank; Goldman; Guillen; Hughes; Isaac; King, P.; Klick; Krause; Laubenberg; Leach; Morrison; Phelan; Raney; Riddle; Sanford; Schofield; Shaheen; Sheets; Simmons; Smithee; Spitzer; Springer; Stephenson; Stickland; Turner, E.S.; White, J.; Wray; Zedler.

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

Absent — Canales; Crownover; Dukes; Muñoz; Paul; Workman.

#### STATEMENTS OF VOTE

When Record No. 176 was taken, I was temporarily out of the house chamber. I would have voted yes.

Canales

When Record No. 176 was taken, I was in the house but away from my desk. I would have voted yes.

Muñoz

When Record No. 176 was taken, I was in the house but away from my desk. I would have voted no.

Paul

When Record No. 176 was taken, I was in the house but away from my desk. I would have voted yes.

Workman

#### Amendment No. 20

Representative Laubenberg offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (house committee report) as follows:

(1) On page 4, line 5, after the period, insert "The commissioner may not establish an amount of funding per qualifying student under this subsection that exceeds \$1,500."

(2) On page 4, between lines 11 and 12, insert the following:

(e) The total amount of funding distributed to school districts under Subsection (b) may not exceed \$130 million for the state fiscal biennium ending August 31, 2017.

### **Amendment No. 21**

Representative Martinez Fischer offered the following amendment to Amendment No. 20:

Amend Amendment No. 20 by Laubenberg to **CSHB 4** (house committee report), on page 1, by striking lines 8 and 9 and substituting the following: districts under Subsection (b) for the state fiscal biennium ending August 31, 2017, may not exceed the greater of:

(1) \$130 million; or

(2) the amount of the appropriation provided for the prekindergarten program under this subchapter in **HB 1**, Acts of the 84th Legislature, Regular Session, 2015, as enacted.

(Speaker in the chair)

Representative Laubenberg moved to table Amendment No. 21.

The motion to table was lost by (Record 177): 66 Yeas, 78 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Craddock; Cyrier; Dale; Elkins; Faircloth; Fallon; Fletcher; Flynn; Frank; Goldman; Hughes; Isaac; Keffer; Keough; King, P.; King, S.; Klick; Koop; Krause; Landgraf; Laubenberg; Leach; McClendon; Metcalf; Meyer; Miller, R.; Morrison; Murphy; Murr; Parker; Paul; Phelan; Phillips; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Simmons; Simpson; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; White, J.; White, M.; Wray; Zedler.

Nays — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bernal; Blanco; Canales; Clardy; Coleman; Collier; Cook; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farney; Farrar; Frullo; Galindo; Geren; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Israel; Johnson; Kacal; King, K.; King, T.; Kuempel; Larson; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Miles; Miller, D.; Moody; Muñoz; Naishtat; Nevárez; Otto; Paddie; Peña; Pickett; Price; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Smith; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; Workman; Wu; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Crownover; Dukes; Hunter; Oliveira.

### STATEMENTS OF VOTE

When Record No. 177 was taken, I was shown voting no. I intended to vote yes.

Geren

When Record No. 177 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

When Record No. 177 was taken, I was shown voting yes. I intended to vote no.

McClendon

Amendment No. 21 was adopted.

Amendment No. 20, as amended, was adopted.

#### **Amendment No. 22**

Representative Farney offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (house committee report) as follows:

(1) On page 4, line 27, strike "PARENT ENGAGEMENT PLAN." and substitute "FAMILY ENGAGEMENT PLAN. (a)".

(2) On page 5, line 1, strike "parent" and substitute "family".

(3) On page 5, line 2, strike "parental" and substitute "family".

(4) On page 5, line 3, strike "parental" and substitute "family".

(5) On page 5, line 3, after the period, insert:

The family engagement plan must be based on family engagement strategies established under Subsection (b).

(b) The agency shall collaborate with other state agencies, including the Health and Human Services Commission, that provide services for children from birth through five years of age to establish prioritized family engagement strategies to be included in a school district's family engagement plan. The engagement strategies must be:

(1) based on empirical research; and

(2) proven to demonstrate significant positive short-term and long-term outcomes for early childhood education.

#### **Amendment No. 23**

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

Amend Amendment No. 22 by Farney to **CSHB 4** (house committee report) on page 1 of the amendment, on line 17, between the period and "The", insert "A parent-teacher organization, community group, or faith-based institution may submit to the agency recommendations regarding the establishment of family engagement strategies, and the agency, in establishing the family engagement strategies, shall consider any received recommendations."

Amendment No. 23 was adopted.

Amendment No. 22, as amended, was adopted.

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

Representative Howard offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter E, Chapter 29, Education Code, is amended by adding Sections 29.15301 and 29.15302 to read as follows:

Sec. 29.15301. OFFICE OF EARLY LEARNING. (a) The commissioner by rule shall establish the office of early learning as a division within the agency to:

(1) provide oversight of prekindergarten programs and prekindergarten funding; and

(2) assist school districts in developing local solutions and improving prekindergarten programs.

(b) The office of early learning shall:

(1) make recommendations to the agency regarding the improvement of prekindergarten programs;

(2) create a process for school districts to form partnerships with child-care centers to provide prekindergarten programs and provide:

(A) a model contract for a partnership with a child-care center; and

(B) communications and outreach plans for promoting partnerships;

(3) assist school districts in developing local strategies to promote early childhood development;

(4) conduct outreach on the use of tuition-based prekindergarten programs, including a process districts may use to establish a tuition-based program;

(5) make recommendations regarding the type of data needed from school districts to assess prekindergarten programs; and

(6) publish approved assessment instruments that may be administered to students in prekindergarten programs.

Sec. 29.15302. TEXAS EARLY LEARNING COUNCIL ADVISORY ROLE. The governor's Texas Early Learning Council shall act in an advisory role to the office of early learning and provide assistance when requested by the office.

SECTION \_\_\_\_\_. Section 29.1534, Education Code, is amended by adding Subsection (f) to read as follows:

(f) On an annual basis each school district shall submit to the office of early learning a report that details the district's plan for promoting and increasing community awareness of prekindergarten programs in the district.

SECTION \_\_\_\_\_. Subchapter E, Chapter 29, Education Code, is amended by adding Section 29.162 to read as follows:

Sec. 29.162. MEMORANDUM OF UNDERSTANDING ON PREKINDERGARTEN PROGRAM COORDINATION. The office of early learning, the Texas Workforce Commission, the Texas Head Start State Collaboration Office, the Department of Assistive and Rehabilitative Services, the Health and Human Services Commission, and the Department of Family and Protective Services shall enter into a memorandum of understanding to coordinate early childhood learning programs, including prekindergarten programs, and to develop a comprehensive statewide early childhood education system.

Amendment No. 24 was withdrawn.

#### **CSHB 4 - REMARKS**

REPRESENTATIVE TINDERHOLT: You know one of the best things about being here on the Texas House floor since I've gotten here is building great relationships regardless of political party, and I've been able to do that with a lot of people here. My professional disagreement with this bill is not personal. I respect the people that put this together, as well as all the people that put in their time and effort into it. I feel that there is good intent behind this bill; however, I also feel this program will eventually grow government to an excessive level when it comes to education.

Parents bear the personal responsibility to properly raise their children, not government. By expanding this program, over time we're allowing government to take responsibility for things parents should be doing. Our education system has been successful and functional for decades without this type of program. Why open the door to probable huge increases in state spending in the coming years? Shouldn't we trust parents to do what they do best: parent, teach, coach, mentor, and prepare their children for kindergarten? We cannot continue to institutionalize everything. Consider the future costs of increased classroom space, teachers, contracts with other educational organizations. Our current pre-K program should already be high quality. I am not convinced that we should take on this responsibility. Parents must parent. If this passes, will we come back in five to 10 years to implement two or three-year-old pre-K? How much is enough? How young is too young? When do we stop governing to make up for personal responsibility shortfalls? I want to leave you with a small paragraph that Ronald Reagan said: "No government ever voluntarily reduces itself in size. Government programs, once launched, never disappear. Actually, a government bureau is the nearest thing to eternal life we will ever see on this earth." Thank you. I respectfully am voting no on this, and I appreciate you listening to me.

REPRESENTATIVE GIDDINGS: Some of us, I think, probably don't understand the value of pre-K. Most of us in this room, I think, understand how critical it is for us to invest in our children through pre-K. Although you heard a conservative study that said we got \$3.50 for every dollar we invest, most studies say we get \$7 back for every dollar that we invest.

I want to thank Governor Abbott for refocusing our attention in the legislature on the importance of pre-K to our state. I think, except for the fact that it was one of his priorities, we may not be having this intensive and extensive

conversation. The reason that I believe that is because we cut the \$200,000 in 2010. In 2011, we did not restore those funds. Representative Howard and I fought a very long and lonely losing fight on that. So for some of us, the glass is half-empty; for some of us, the glass is half-full. Although this is not a perfect bill, and I would like to invest more money in pre-K, I believe it is a major step. I hope that in the meantime what our schools will do is to begin to build their capacity in terms of facilities and in terms of the teachers.

REPRESENTATIVE STICKLAND: Representative Giddings, I'm just curious, are you happy with the level of funding at \$130 million, or will you continue to push to expand this program in the future?

GIDDINGS: Well, I hope that we will expand this program in the future, Mr. Stickland. I believe that our schools need an opportunity, or will take this opportunity, to build capacity in terms of facilities. As you well know, you cannot put pre-K children on the second floor of buildings, you cannot put them in portables where there are no restrooms, so we need to build capacity, both in terms of our facilities and in terms of our teachers, who are credentialed to teach these children.

STICKLAND: Do you find it interesting that there's a number of members, mainly from the Democratic Party, that are voting for this bill in hopes that it gets bigger and bigger, especially with the amendments that have been added today, moving it to full-day potentially and removing the ceiling so that more money could possibly be appropriated? They seem to be voting on it, and I think this is what I'm hearing from you, in hopes that this is a first step. But then on the other side of the spectrum, we have the pitch being made to conservative members that this is just \$130 million and \$1,500, and things like this. Do you find it ironic that two different groups of this body are voting for this bill for completely different reasons and purpose? Are you curious where we're actually going to end up with this program?

GIDDINGS: I can't speak for the two different groups. What I can speak to, Mr. Stickland, as a member of the Appropriations Committee who serves on the Education Subcommittee, there's \$130 million in the budget for this program. Would I like to see that more? Yes, I would, but the fact of the matter is that that decision that drives this policy, for the most part, was made in the budget process.

STICKLAND: Would you still vote for this bill if you knew, without a doubt, that there would never be another dollar spent more than \$130 million?

GIDDINGS: I absolutely would because I believe it is a major step forward. It is not a perfect bill.

STICKLAND: But if you knew there was never a chance to increase that, would you still vote for it today?

GIDDINGS: You mean for this session? Yes. The bottom line is I would vote for it. I am hopeful, though, that we are going to be able to put more money in there.

STICKLAND: Do you believe that this is a step toward universal pre-K in the State of Texas?

GIDDINGS: I don't believe this is a step toward that. We clearly define what the eligible population is in terms of students who will be participating in this pre-K program.

STICKLAND: So you do not believe that this is a step toward universal pre-K in the State of Texas?

GIDDINGS: That is my opinion.

### REMARKS ORDERED PRINTED

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

The motion prevailed.

Representative Burrows moved to print remarks by Representative Tinderholt.

The motion prevailed.

**CSHB 4**, as amended, was passed to engrossment by (Record 178): 129 Yeas, 18 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Koop; Kuempel; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Sheets; Sheffield; Simmons; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zerwas.

Nays — Burrows; Fallon; Johnson; Klick; Krause; Leach; Paul; Riddle; Rinaldi; Schaefer; Shaheen; Simpson; Spitzer; Stickland; Tinderholt; Turner, E.S.; White, M.; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Crownover.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 5:10 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 5:10 p.m. today, 3W.9, for a formal meeting, to set a calendar.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**CSHB 122 ON SECOND READING  
(by Pickett)**

**CSHB 122**, A bill to be entitled An Act relating to the Texas Mobility Fund.

**Amendment No. 1**

Representative Pickett offered the following amendment to **CSHB 122**:

Amend **CSHB 122** (house committee printing) as follows:

(1) On page 1, line 17, strike "Obligations" and substitute "Except as otherwise provided by this subsection, obligations [Obligations]".

(2) On page 1, line 21, after the period, insert the following:  
The commission may issue obligations to refund:

(1) outstanding obligations to provide savings to the state; and  
(2) outstanding variable rate obligations and may renew or replace credit agreements relating to the variable rate obligations.

(3) Strike SECTION 2 of the bill (page 1, line 22 through page 2, line 15) and renumber subsequent SECTIONS of the bill accordingly.

**Amendment No. 2**

Representative Simmons offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 to **CSHB 122** by Pickett by striking item (3) of the amendment (page 1, lines 14-16), and substituting the following:

(3) On page 2, strike lines 3 through 15, and substitute the following: deposit, the commission may use the money for any purpose for which obligations may be issued under this subchapter, other than for toll roads.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

**LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for the remainder of today to attend a meeting of the Committee on Calendars:

Alonzo on motion of C. Anderson.  
Cook on motion of C. Anderson.  
S. Davis on motion of C. Anderson.  
Geren on motion of C. Anderson.  
Giddings on motion of C. Anderson.  
Harless on motion of C. Anderson.  
Huberty on motion of C. Anderson.  
Hunter on motion of C. Anderson.  
Johnson on motion of C. Anderson.  
K. King on motion of C. Anderson.  
Larson on motion of C. Anderson.  
Lucio on motion of C. Anderson.  
Price on motion of C. Anderson.  
Riddle on motion of C. Anderson.  
E. Rodriguez on motion of C. Anderson.

**CSHB 122 - (consideration continued)**

**CSHB 122**, as amended, was passed to engrossment.

(Speaker pro tempore in the chair)

**HR 1853 - ADOPTED  
(by Martinez Fischer)**

Representative Martinez Fischer moved to suspend all necessary rules to take up and consider at this time **HR 1853**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1853**, Commemorating the open house celebrating the transition of Woodlawn Elementary School in San Antonio to Woodlawn Academy.

**HR 1853** was adopted.

**HR 1854 - ADOPTED  
(by Martinez Fischer)**

Representative Martinez Fischer moved to suspend all necessary rules to take up and consider at this time **HR 1854**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1854**, Honoring David G. Hinojosa for his service as Southwest regional counsel for the Mexican American Legal Defense and Educational Fund.

**HR 1854** was adopted.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Coleman moved to suspend the five-day posting rule to allow the Committee on County Affairs to consider **HB 1709**, **HB 3002**, and **HJR 41** at 10:30 a.m. or upon final adjournment/recess tomorrow in E2.016.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

County Affairs, 10:30 a.m. or upon final adjournment/recess tomorrow, E2.016, for a public hearing, to consider **HB 1709**, **HB 3002**, **HJR 41**, and the previously posted agenda.

Agriculture and Livestock, upon final recess today, Desk 28, for a formal meeting, to consider pending business.

**RECESS**

Representative Geren moved that the house recess until 10 a.m. tomorrow in memory of Roy Houston Moore of Austin.

The motion prevailed.

The house accordingly, at 5:13 p.m., recessed until 10 a.m. tomorrow.

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**ADDENDUM**

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**SIGNED BY THE SPEAKER**

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

**Senate List No. 12**

**SCR 36**

**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

Wednesday, April 8, 2015 - 1

The Honorable Speaker of the House

House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HCR 38** Ashby SPONSOR: Nichols  
Congratulating the Lufkin/Angelina County Chamber of Commerce on its receipt of five-star accreditation from the U.S. Chamber of Commerce.

**HCR 86** Smithee SPONSOR: Seliger  
In memory of Amarillo City Council member James Harold Simms.

**HCR 87** Smithee SPONSOR: Seliger  
In memory of Gene Earl Parker of Amarillo.

**SB 18** Nelson  
Relating to measures to support or enhance graduate medical education in this state, including the transfer of certain assets from the Texas Medical Liability Insurance Underwriting Association to the permanent fund supporting graduate medical education and the authority of the association to issue new policies.

**SB 188** Watson  
Relating to certain insurers' insurance rating and underwriting practices based on certain consumer inquiries.

**SB 189** Watson  
Relating to certain practices in the business of personal automobile insurance.

**SB 267** Perry  
Relating to the regulation by a municipality or county of the rental or leasing of housing accommodations.

**SB 505** Perry  
Relating to painting and marking requirements for certain meteorological evaluation towers; creating an offense.

**SB 611** Perry  
Relating to the confidentiality of certain water well reports.

**SB 699** Eltife  
Relating to the Texas Real Estate Commission and the regulation of certain real estate professionals.

**SB 759** Kolkhorst  
Relating to the repeal of certain state taxes.

**SB 760** Schwertner  
Relating to provider access and assignment requirements for a Medicaid managed care organization.

**SB 791** Kolkhorst  
Relating to testing for and education about congenital cytomegalovirus in infants.

**SB 892** Seliger

Relating to educator preparation programs and teacher certification examinations.

**SB 893** Seliger

Relating to public school teacher performance appraisals, continuing education, professional development, career advancement, and compensation.

**SB 909** Zaffirini

Relating to the county courts at law in Bexar County.

**SB 1117** Zaffirini

Relating to housing services provided through the transitional living services program to certain children in the conservatorship of the Department of Family and Protective Services.

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**April 7**

Culture, Recreation, and Tourism - **HB 1925, HJR 61**

Defense and Veterans' Affairs - **HB 168, HB 445, HB 577, HB 721, HB 822**

Environmental Regulation - **HB 1146**

General Investigating and Ethics - **HB 1059, HB 1085, HB 1531, HB 1690**

Higher Education - **HB 700**

Human Services - **HB 679, HB 3035**

Insurance - **HB 1344, HB 1357, HB 2505**

Natural Resources - **HB 1224**

**ENGROSSED**

**April 7 - HJR 8**

**RECOMMENDATIONS FILED WITH THE SPEAKER**

**April 7 - HB 648, HB 878, HB 1068, HB 1074, HB 1111, HB 1207, HB 1235, HB 1236, HB 1336, HB 1372, HB 1402, HB 1421, HB 1471, HB 1723, HB 2407, HB 3405, HB 3406, HB 3858, HB 4038, HB 4049, HB 4123**

