

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

TWENTY-SECOND DAY — TUESDAY, AUGUST 15, 2017

The house met at 2:05 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 169).

Present — Mr. Speaker(C); Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospes; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

The speaker recognized Representative Dutton who offered the invocation as follows:

Dear God, let the devil find out about this meeting 30 minutes after it's over. Amen.

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

(Cyrier in the chair)

CAPITOL PHYSICIAN

The chair recognized Representative Shine who presented Dr. John Manning of Temple as the "Doctor for the Day."

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

RESOLUTIONS ADOPTED

Representative Kacal moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions.

The motion prevailed.

The following resolutions were laid before the house:

HR 116 (by Schofield, Bell, and Zerwas), Congratulating the Cane Island Alers of Katy on winning the Gambrinus Club Award from the American Homebrewers Association.

HR 376 (by Cortez), Commending Dr. Pedro Reyes for his service as interim president of The University of Texas at San Antonio.

HR 436 (by Arévalo), Commemorating the 10th anniversary of *ChicaGirl* magazine.

The resolutions were adopted.

On motion of Representative Kacal, the names of all the members of the house were added to the resolutions as signers thereof, with the understanding that a member may remove his or her name from any resolution.

HR 116 - PREVIOUSLY ADOPTED (by Schofield, Bell, and Zerwas)

The chair laid out and had read the following previously adopted resolution:

HR 116, Congratulating the Cane Island Alers of Katy on winning the Gambrinus Club Award from the American Homebrewers Association.

INTRODUCTION OF GUESTS

The chair recognized Representative Schofield who introduced representatives of the Cane Island Alers.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 3).

NOTICE GIVEN

At 2:22 p.m., pursuant to the provisions of Rule 14, Section 4 of the House Rules, Representatives Phelan, Huberty, and Zerwas gave notice that they would, in one hour, move to suspend all necessary rules to consider the senate amendments on **HB 7**, **HB 21**, and **HB 30**.

HR 436 - PREVIOUSLY ADOPTED (by Arévalo)

The chair laid out and had read the following previously adopted resolution:

HR 436, Commemorating the 10th anniversary of *ChicaGirl* magazine.

INTRODUCTION OF GUESTS

The chair recognized Representative Arévalo who introduced representatives of *ChicaGirl* magazine.

LEAVE OF ABSENCE GRANTED

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

R. Anderson on motion of Meyer.

REMARKS ORDERED PRINTED

Representative Schofield moved to print remarks between Representative Hunter and Representative Schofield and between the speaker and Representative Schofield on **SB 19** on August 14.

The motion prevailed.

(Kacal in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

On motion of Representative Kuempel and by unanimous consent, the house agreed to dispense with the reading of the resolutions on the congratulatory calendar, with the understanding that the resolutions will be recorded in the journal.

HR 16 (by Cain), Congratulating San Jacinto College on its receipt of a 2017 Rising Star Award from the Aspen Institute.

HR 17 (by Cain), Congratulating Shon Blake on his retirement as chief of the Baytown Fire Department.

HR 27 (by Guillen), Congratulating Marco Arevalo of Falfurrias High School on his first-place finish in the 3A boys' shot put at the 2017 UIL Track & Field State Meet.

HR 30 (by Oliverson), Congratulating Concordia Lutheran High School in Tomball on winning the 2016-2017 TAPPS 6A Henderson Championship Cup.

HR 44 (by Wray), Congratulating Dr. John E. Chapman III of Ennis ISD on being named Region 10 Superintendent of the Year for 2017.

HR 45 (by Wray), Commemorating the 150th anniversary of Citizens National Bank of Texas.

HR 46 (by Wray), Honoring David Eubank for saving the life of a young girl in Mosul.

HR 49 (by D. Bonnen), Commemorating the 50th anniversary of the Matagorda County United Way.

HR 50 (by Craddick), Congratulating Odilon Bretado on his retirement as custodian of Crockett Elementary School in Midland.

HR 51 (by Craddick), Congratulating David Rombouts of Crane High School on his selection as an Outstanding Performer at the 2017 UIL Texas State Solo and Ensemble Contest.

HR 53 (by Wray), Congratulating Jason Willett on his 25th year in the practice of law.

HR 56 (by Murr), Honoring Dr. Tim Summerlin on his retirement as president and chancellor of Schreiner University.

HR 57 (by Phelan), Congratulating the Port Neches–Groves High School baseball team on winning the 2017 UIL 5A state championship.

HR 58 (by Price), Commemorating the 100th anniversary of Oliver Saddle Shop in Amarillo.

HR 59 (by Cain), Commemorating the Cody Stephens "Go Big or Go Home" Memorial Foundation fund-raiser.

HR 64 (by Lucio), Honoring Officer Gerry Lopez of the Port Isabel Police Department for saving the life of an infant.

HR 66 (by Lucio), Commending the City of Harlingen and Harlingen CISD for funding all-inclusive playgrounds at Pendleton and Victor Parks.

HR 67 (by Price), Congratulating Nan Porter on her graduation from the U.S. Military Academy at West Point.

HR 69 (by Price), Congratulating Charity Perry and Cutter Babcock of Groom High School on earning Honorable Mention All-Star Cast recognition at the 2016-2017 UIL One-Act Play State Meet.

HR 70 (by Gooden), Commemorating the 100th homecoming of the Ables Springs Cemetery.

HR 71 (by Price), Congratulating Hadley Freeman of White Deer High School on winning a bronze medal in the Class 1A boys' pole vault at the 2017 UIL Track & Field State Meet.

HR 72 (by Muñoz), Congratulating Robert J. Gonzalez of Mission on his retirement as a supervisor from U.S. Customs and Border Protection.

HR 73 (by Price), Congratulating Holden Archer, valedictorian of the Amarillo High School Class of 2017.

HR 74 (by Price), Congratulating Murfi Pergrem, salutatorian of the Amarillo High School Class of 2017.

HR 75 (by Price), Congratulating Ethan Mickna, valedictorian of the Ascension Academy Class of 2017.

HR 76 (by Price), Congratulating William Aiden Skidmore-Farren, salutatorian of the Ascension Academy Class of 2017.

HR 77 (by Price), Congratulating Kylee Lynn Ramsay, valedictorian of the Borger High School Class of 2017.

HR 78 (by Price), Congratulating Victoria Michelle Nunez, salutatorian of the Borger High School Class of 2017.

HR 79 (by Price), Congratulating Lillian Rose Cogburn, valedictorian of the Bushland High School Class of 2017.

HR 80 (by Price), Congratulating Morgan Hooker, salutatorian of the Bushland High School Class of 2017.

HR 81 (by Price), Congratulating Andrea Aguirre, valedictorian of the Caprock High School Class of 2017.

HR 82 (by Price), Congratulating Brianna Mendoza, valedictorian of the Dumas High School Class of 2017.

HR 83 (by Price), Congratulating Jayden P. Medrano, salutatorian of the Dumas High School Class of 2017.

HR 84 (by Price), Congratulating Carson Ritter, valedictorian of the Groom High School Class of 2017.

HR 85 (by Price), Congratulating Caroline Britten, salutatorian of the Groom High School Class of 2017.

HR 86 (by Price), Congratulating Merry Nguyen, valedictorian of the Highland Park High School Class of 2017.

HR 87 (by Price), Congratulating Makenzie Nicholas, salutatorian of the Highland Park High School Class of 2017.

HR 88 (by Price), Congratulating Kayla Wilhelm, valedictorian of the Holy Cross Catholic Academy Class of 2017.

HR 89 (by Price), Congratulating Andrea Wallace, salutatorian of the Holy Cross Catholic Academy Class of 2017.

HR 90 (by Price), Congratulating John Nguyen, valedictorian of the Palo Duro High School Class of 2017.

HR 91 (by Price), Congratulating Kityana Ogoke Diaz, salutatorian of the Palo Duro High School Class of 2017.

HR 92 (by Price), Congratulating Hunter René Heck, valedictorian of the Panhandle High School Class of 2017.

HR 93 (by Price), Congratulating Kendra Dawn Brown, salutatorian of the Panhandle High School Class of 2017.

HR 94 (by Price), Congratulating Autumn Graf, valedictorian of the River Road High School Class of 2017.

HR 95 (by Price), Congratulating Ryan Clark, salutatorian of the River Road High School Class of 2017.

HR 96 (by Dale, Craddick, Parker, Isaac, et al.), Commemorating the 150th anniversary of the Republican Party of Texas.

HR 97 (by Price), Congratulating Katharine Tyson, valedictorian of the San Jacinto Christian Academy Class of 2017.

HR 98 (by Price), Congratulating Delaney Needham, salutatorian of the San Jacinto Christian Academy Class of 2017.

HR 99 (by Price), Congratulating Morgan Unwin, valedictorian of the Sanford-Fritch High School Class of 2017.

HR 100 (by Price), Congratulating Austin Whatley, salutatorian of the Sanford-Fritch High School Class of 2017.

HR 101 (by Price), Congratulating Fernando Jacquez, valedictorian of the Stratford High School Class of 2017.

HR 102 (by Price), Congratulating Bret Barnard, salutatorian of the Stratford High School Class of 2017.

HR 103 (by Price), Congratulating Madison Hatfield, valedictorian of the Class of 2017 at Sunray High School.

HR 104 (by Price), Congratulating Hannah Cherise Morris, salutatorian of the Sunray High School Class of 2017.

HR 105 (by Price), Congratulating Megan Wilson, valedictorian of the Tascosa High School Class of 2017.

HR 106 (by Price), Congratulating Evelyn Bruton, salutatorian of the Tascosa High School Class of 2017.

HR 107 (by Price), Congratulating Larissa Nicole Neely, valedictorian of the West Texas High School Class of 2017.

HR 108 (by Price), Congratulating Joy Belle Giesecking, salutatorian of the West Texas High School Class of 2017.

HR 109 (by Price), Congratulating Merrit Jo Mitchell, valedictorian of the White Deer High School Class of 2017.

HR 110 (by Price), Congratulating Mindy Fulton, salutatorian for the Class of 2017 at White Deer High School.

HR 114 (by Hefner), Congratulating Al and Ruth Burkhalter of Mount Pleasant on their 50th wedding anniversary.

HR 116 was previously adopted.

HR 118 (by Schofield), Congratulating Memorial Hermann Katy Hospital on its receipt of a 2017 Texas Award for Performance Excellence from the Quality Texas Foundation.

HR 119 (by Schofield, Bell, Zerwas, Vo, and Bohac), Congratulating the Katy ISD Financial Services Department on its receipt of a Transparency Star for Traditional Finances from the Texas Comptroller of Public Accounts.

HR 122 (by Leach), Congratulating musician Don Henley on his 70th birthday.

HR 127 (by Price), Congratulating Alejandra Zuniga, salutatorian of the Class of 2017 at Caprock High School.

HR 129 (by Bell and Schofield), Congratulating Cane Island in Katy on its selection as one of the 50 best master-planned communities in the United States by Where to Retire magazine.

HR 131 (by González), Congratulating Ricardo Flores on his selection as the National Speech & Debate Association 2017 Student of the Year.

HR 132 (by González), Congratulating Rodrigo Estrada on his receipt of a QuestBridge National College Match scholarship.

HR 133 (by Reynolds), Commemorating the 13th anniversary of The Fort Bend Church in Sugar Land.

HR 134 (by Herrero), Congratulating the Robstown High School baseball team on a successful 2016-2017 season.

HR 135 (by Herrero), Congratulating Major Pete J. Sanchez on his retirement from the U.S. Air Force.

HR 136 (by Herrero), Commending Matilde Zambrano for her decades of service at Wilson Plaza in Corpus Christi.

HR 137 (by Herrero), Commending Cruz Pantoja for her decades of service at Wilson Plaza in Corpus Christi.

HR 138 (by Wray), Congratulating Tom "Ike" Morris of San Antonio on his 107th birthday.

HR 139 (by Herrero), Commending Dr. Matilda Delgado Saenz for her service as district director for State Representative Abel Herrero.

HR 141 (by Herrero), Congratulating the Honorable Ida Hernandez Brazell on her retirement from the Fifth Administrative Judicial Region.

HR 142 (by Price), Recognizing Ray and Zoie White for their service to Lions Clubs International.

HR 143 (by Springer), Congratulating Bowie High School on its receipt of a bronze medal from U.S. News & World Report in the 2017 Best High Schools rankings.

HR 146 (by Springer), Commending Frank Moya of Shamrock for his heroism during the Texas Panhandle wildfires of 2017.

HR 147 (by Springer), Commending James Moya of the Shamrock Volunteer Fire Department for his courage and sacrifice during the catastrophic Texas Panhandle wildfires of 2017.

HR 148 (by Springer), Commending Don Pettigrew on his work with the Medal of Honor Host City program.

HR 149 (by Springer), Congratulating Lucy Dean Record of Lockney on her achievements as a musician and teacher.

HR 150 (by Springer), Congratulating the Lindsay High School academic team on winning the 2017 UIL 2A state championship.

HR 158 (by Wilson), Congratulating James Alton Caffey on his 100th birthday.

HR 159 (by González), Commemorating the dedication of the Nestora Granillo Piarote statue at the Tigua Indian Cultural Center in El Paso.

HR 160 (by Price), Congratulating Payton Freeman of White Deer High School on winning third place at the 2017 UIL 1A Boys Golf State Tournament.

HR 161 (by Price), Congratulating Merrit Mitchell of White Deer High School on medaling at the 2017 UIL 1A Girls Golf State Tournament.

HR 163 (by Reynolds), Commemorating the 52nd anniversary of the founding of Brentwood Baptist Church in Houston.

HR 164 (by Reynolds), Commemorating the 25th anniversary of Abiding Faith Baptist Church in Missouri City.

HR 165 (by Reynolds), Commemorating the 58th anniversary of the Fountain of Praise in Houston.

HR 168 (by Dale), Congratulating L. Don Perkins of Cedar Park on his 90th birthday.

HR 170 (by Dale), Commemorating the 75th anniversary of the Leander Church of Christ.

HR 171 (by Moody), Commemorating the 30th anniversary of Camp Kadima.

HR 172 (by Wray), Congratulating Town Square Title on its forthcoming 10th anniversary in 2018.

HR 174 (by Craddick), Honoring Monsignor James Bridges on his retirement from the pastorate.

HR 175 (by Craddick), Honoring Rebecca Moore Wisdom for her 30 years of service to Members Financial Federal Credit Union in Midland.

HR 178 (by Cain), Congratulating Deer Park ISD on receiving recognition in the 2017 Niche Rankings.

HR 179 (by González), Congratulating Christina Castaños of Purple Heart Elementary School in El Paso on being named the Region 19 Education Service Center 2018 Elementary Teacher of the Year.

HR 180 (by González), Congratulating Dr. Luis C. Luna of Clint Junior High School on being named the Region 19 Education Service Center Secondary Teacher of the Year for 2018.

HR 181 (by Allen), Congratulating Dr. Teresa Lenoir on her retirement as a legislative aide for State Representative Alma Allen.

HR 182 (by S. Davis), Recognizing August 2017 as National Immunization Awareness Month.

HR 185 (by Israel), Congratulating Rita Giblin on her 100th birthday.

HR 186 (by White), Congratulating Polk County Criminal District Attorney William Lee Hon on his election to the Criminal Justice Council of the State Bar of Texas.

HR 187 (by Reynolds), Commemorating the 21st anniversary of Together We Stand Christian Church in Missouri City.

HR 188 (by Reynolds), Commemorating the 31st anniversary of Christian Bible Church in Missouri City and honoring the Reverend Rudolph White Jr.

HR 189 (by Leach), Honoring the North Texas Angels Pageant.

HR 190 (by White), Commemorating the 117th anniversary of First Missionary Baptist Church in Silsbee.

HR 191 (by Leach), Commending Lissa Smith for her service on the Plano City Council.

HR 192 (by Leach), Commending Ben Harris for his service on the Plano City Council.

HR 193 (by Leach), Commending Ross Obermeyer for his service on the Allen City Council.

HR 194 (by Leach), Congratulating Carl Clemencich on his election to the Allen City Council.

HR 195 (by Leach), Commending David Downs for his service on the Plano City Council.

HR 196 (by Leach), Congratulating Rick Smith on his election to the Plano City Council.

HR 197 (by Leach), Congratulating Angela Powell on her election to the Plano ISD Board of Trustees.

HR 198 (by Leach), Congratulating Greg Myer on his election to the Plano ISD school board.

HR 199 (by Leach), Congratulating Anthony Ricciardelli on his election to the Plano City Council.

HR 200 (by Leach), Congratulating Robert Dubey on his election to the Richardson City Council.

HR 201 (by Leach), Commending Marilyn Hinton on her service as a member of the Plano ISD Board of Trustees.

HR 202 (by Leach), Commending Carrolyn Moebius for her service on the Plano ISD Board of Trustees.

HR 203 (by Dale), Commemorating the 40th anniversary of the Leander Police Department.

HR 206 (by White), Congratulating the Hardin-Jefferson ISD Board of Trustees on its selection as a 2017 Honor School Board by the Texas Association of School Administrators.

HR 207 (by Alonzo), Honoring the service and achievements of women in the armed forces.

HR 209 (by Alonzo), Congratulating Johnny Moa and the True King Band on their 45th anniversary.

HR 210 (by Alonzo), Congratulating Sonia Segura on her selection as Mrs. Texas 2017.

HR 211 (by Guillen), Congratulating the Roma Middle School Symphonic Winds ensemble on performing at the 2016 Midwest Clinic International Band, Orchestra and Music Conference in Chicago.

HR 217 (by Hunter), Congratulating World War II veteran Julio Sosa on his 95th birthday.

HR 218 (by Hefner), Commemorating the 60th anniversary of Emmanuel Baptist Church in Pittsburg.

HR 219 (by White), Congratulating Dominique Leh of Kirbyville High School on winning second place in the 3A girls' singles contest at the 2017 UIL Tennis State Tournament.

HR 220 (by White), Congratulating Gerald Fagan of Livingston on his induction into the Texas Bandmasters Hall of Fame.

HR 222 (by Flynn), Commemorating the 50th anniversary of the Edom Volunteer Fire Department.

HR 223 (by Dutton), Congratulating Evelyn Wagner Wright on being honored by Catholic Daughters of the Americas—Mother of Love Court No. 2092.

HR 224 (by Dutton), Commemorating the 70th anniversary of the Beta Upsilon Chapter of Kappa Alpha Psi Fraternity, Inc.

HR 230 (by Paddie), Commemorating the 150th anniversary of Bethesda Missionary Baptist Church in Marshall.

HR 234 (by Oliveira), Commending Joe Rodriguez on his service to the Brownsville Independent School District.

HR 235 (by Lucio), Congratulating Michael Casas for his participation in the 2017 Pan-American Youth Championships chess tournament.

HR 236 (by Lucio), Congratulating Dr. Jesús Roberto Rodríguez on his selection as president of Texas Southmost College.

HR 237 (by Collier), Commending Ashlee Henig for serving as Democratic Party precinct chair of Precinct 4492 in House District 95.

HR 238 (by Collier), Commending Isidro Gonzales for serving as Democratic Party precinct chair of Precinct 4006 in House District 95.

HR 239 (by Collier), Commending Hargie Scott for serving as Democratic Party precinct chair of Precinct 1460 in House District 95.

HR 240 (by Collier), Commending Ellen Chase for serving as Democratic Party precinct chair of Precinct 1311 in House District 95.

HR 241 (by Collier), Commending Sue N. Allen for serving as Democratic Party precinct chair of Precinct 1301 in House District 95.

HR 242 (by Collier), Commending Carol Cordell for serving as Democratic Party precinct chair of Precinct 1300 in House District 95.

HR 243 (by Collier), Commending Eric Faulkner for serving as Democratic Party precinct chair of Precinct 1295 in House District 95.

HR 244 (by Collier), Commending Nelda Harris for serving as Democratic Party precinct chair of Precinct 1279 in House District 95.

HR 245 (by Collier), Commending Larry Vosberg for serving as Democratic Party precinct chair of Precinct 1277 in House District 95.

HR 246 (by Collier), Commending Sherida Taylor for serving as Democratic Party precinct chair of Precinct 1257 in House District 95.

HR 247 (by Collier), Commending Rosie L. Williams for serving as Democratic Party precinct chair of Precinct 1211 in House District 95.

HR 248 (by Collier), Commending Paul Way for serving as Democratic Party precinct chair of Precinct 1189 in House District 95.

HR 249 (by Collier), Commending Melinda Hamilton for serving as Democratic Party precinct chair of Precinct 1188 in House District 95.

HR 250 (by Collier), Commending Karroll W. Parker for serving as Democratic Party precinct chair of Precinct 1170 in House District 95.

HR 251 (by Collier), Commending Charlie Ray Smith for serving as Democratic Party precinct chair of Precinct 1154 in House District 95.

HR 252 (by Collier), Commending Kevin Thomas for serving as Democratic Party precinct chair of Precinct 1153 in House District 95.

HR 253 (by Collier), Commending Doug Cuny for serving as Democratic Party precinct chair of Precinct 1151 in House District 95.

HR 254 (by Collier), Commending Deralyn Davis for serving as Democratic Party precinct chair of Precinct 1149 in House District 95.

HR 255 (by Collier), Commending Gary Morgan for serving as Democratic Party precinct chair of Precinct 1146 in House District 95.

HR 256 (by Collier), Commending Yolanda Tatum for serving as Democratic Party precinct chair of Precinct 1106 in House District 95.

HR 257 (by Collier), Commending Vera Roberts for serving as Democratic Party precinct chair of Precinct 1104 in House District 95.

HR 258 (by Collier), Commending Byron Preston for serving as Democratic Party precinct chair of Precinct 1090 in House District 95.

HR 259 (by Collier), Commending Martha Davis for serving as Democratic Party precinct chair of Precinct 1089 in House District 95.

HR 260 (by Collier), Commending Sandy Joyce for serving as Democratic Party precinct chair of Precinct 1059 in House District 95.

HR 261 (by Collier), Commending Benjamin Willis for serving as Democratic Party precinct chair of Precinct 1056 in House District 95.

HR 262 (by Collier), Commending Charles Rosborough for serving as Democratic Party precinct chair of Precinct 1012 in House District 95.

HR 263 (by Collier), Commending Phyllis Goines for serving as Democratic Party precinct chair of Precinct 1008 in House District 95.

HR 264 (by Collier), Commending Sandra Johnson for serving as Democratic Party precinct chair of Precinct 1001 in House District 95.

HR 265 (by Dutton), Congratulating José Griñán on being honored by Catholic Daughters of the Americas–Mother of Love Court No. 2092.

HR 266 (by T. King), Honoring William Patrick Dodson for his service as chair of the Uvalde County Democratic Party Executive Committee.

HR 268 (by Israel), Commending Vernagene Mott for her service to Pflugerville ISD.

HR 270 (by Dutton), Commending Bishop Lester E. Blount Sr. and First Lady Juanita Blount for their seven-year tenure with Good Samaritan Missionary Baptist Church in Houston.

HR 271 (by Dutton), Congratulating Amanda K. Edwards on being honored by Catholic Daughters of the Americas–Mother of Love Court No. 2092.

HR 274 (by Dutton), Congratulating Rosalie Karstedt on being honored by Catholic Daughters of the Americas–Mother of Love Court No. 2092.

HR 277 (by Martinez), Congratulating Omar Figueroa Jr. on his accomplishments in professional boxing.

HR 279 (by Minjarez), Congratulating Elizabeth Eguía-García on becoming the executive director of the Maestro Entrepreneur Center and vice president of small business for the San Antonio Hispanic Chamber of Commerce.

HR 282 (by Martinez), Congratulating Omar Figueroa Jr. and Brandon Lee Figueroa on their achievements in the sport of boxing.

HR 283 (by Romero), Recognizing September 2017 as Hunger Action Month.

HR 284 (by C. Anderson), Congratulating Donnie Audrey Kite Cooper of Waco on the occasion of her 100th birthday.

HR 285 (by Springer), Congratulating Hunter Dooley of Graham High School on winning a gold medal at the 2017 UIL Track & Field State Meet.

HR 286 (by Springer), Congratulating the Era High School girls' 4x400-meter relay team on winning a gold medal at the 2017 UIL Track & Field State Meet.

HR 287 (by Springer), Congratulating Andrew Rueda of Wellington High School on winning a gold medal at the 2017 UIL Track & Field State Meet.

HR 291 (by Martinez), Congratulating Brandon Lee Figueroa of Weslaco on his accomplishments as a professional boxer.

HR 292 (by Shine), Honoring Morgan's Point Resort Fire Chief John Phillips and his crew for containing a local fire.

HR 293 (by Dutton), Congratulating Lillian Kozel on being honored by Catholic Daughters of the Americas—Mother of Love Court No. 2092.

HR 294 (by Leach), Honoring Larry Wainwright for his service on the Collin College Board of Trustees.

HR 295 (by Leach), Congratulating Fred Moses of Plano on his election to the Collin College Board of Trustees.

HR 296 (by Leach), Congratulating Kayci Prince on her election to the Plano City Council.

HR 297 (by Leach), Commending Helping Hands for Housing in Richardson for its efforts in behalf of Texas veterans.

HR 301 (by Collier), Congratulating the Tarrant County Black Historical and Genealogical Society on its 40th anniversary.

HR 302 (by Collier), Commemorating the 30th anniversary of Ware & Associates in Fort Worth.

HR 303 (by Collier), Congratulating Pastor Bruce D. Datcher of Ebenezer Missionary Baptist Church in Fort Worth on his 60th birthday.

HR 304 (by Collier), Congratulating the Reverend Marcus McDonald on his installation as pastor of New Rising Star Missionary Baptist Church in Fort Worth.

HR 305 (by Raymond), Recognizing Frank Staggs of Laredo on his 90th birthday.

HR 306 (by Fallon), Commending Dan Gist for his service as superintendent of the Pilot Point Independent School District.

HR 307 (by Fallon), Commending David Belding for his service as superintendent of the Aubrey Independent School District.

HR 308 (by Fallon), Commending David Clark for serving on the Sanger City Council.

HR 309 (by Fallon), Commending Allen Chick for serving on the Sanger City Council.

HR 310 (by Fallon), Commending William Boutwell for serving on the Sanger City Council.

HR 311 (by Fallon), Commending Gary Bilyeu for serving on the Sanger City Council.

HR 312 (by Fallon), Commending Lee Allison for serving on the Sanger City Council.

HR 313 (by Fallon), Commending C. J. Hilliard for serving on the Pilot Point City Council.

HR 314 (by Fallon), Commending Dean Cordell for serving on the Pilot Point City Council.

HR 315 (by Fallon), Commending Elisa Carrasco for serving on the Pilot Point City Council.

HR 316 (by Fallon), Commending Jim Porter for serving on the Pilot Point City Council.

HR 317 (by Fallon), Commending Whitney Delcourt for serving on the Pilot Point City Council.

HR 318 (by Fallon), Commending John White for serving on the Pilot Point City Council.

HR 319 (by Fallon), Commending Thomas Muir for serving on the Sanger City Council.

HR 320 (by Fallon), Commending Shea Dane-Patterson for serving on the Pilot Point City Council.

HR 321 (by Fallon), Commending Jeff Miller for serving on the Aubrey City Council.

HR 322 (by Fallon), Commending Chris Rich for serving on the Aubrey City Council.

HR 323 (by Fallon), Commending Deborah Goin for serving on the Aubrey City Council.

HR 324 (by Fallon), Commending Oscar Pearson for serving on the Aubrey City Council.

HR 325 (by Fallon), Commending Jeff Perry for serving on the Aubrey City Council.

HR 326 (by Fallon), Commending Janet Meyers for serving on the Aubrey City Council.

HR 327 (by Fallon), Commending Anne Marie Afflerbach for her service on the Sanger Independent School District Board of Trustees.

HR 328 (by Fallon), Commending Brad Watts for his service on the Sanger Independent School District Board of Trustees.

HR 329 (by Fallon), Commending Dale Gleason for his service on the Sanger Independent School District Board of Trustees.

HR 330 (by Fallon), Commending Chris Faircloth for his service on the Sanger Independent School District Board of Trustees.

HR 331 (by Fallon), Commending Jimmy Howard for his service on the Sanger Independent School District Board of Trustees.

HR 332 (by Fallon), Commending Russel CeBallos for his service on the Sanger Independent School District Board of Trustees.

HR 333 (by Fallon), Commending Ken Scribner for his service on the Sanger Independent School District Board of Trustees.

HR 334 (by Fallon), Commending Dana Braack for her service on the Pilot Point Independent School District Board of Trustees.

HR 335 (by Fallon), Commending Melanie Billmeier for her service on the Pilot Point Independent School District Board of Trustees.

HR 336 (by Fallon), Commending Eric Johnson for his service on the Pilot Point Independent School District Board of Trustees.

HR 337 (by Fallon), Commending Renee Polk for her service on the Pilot Point Independent School District Board of Trustees.

HR 338 (by Fallon), Commending Dr. Jackie Jenkins for her service on the Pilot Point Independent School District Board of Trustees.

HR 339 (by Fallon), Commending Dan Flagg for his service on the Pilot Point Independent School District Board of Trustees.

HR 340 (by Fallon), Commending Pat Burns for his service on the Pilot Point Independent School District Board of Trustees.

HR 341 (by Fallon), Commending Trey Duncan for his service on the Aubrey Independent School District Board of Trustees.

HR 342 (by Fallon), Commending Jody Gonzalez for his service on the Aubrey Independent School District Board of Trustees.

HR 343 (by Fallon), Commending Annette Crooks for her service on the Aubrey Independent School District Board of Trustees.

HR 344 (by Fallon), Commending Colleen Dow for her service on the Aubrey Independent School District Board of Trustees.

HR 345 (by Fallon), Commending Dr. Joey Saxon for his service on the Aubrey Independent School District Board of Trustees.

HR 346 (by Fallon), Commending Jim Milacek for his service on the Aubrey Independent School District Board of Trustees.

HR 347 (by Fallon), Commending Ron Bullock for his service on the Aubrey Independent School District Board of Trustees.

HR 348 (by Craddick), Congratulating Guadalupe Chavez of Lamesa on her 105th birthday.

HR 349 (by Craddick), Congratulating Fred Newman on his receipt of the Engineering Technology Award from the Permian Basin Petroleum Pioneers.

HR 350 (by Klick), Recognizing Charlene Seale of Amarillo on becoming the first nurse practitioner in Texas to receive full practice authority from the U.S. Department of Veterans Affairs.

HR 352 (by Craddick), Congratulating Ernest Angelo Jr. on his receipt of the 2017 Top Pioneer Award from the Permian Basin Petroleum Pioneers.

HR 354 (by Hernandez), Congratulating Navidad En El Barrio on its 30th anniversary.

HR 355 (by Gooden), Congratulating Richard Sanders on his retirement as Henderson County judge in 2018.

HR 356 (by Phillips), Congratulating the Bells High School softball team on winning the 2017 University Interscholastic League 2A state championship.

HR 357 (by D. Bonnen), Commemorating the 30th anniversary of the Brazosport Cares Food Pantry.

HR 359 (by Button), Commemorating the 100th anniversary of the Chinese Institute of Engineers–USA and honoring the organization's DFW Chapter on its annual banquet.

HR 360 (by Minjarez), Commemorating the 25th anniversary of the Northwest Democrats of Bexar County.

HR 363 (by Dutton), Congratulating Gerald Wayne Joseph on being honored by Catholic Daughters of the Americas–Mother of Love Court No. 2092.

HR 364 (by Dutton), Congratulating Felix Ramos on being honored by Catholic Daughters of the Americas–Mother of Love Court No. 2092.

HR 365 (by Guerra), Congratulating Dr. Gary Schwarz on his selection as a 2017 DentaQuest Health Equity Hero.

HR 366 (by Moody), Congratulating Penelope Bankston on being named principal of Parkland High School in El Paso.

HR 367 (by Moody), Commending Jerry McTernan for his contributions to El Paso County.

HR 369 (by Moody), Congratulating Dionne Mack on her appointment as deputy city manager of public safety and support services for the City of El Paso.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HR 18 (by Murr), In memory of Joe Fredrick Bean of Ozona.

HR 19 (by Bernal), In memory of Florentino Duran of San Antonio.

HR 20 (by Burrows and Frullo), In memory of Bobbie Ray "Rip" Griffin of Lubbock.

HR 21 (by Burrows), In memory of Rudy A. Tejada Jr. of Tahoka.

HR 24 (by E. Rodriguez and VanDeaver), In memory of John Benton Love of Mount Vernon.

HR 28 (by Guillen), In memory of John A. Pope III of Rio Grande City.

HR 32 (by Clardy), In memory of Sarah Ann Mettauer Summers.

HR 36 (by Morrison), In memory of Edgar Howard Perry III of Austin.

HR 41 (by Wray), In memory of Mikal "Zane" Walker of Waxahachie.

HR 42 (by Wray), In memory of Caleb Spencer Neal of Waxahachie.

HR 43 (by Wray), In memory of Isaac Benjamin Baker of Waxahachie.

HR 47 (by Craddick), In memory of Imogene Bethel of Lamesa.

HR 48 (by Burrows), In memory of retired Lubbock firefighter Jay Wesley Watson.

HR 52 (by VanDeaver), In memory of Jana Graves Kennedy of Paris.

HR 54 (by Wray), In memory of Rudy Segura Jr. of Waxahachie.

HR 55 (by Murr), In memory of Leona Pauline Dunbar Erekson.

HR 60 (by Cain), In memory of John Anthony Crianza II of Baytown.

HR 62 (by Burrows), In memory of Dwayne Clanton of Lubbock.

HR 63 (by Huberty), In memory of Linda Adkins Ramsey of Baytown.

HR 65 (by Wray), In memory of Symon Castillo of Ennis.

HR 112 (by Paddie), In memory of Pamela M. Phelps of Center.

HR 113 (by Martinez), In memory of U.S. Navy Gunner's Mate 2nd Class Noe Hernandez of Weslaco.

HR 120 (by Wray), In memory of Johnnie I. Krajca of Ennis.

HR 123 (by S. Davis), In memory of Sharon Nellums-Goosby of Houston.

HR 124 (by Hunter), In memory of Edward G. Olivares of Corpus Christi.

HR 125 (by Hunter), In memory of John Benard Fisher III of Corpus Christi.

HR 126 (by Huberty), In memory of Patricia Gayle Eversole of Houston.

HR 140 (by Herrero), In memory of Maria Gutierrez Arevalo of Robstown.

HR 153 (by González), In memory of Donald Lewis Benton of El Paso.

HR 155 (by Wu), In memory of Judge Earl Kent Ellis of Houston.

HR 166 (by Dale), In memory of Bettye J. Glover of Cedar Park.

HR 169 (by Moody), In memory of Tom Diamond of El Paso.

HR 205 (by Huberty), In memory of Charles "Chuck" Beal of San Diego, California.

HR 208 (by Alonzo), In memory of Maria del Carmen Rodriguez Macias of Dallas.

HR 212 (by Guillen), In memory of Silvina Solis Hinojosa of La Grulla.

HR 213 (by Guillen), In memory of Rebecca J. Barnett of Pleasanton.

HR 214 (by Guillen), In memory of Fletcher William "Shorty" Ward Jr. of Freer.

HR 215 (by Guillen), In memory of Genaro Muñoz Jr. of Roma.

HR 228 (by Paddie), In memory of Keith Crow, mayor of Atlanta, Texas.

HR 229 (by Paddie), In memory of Charlcie Nutt Phillips of Carthage.

HR 269 (by Hefner), In memory of Lonnie "Bo" Pilgrim of Pittsburg, Texas.

HR 272 (by Hefner), In memory of Samuel Alvin White of Quitman.

HR 276 (by E. Rodriguez, Howard, Israel, Workman, and Hinojosa), In memory of John Kelso of Austin.

HR 289 (by Minjarez), In memory of Annette Castillo of San Antonio.

HR 290 (by Neave), In memory of Eliot J. Walker of Dallas.

HR 298 (by Leach), In memory of Bobby Lee Townsend, former mayor of Richardson.

HR 299 (by Collier), In memory of John Mills Carter Sr. of Fort Worth.

HR 358 (by Meyer), In memory of U.S. Marine Corps Staff Sergeant Joshua Michael Snowden.

HR 361 (by Kacal), In memory of Emil Eugene Ogden of College Station.

HR 368 (by Moody), In memory of Robert G. Neill Jr. of El Paso.

HR 370 (by Moody), In memory of Dr. Karl B. Putnam of El Paso.

The resolutions were unanimously adopted by a rising vote.

(Speaker in the chair)

LEAVES OF ABSENCE GRANTED

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

Canales on motion of Nevárez.

Farrar on motion of Nevárez.

Israel on motion of Nevárez.

Lucio on motion of Nevárez.

The following member was granted leave of absence for the remainder of today because of a death in the family:

T. King on motion of Nevárez.

HB 7 - RULES SUSPENDED

Representative Phelan moved to suspend all necessary rules to consider **HB 7** with senate amendments.

The motion prevailed by (Record 170): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Isaac; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, R.; Canales; Farrar; Israel; King, T.; Lucio.

Absent — Dukes; Elkins; Hunter; Landgraf; Martinez; Oliveira; Thierry; Thompson, S.

HB 7 - WITH SENATE AMENDMENTS

Representative Phelan called up with senate amendments for consideration at this time,

HB 7, A bill to be entitled An Act relating to a tree planting credit to offset tree mitigation fees imposed by a municipality.

HB 7 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ALVARADO: Representative Phelan, thank you for your long and hard work and due diligence on this. If you could clarify a couple of things: Is the intent of **HB 7** to supersede or preempt local ordinances related to the process of removing a tree on private property?

REPRESENTATIVE PHELAN: No, this deals simply with mitigation fees and credits involved with mitigation fees.

ALVARADO: Okay. And is the intent of **HB 7** to preempt or prohibit a city from imposing ordinances on trees below 10 inches?

PHELAN: The way it would work is if a city—and I think I know of one city in the State of Texas that actually goes below 10 inches on removal. If that is a separate ordinance, then that's a separate ordinance. If they charge a fee for a tree below 10 inches, then this would apply. They're not going to be able to make

money off the removal of a tree below 10 inches. So it specifically addresses the mitigation fee and the credits that correspond with that fee for that particular city. And like I said, I think I just know of one that goes below 10 inches right now.

ALVARADO: And how did the number of 10 inches come into play?

PHELAN: I think it was just a compromise.

ALVARADO: Okay.

PHELAN: Most cities, like I said, start at around 12 inches and up. This was to try to keep cities from going any lower than they already are. A two-inch or three-inch tree really does not provide much value to a homeowner, and a city shouldn't get involved in charging a fee for such a small tree to be removed. We want to be sympathetic to the 30-inch and 40-inch heritage trees, but we're nowhere near that with this limitation.

ALVARADO: Can you talk about how this would impact a city that does not have an ordinance that requires mitigation fees?

PHELAN: It does not impact them. Of the 77 cities that have tree ordinances, approximately 50 charge fees. So that 20 to 25 that don't will not be impacted by this bill.

REPRESENTATIVE FAIRCLOTH: Representative Phelan, thank you for your work on this. I know it's been a bit of a challenge to be able to get all the interested stakeholders involved, and I thank you for that. For legislative intent, I'd like to clarify a couple of issues, the first one being the mitigation fees. Would you mind explaining exactly how that would work?

PHELAN: Sure. So if you remove 30 inches of trees, and you're a homeowner, and you replanted 30 inches of trees, you would not be charged a fee from that city. Because now the homeowner has 100 percent mitigation. The commercial developer, if they remove 30 inches of trees and replace them with 30 inches of trees, they only get a 50 percent credit on this mitigation. So that's how it would work. It's an inch for an inch replacement mitigation.

FAIRCLOTH: Thank you for that. When it says a tree that would pose "an imminent or immediate threat to persons or property," is there a fee connected with that?

PHELAN: Well, the way that would work is that section along with the diseased or dying, the intent of that is—say a city has a provision already in their ordinance that says before you remove a tree, our arborist or our specialist will come out, our professional will come out and say whether or not it's actually dead or is actually posing a threat. If that is the case, then that city cannot prohibit you from taking that down, and they certainly can't charge you a fee for taking it down.

FAIRCLOTH: Okay.

PHELAN: So we're not getting into local ordinances as to who dictates or who the final arbiter is of what is dead or dying or what is dangerous. That will be left up to the city as they see fit.

FAIRCLOTH: Okay, one last question. Does this in any way impact the illicit removal of a tree and a fine associated with that?

PHELAN: That's a separate ordinance. If a city prohibits you from removing a tree, and it has nothing to do with mitigation fees, then this does not apply. That would be a Class C misdemeanor like you would do any other city ordinance that you may violate.

REMARKS ORDERED PRINTED

Representative Faircloth moved to print remarks between Representative Alvarado and Representative Phelan and between Representative Faircloth and Representative Phelan.

The motion prevailed.

HB 7 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Phelan moved to concur in the senate amendments to **HB 7**.

The motion to concur in the senate amendments to **HB 7** prevailed by (Record 171): 119 Yeas, 23 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Clardy; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dukes; Dutton; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; Gorden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Holland; Howard; Huberty; Hunter; Isaac; Johnson, J.; Kacal; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Metcalf; Meyer; Miller; Minjarez; Morrison; Muñoz; Murphy; Murr; Nevárez; Oliveira; Oliverson; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, J.; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Uresti; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Alonzo; Anchia; Blanco; Capriglione; Coleman; Collier; Deshotel; González; Hernandez; Hinojosa; Johnson, E.; Keough; Martinez; Moody; Neave; Ortega; Rodriguez, E.; Romero; Rose; Thierry; Thompson, S.; Turner; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, R.; Canales; Farrar; Israel; King, T.; Lucio.

Absent — Wu.

STATEMENT OF VOTE

When Record No. 171 was taken, my vote failed to register. I would have voted yes.

Wu

Senate Committee Substitute

CSHB 7, A bill to be entitled An Act relating to municipal regulation of the removal of trees or vegetation on private property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 212.003(a), Local Government Code, is amended to read as follows:

(a) The governing body of a municipality by ordinance may extend to the extraterritorial jurisdiction of the municipality the application of municipal ordinances adopted under Section 212.002 and other municipal ordinances relating to access to public roads or the pumping, extraction, and use of groundwater by persons other than retail public utilities, as defined by Section 13.002, Water Code, for the purpose of preventing the use of or contact with groundwater that presents an actual or potential threat to human health. However, unless otherwise authorized by state law, in its extraterritorial jurisdiction a municipality shall not regulate:

(1) the use of any building or property for business, industrial, residential, or other purposes;

(2) the bulk, height, or number of buildings constructed on a particular tract of land;

(3) the size of a building that can be constructed on a particular tract of land, including without limitation any restriction on the ratio of building floor space to the land square footage;

(4) the number of residential units that can be built per acre of land; ~~or~~

(5) the size, type, or method of construction of a water or wastewater facility that can be constructed to serve a developed tract of land if:

(A) the facility meets the minimum standards established for water or wastewater facilities by state and federal regulatory entities; and

(B) the developed tract of land is:

(i) located in a county with a population of 2.8 million or more; and

(ii) served by:

(a) on-site septic systems constructed before September 1, 2001, that fail to provide adequate services; or

(b) on-site water wells constructed before September 1, 2001, that fail to provide an adequate supply of safe drinking water; or

(6) the ability of an owner of property that has been platted to remove a tree or vegetation on the owner's property, except as necessary to mitigate tree-borne diseases as recommended by the Texas A&M Forest Service, including by:

(A) requiring the owner to file an affidavit or notice before removing the tree or vegetation; or

(B) imposing a tree mitigation fee.

SECTION 2. Subchapter Z, Chapter 212, Local Government Code, is amended by adding Section 212.905 to read as follows:

Sec. 212.905. REGULATION OF TREE REMOVAL. (a) In this section:

(1) "Residential structure" means:

(A) a manufactured home as that term is defined by Section 1201.003, Occupations Code;

(B) a detached one-family or two-family dwelling, including the accessory structures of the dwelling;

(C) a multiple single-family dwelling that is not more than three stories in height with a separate means of entry for each dwelling, including the accessory structures of the dwelling; or

(D) any other multifamily structure.

(2) "Tree mitigation fee" means a fee or charge imposed by a municipality in connection with the removal of a tree from private property.

(b) A municipality that imposes a tree mitigation fee for tree removal on a person's property must allow that person to apply for a credit for tree planting under this section to offset the amount of the fee.

(c) An application for a credit under Subsection (b) must be in the form and manner prescribed by the municipality. To qualify for a credit under this section, a tree must be:

(1) planted on property:

(A) for which the tree mitigation fee was assessed; or

(B) mutually agreed upon by the municipality and the person; and

(2) at least two inches in diameter at the point on the trunk 4.5 feet above ground.

(d) For purposes of Subsection (c)(1)(B), the municipality and the person may consult with an academic organization, state agency, or nonprofit organization to identify an area for which tree planting will best address the science-based benefits of trees and other reforestation needs of the municipality.

(e) The amount of a credit provided to a person under this section must be applied in the same manner as the tree mitigation fee assessed against the person and:

(1) equal to the amount of the tree mitigation fee assessed against the person if the property is an existing one-family or two-family dwelling that is the person's residence;

(2) at least 50 percent of the amount of the tree mitigation fee assessed against the person if:

(A) the property is a residential structure that is not occupied by the person; and

(B) the person is constructing or renovating the residential structure for sale as a residential structure and not for use as the person's residence; or

(3) at least 40 percent of the amount of the tree mitigation fee assessed against the person if:

(A) the property is not a residential structure; or

(B) the person is constructing or intends to construct a structure on the property that is not a residential structure.

(f) As long as the municipality meets the requirement to provide a person a credit under Subsection (b), this section does not affect the ability of or require a municipality to determine:

(1) the type of trees that must be planted to receive a credit under this section, except as provided by Subsection (c);

(2) the requirements for tree removal and corresponding tree mitigation fees, if applicable;

(3) the requirements for tree-planting methods and best management practices to ensure that the tree grows to the anticipated height at maturity; or

(4) the amount of a tree mitigation fee, except that a tree mitigation fee may not exceed \$400.

(g) A municipality may not impose a tree mitigation fee for the removal of a tree that:

(1) is diseased or dead; or

(2) poses an imminent or immediate threat to persons or property.

(h) A municipality may not prohibit the removal of a tree that:

(1) is less than 24 inches in diameter at the point on the trunk 4.5 feet above the ground;

(2) is diseased or dead; or

(3) poses an imminent or immediate threat to persons or property.

(i) This section does not apply to property within five miles of a federal military base in active use as of December 1, 2017.

SECTION 3. The changes in law made by this Act apply only to a tree mitigation fee assessed by a municipality on or after the effective date of this Act.

SECTION 4. This Act takes effect December 1, 2017.

Senate Amendment No. 1 (Senate Floor Amendment No. 8)

Amend **CSHB 7** (senate committee report) as follows:

(1) Strike SECTION 1 of the bill (page 1, line 24 through page 2, line 8).

(2) In SECTION 2 of the bill, in added Section 212.905, Local Government Code (page 2, between lines 25 and 26), insert the following appropriately subsection:

() A municipality may not require a person to pay a tree mitigation fee for the removed tree if the tree:

(1) is located on a property that is an existing one-family or two-family dwelling that is the person's residence; and

(2) is less than 10 inches in diameter at the point on the trunk 4.5 feet above the ground.

(3) In SECTION 2 of the bill, in added Section 212.905(e), Local Government Code, strike Subparagraphs 212.905(e)(2)(A) and (B) (page 2, lines 53 to 57) and insert the following:

(A) the property is a residential structure or pertains to the development, construction, or renovation of a residential structure; and

(B) the person is developing, constructing or renovating the property not for use as the person's residence; or

(4) In SECTION 2 of the bill, in added Section 212.905(f), Local Government Code (page 3, lines 6 to 7), strike ", except that a tree mitigation fee may not exceed \$400".

(5) In SECTION 2 of the bill, in added Section 212.905(g), Local Government Code (page 3, line 8), between "not" and "impose", insert "prohibit the removal of or".

(6) In SECTION 2 of the bill, strike added Section 212.905(h), Local Government Code (page 3, lines 13 through 19).

(7) Reletter subsections of Section 212.905, Local Government Code, and cross-references to those subsections as appropriate.

(8) Renumber the SECTIONS of the bill as appropriate.

HB 21 - RULES SUSPENDED

Representative Huberty moved to suspend all necessary rules to consider **HB 21** with senate amendments.

The motion prevailed by (Record 172): 122 Yeas, 17 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; Gooden; Guerra; Guillen; Hefner; Hernandez; Holland; Howard; Huberty; Hunter; Isaac; Johnson, J.; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Murphy; Murr; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Tinderholt; Turner; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Anchia; Bernal; Collier; Cortez; Dutton; González; Herrero; Hinojosa; Johnson, E.; Minjarez; Muñoz; Neave; Rodriguez, J.; Romero; Thompson, S.; Uresti; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, R.; Canales; Farrar; Israel; King, T.; Lucio.

Absent — Coleman; Dukes; Gutierrez; Wu.

HB 21 - WITH SENATE AMENDMENTS

Representative Huberty called up with senate amendments for consideration at this time,

HB 21, A bill to be entitled An Act relating to the public school finance system.

HB 21 - POINTS OF ORDER

Representative González raised a point of order against further consideration of **HB 21** under Rule 11, Section 2 of the House Rules on the grounds that the senate amendments are not germane to the bill. Representative Ortega raised a point of order against further consideration of **HB 21** under Rule 11, Section 3 of the House Rules on the grounds that the senate amendments would change the original purpose of the bill.

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

Representative González urges that the senate amendments are not germane to **HB 21**, a broad public school finance bill, because one of the amendments transfers \$212 million from the Health and Human Services Commission into the Teacher Retirement System of Texas. She argues that this transfer is not germane because it impacts provisions of the Insurance Code, while the remainder of the bill addresses the Education Code, and the subject of teacher retirement is not tied to funding education. Similarly, Representative Ortega argues that adding teacher retirement funding to **HB 21** is impermissible because teacher retirement funding is distinct from public school finance.

Germaneness is determined by comparing the substance of the bill to the substance of the amendment, not by looking at the bill's caption nor by looking solely at the code being amended. **HB 21** is an omnibus public school finance bill. The complained of amendment transfers money to the Teacher Retirement System for the purpose of recruiting and retaining school teachers and decreasing certain premiums and other costs for participants in the Texas Public School Employees Group Insurance Program. Section 1575.302 of the Insurance Code requires, among other things, that contributions from active employees and the state be paid into the retired school employees group insurance fund. Section 1575.202 requires the state to contribute an amount equal to one percent of the salary of each active employee to the fund each fiscal year. In other words, funding the Texas Public School Employees Group Insurance Fund, which is the subject of the complained-of amendment, is directly tied to teacher pay, which proponents of the points of order agree is a component of public school finance. Accordingly, the amendment is germane and does not introduce a second subject into **HB 21**.

LEAVE OF ABSENCE GRANTED

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

Guillen on motion of Blanco.

HB 21 - (consideration continued)

HB 21 - REMARKS

REPRESENTATIVE MARTINEZ: Mr. Huberty, down in my district, I just had some people calling me and sending me some text messages. A question that came up is the language about autism and dyslexia grants, and they now go to

programs rather than to the ISDs or charters. The concern is, would that be considered a voucher or would TEA be able to twist that into a voucher? And a lot of people are very worried about that. Could you answer that and give us, the body—

REPRESENTATIVE HUBERTY: Yes, let's be very clear on that. **HB 23**, as it left us, allowed for the ISDs to partner with—whether it's charter schools or some providers to provide the best possible resources for those children. So I'm going to give you an example. We have a group in my community called Including Kids that focuses on autism, and they partner with the ISD and provide some additional training and resources. Dyslexia, as you know, cognitive learning disorders, dysgraphia, things of that nature—there's some very specialty-type programs. The goal is to have the ISDs learn from the best, create those pilot programs on the side in partnership with the ISDs.

It is my legislative intent—and if you'd like to go over that with me—my legislative intent is that those funds go through the system of ISDs through TEA. TEA will manage those grants. The language is still in there for TEA to oversee and to manage those grants so that they go into the system, making sure that when we pass that bill that IDEA, which is their Individuals with Disabilities Education Act plan, is enacted, so that their IEP is intact, that their ARD is intact, and that nothing is going to a private institution of any way that doesn't protect their ARD, their IEP, and complies with IDEA language in the federal government.

MARTINEZ: So by no way, shape, or form is that a voucher.

HUBERTY: That's right.

REMARKS ORDERED PRINTED

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

The motion prevailed.

HB 21 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Huberty moved to concur in the senate amendments to **HB 21**.

The motion to concur in the senate amendments to **HB 21** prevailed by (Record 173): 94 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; Hunter; Isaac; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Raymond; Rinaldi; Roberts;

Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Coleman; Collier; Cortez; Davis, Y.; Dutton; Flynn; Gervin-Hawkins; Giddings; González; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Johnson, E.; Johnson, J.; Longoria; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thierry; Thompson, S.; Turner; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, R.; Canales; Farrar; Guillen; Israel; King, T.; Lucio.

Absent — Dukes; Uresti.

STATEMENTS OF VOTE

When Record No. 173 was taken, I was shown voting no. I intended to vote yes.

Flynn

When Record No. 173 was taken, I was in the house but away from my desk. I would have voted no.

Uresti

REASONS FOR VOTE

When the Texas House of Representatives voted out **HB 21** and sent it to the senate, it passed overwhelmingly, and I was proud to vote for it. **HB 21** as first passed added approximately \$1.8 billion. We also successfully fought off unnecessary charter school amendments. Sadly, **HB 21** has been returned to the house from the senate with amendments which only adds approximately \$400 million. This is deeply saddening.

As the chairman of the house Higher Education Committee, I can say with absolute certainty that K-12 funding has a direct impact on the numbers of students who eventually complete a degree or certification in higher education. We cannot afford to shortchange our schools. For every dollar invested in education, the State of Texas gets between \$7 and \$10 in the future. This bill also has a much needed \$212 million for our retired teachers to help reduce premiums, which is still below the amount that I believe we must fund.

However, in the last two days of the special session, this bill could fail and in the end, there would be no additional educational funding as this is the only school finance bill in the special session. As a result, although we must do more, we must salvage this bill and send it to the governor before the clock runs out in order to continue to move in the right direction. As always, I remain committed to

fully maximizing educational funding. Education is the greatest equalizer in our society. I will continue to fight for our teachers, our retired teachers for their noble sacrifices, and for our Texas schoolchildren.

Lozano

When the house passed **HB 21**, the bill included \$1.8 billion for our public schools, which was an important first step toward making our public school finance system equitable. I was disappointed to see that the senate substantially decreased this figure by providing only one-sixth of the funds originally included in the house bill.

I do not support the senate's decision to remove the much-needed increase in funding for bilingual education. The senate amendments essentially pit our public schools against our retired teachers. I was willing to vote for **SB 19**, which would have provided necessary funds for the Teacher Retirement System from the rainy day fund. While I believe we must help decrease rising health insurance premiums and deductibles for our retired teachers, taking the funding from some of our most vulnerable children, those on CHIP and Medicaid, was not the most prudent way to address this issue.

I strongly supported the house version of **HB 21**, even coauthoring the bill, but the senate version of the bill does not adequately fund our public schools. I voted against the motion to concur with the senate amendments because, among other things, I believe that we should send the bill back to the senate so they can properly fund our public schools.

Neave

Senate Committee Substitute

CSHB 21, A bill to be entitled An Act relating to the public school finance system.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Effective September 1, 2018, Section 12.106, Education Code, is amended by amending Subsection (a-1) and adding Subsections (d) and (e) to read as follows:

(a-1) In determining funding for an open-enrollment charter school under Subsection (a):

(1) [7] adjustments under Sections 42.102, [42.103,] 42.104, and 42.105 are based on the average adjustment for the state; and

(2) the adjustment under Section 42.103 is based on the average adjustment for the state that would have been provided under that section as it existed on January 1, 2018.

(d) Subject to Subsection (e), in addition to other amounts provided by this section, a charter holder is entitled to receive, for the open-enrollment charter school, funding per student in average daily attendance in an amount equal to the guaranteed level of state and local funds per student per cent of tax effort under Section 46.032(a) multiplied by the lesser of:

(1) the state average interest and sinking fund tax rate imposed by school districts for the current year; or

(2) a rate that would result in a total amount to which charter schools are entitled under this subsection for the current year equal to \$60 million.

(e) A charter holder is entitled to receive funding under Subsection (d) only if the most recent overall performance rating assigned to the open-enrollment charter school under Subchapter C, Chapter 39, reflects at least acceptable performance.

SECTION 2. Effective September 1, 2023, Sections 42.103(b) and (d), Education Code, are amended to read as follows:

(b) The basic allotment of a school district that [~~contains at least 300 square miles and~~] has not more than 1,600 students in average daily attendance is adjusted by applying the formula:

$$AA = (1 + ((1,600 - ADA) \times .0004)) \times ABA$$

(d) The basic allotment of a school district that offers a kindergarten through grade 12 program and has less than 5,000 students in average daily attendance is adjusted by applying the formula, of the following formulas, that results in the greatest adjusted allotment:

(1) the formula in Subsection (b), if [or (e) for which] the district is eligible for that formula; or

$$(2) AA = (1 + ((5,000 - ADA) \times .000025)) \times ABA.$$

SECTION 3. Effective September 1, 2018, Section 42.103(c), Education Code, is amended to read as follows:

(c) The basic allotment of a school district that contains less than 300 square miles and has not more than 1,600 students in average daily attendance is adjusted by applying the following formulas [formula]:

(1) for the fiscal year beginning September 1, 2018:

$$AA = (1 + ((1,600 - ADA) \times .000275 [~~.00025~~])) \times ABA$$

;

(2) for the fiscal year beginning September 1, 2019:

$$AA = (1 + ((1,600 - ADA) \times .00030)) \times ABA$$

;

(3) for the fiscal year beginning September 1, 2020:

$$AA = (1 + ((1,600 - ADA) \times .000325)) \times ABA$$

;

(4) for the fiscal year beginning September 1, 2021:

$$AA = (1 + ((1,600 - ADA) \times .00035)) \times ABA$$

; and

(5) for the fiscal year beginning September 1, 2022:

$$AA = (1 + ((1,600 - ADA) \times .000375)) \times ABA$$

SECTION 4. Chapter 42, Education Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. FINANCIAL HARDSHIP TRANSITION PROGRAM

Sec. 42.451. FINANCIAL HARDSHIP GRANTS. (a) From amounts appropriated for this subchapter, the commissioner may administer a grant program that provides grants to school districts to defray financial hardships resulting from changes made to Chapter 41 and this chapter that apply after the 2016-2017 school year.

(b) The commissioner shall award grants under this subchapter to districts as provided by Section 42.452.

(c) Except as provided by Subsection (d), funding provided to a district under this subchapter is in addition to all other funding provided under Chapter 41 and this chapter.

(d) A district is not eligible for funding under this subchapter for a school year if the district receives for that school year an adjustment of the district's taxable value of property under Section 42.2521. A district may decline an adjustment under Section 42.2521 to maintain eligibility for funding under this subchapter.

(e) The commissioner may obtain additional information as needed from a district or other state or local agency to make determinations in awarding grants under this subchapter.

Sec. 42.452. AWARD OF GRANTS; AMOUNT. (a) The commissioner shall award grants to school districts based on the following formula:

$$\text{HG} = (\text{PL}-\text{CL}) \times (\text{TR}) \times (\text{TAHG}/\text{TEHG})$$

where:

"HG" is the amount of a district's hardship grant;

"PL" is the amount of funding under previous law to which a district would be entitled under Chapter 41 and this chapter as those chapters existed on January 1, 2017, determined using current school year data for the district;

"CL" is the amount of current law funding under Chapter 41 and this chapter to which a district is entitled;

"TR" is a district's maintenance and operations tax rate, as specified by the comptroller's most recent certified report;

"TAHG" is the total funding available for grants under Section 42.456 for a school year; and

"TEHG" is the sum of the combined amounts for all districts calculated by applying the formula $(\text{PL}-\text{CL}) \times (\text{TR})$ for each district.

(b) A school district's hardship grant awarded under this subchapter for a school year may not exceed the lesser of:

(1) the amount equal to 10 percent of the total amount of funds available for grants under this subchapter for that school year; or

(2) the amount by which "PL" exceeds "CL" for that district for that school year.

(c) For purposes of calculating the formula under Subsection (a), the commissioner shall:

(1) in determining the values of "PL" and "CL" for a school district, exclude the amount of revenue received by the district as a result of Section 13.054 or an administrative rule related to that section;

(2) if the value of $(\text{PL}-\text{CL})$ for a school district results in a negative number, use zero for the value of $(\text{PL}-\text{CL})$;

(3) if a school district's maintenance and operations tax rate ("TR") is greater than \$1, use \$1 for the value of "TR";

(4) use a maintenance and operations tax rate ("TR") of \$1 for each open-enrollment charter school, each special-purpose school district established under Subchapter H, Chapter 11, and the South Texas Independent School District; and

(5) if (TAHG/TEHG) equals a value greater than one, use a value of one for (TAHG/TEHG).

(d) If funds remain available under this subchapter for a school year after determining initial grant amounts under Subsection (a), as adjusted to reflect the limits imposed by Subsection (b), the commissioner shall reapply the formula as necessary to award all available funds.

(e) If the commissioner reapplies the formula in accordance with Subsection (d), a school district that was ineligible under Section 42.455 for a grant during the initial application of the formula for that school year is eligible to receive a grant as a result of the formula reapplication.

Sec. 42.453. ELIGIBILITY OF OPEN-ENROLLMENT CHARTER SCHOOL. An open-enrollment charter school is eligible for a grant under this subchapter in the same manner as a school district.

Sec. 42.454. REGIONAL EDUCATION SERVICE CENTERS AND COUNTY DEPARTMENTS OF EDUCATION NOT ELIGIBLE. A regional education service center or a county department of education is not eligible for a grant under this subchapter.

Sec. 42.455. CERTAIN SCHOOL DISTRICTS NOT ELIGIBLE. Except as provided by Section 42.452(e), a school district is not eligible for a grant under this subchapter if for the 2015-2016 school year the district's expenditures per student in weighted average daily attendance, excluding bond debt service payments, capital outlays, and facilities acquisition and construction costs, exceeded an amount that is equal to 120 percent of the state average amount for that school year of expenditures per student in weighted average daily attendance, excluding bond debt service payments, capital outlays, and facilities acquisition and construction costs, as those amounts are determined by the commissioner.

Sec. 42.456. FUNDING LIMIT. The amount of grants awarded by the commissioner under this subchapter may not exceed \$100 million for the 2017-2018 school year or \$50 million for the 2018-2019 school year.

Sec. 42.457. NO ADJUSTMENT BASED ON REVISED DATA. The commissioner may not adjust the amount of a school district's grant under this subchapter based on revisions to the district's data received after a grant has been awarded.

Sec. 42.458. RULES. The commissioner may adopt rules as necessary to administer this subchapter.

Sec. 42.459. DETERMINATION FINAL. A determination by the commissioner under this subchapter is final and may not be appealed.

Sec. 42.460. EXPIRATION. This subchapter expires September 1, 2019.

SECTION 5. Effective September 1, 2018, Section 46.032(a), Education Code, is amended to read as follows:

(a) Each school district is guaranteed a specified amount per student in state and local funds for each cent of tax effort to pay the principal of and interest on eligible bonds. The amount of state support, subject only to the maximum amount under Section 46.034, is determined by the formula:

$$\text{EDA} = (\text{EDGL} \times \text{ADA} \times \text{EDTR} \times 100) - (\text{EDTR} \times (\text{DPV}/100))$$

where:

"EDA" is the amount of state funds to be allocated to the district for assistance with existing debt;

"EDGL" is the dollar amount guaranteed level of state and local funds per student per cent of tax effort, which is the lesser of:

(1) \$40 [~~\$35~~] or a greater amount for any year provided by appropriation; or

(2) the amount that would result in a total additional amount of state funds under this subchapter for the current year equal to \$60 million in excess of the state funds to which school districts would have been entitled under this section if the guaranteed level amount were \$35;

"ADA" is the number of students in average daily attendance, as determined under Section 42.005, in the district;

"EDTR" is the existing debt tax rate of the district, which is determined by dividing the amount budgeted by the district for payment of eligible bonds by the quotient of the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 42.2521, divided by 100; and

"DPV" is the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 42.2521.

SECTION 6. (a) The amount of \$311,000,000 of the unencumbered appropriations from the general revenue fund for the state fiscal biennium ending August 31, 2019, made by **SB 1**, Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to the Health and Human Services Commission is transferred to the Texas Education Agency to be used by the agency during that state fiscal biennium as follows:

(1) \$150,000,000 is allocated to fund financial hardship grants under Subchapter H, Chapter 42, Education Code, as added by this Act;

(2) \$60,000,000 is allocated to fund payments to open-enrollment charter schools under Section 12.106(d), Education Code, as added by this Act;

(3) \$60,000,000 is allocated for the existing debt allotment under Section 46.032, Education Code, as amended by this Act; and

(4) \$41,000,000 is allocated for the small-sized district adjustment under Section 42.103, Education Code, as amended by this Act.

(b) The Health and Human Services Commission shall identify the strategies and objectives out of which the transfer under Subsection (a) of this section is to be made.

(c) Notwithstanding the sum-certain appropriations specified in Rider 3, Chapter 605 (**SB 1**), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to the bill pattern of the appropriations to the Texas

Education Agency, the Legislative Budget Board shall determine the sum-certain appropriation to the Foundation School Program for each year of the state fiscal biennium beginning September 1, 2017, based on the amount specified in that rider, the other provisions of the General Appropriations Act, and other law, including the provisions of this Act.

SECTION 7. Effective September 1, 2023, Section 42.103(c), Education Code, is repealed.

SECTION 8. Except as otherwise provided by this Act:

(1) this Act takes effect September 1, 2017, if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; and

(2) if this Act does not receive the vote necessary for effect on that date, this Act takes effect on the 91st day after the last day of the legislative session.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 21** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 13.054(g), Education Code, as amended by Chapter 425 (**SB 1353**), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

(g) In order to assist with the costs of facility renovation, repair, and replacement, a district to which territory is annexed under this section is entitled to additional state aid for five years, beginning with the school year in which the annexation occurs. The commissioner shall determine the amount of additional state aid provided each year by dividing the amount of debt service taxes received by the district during the tax year preceding the tax year in which the annexation occurs by the number of students enrolled in the district immediately preceding the date of annexation, and multiplying that result by the number of additional students enrolled in the district on September 1 after the date of annexation. The commissioner shall provide additional state aid under this subsection from funds appropriated for purposes of the Foundation School Program [~~and available for that purpose~~]. A determination by the commissioner under this subsection is final and may not be appealed.

SECTION _____. Section 5, Chapter 425 (**SB 1353**), Acts of the 85th Legislature, Regular Session, 2017, is repealed.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 21** (senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 28), strike "Subsections (d) and (e)" and substitute "Subsections (d), (e), (f), and (g)".

(2) In SECTION 1 of the bill, immediately following added Section 12.106(e), Education Code (page 1, between lines 51 and 52), insert the following:

(f) Funds received by a charter holder under Subsection (d) may only be used:

(1) to lease an instructional facility;

(2) to pay property taxes imposed on an instructional facility;
(3) to pay debt service on bonds issued to finance an instructional facility; or

(4) for any other purpose related to the purchase, lease, sale, acquisition, or maintenance of an instructional facility.

(g) In this section, "instructional facility" has the meaning assigned by Section 46.001.

Senate Amendment No. 3 (Senate Floor Amendment No. 3)

Amend **CSHB 21** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. (a) The amount of \$212,000,000 of the unencumbered appropriations from the general revenue fund for the state fiscal biennium ending August 31, 2019, made by **SB 1**, Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to the Health and Human Services Commission is transferred to the Teacher Retirement System of Texas and may be used by the retirement system during that state fiscal biennium to increase school districts' recruitment and retention of school teachers and provide support to participants in the Texas Public School Employees Group Insurance Program authorized by Chapter 1575, Insurance Code. The Health and Human Services Commission shall identify the strategies and objectives out of which the transfer is to be made.

(b) The Teacher Retirement System of Texas may use the money transferred under Subsection (a) of this section to:

(1) decrease the premiums and deductibles that would otherwise be paid during the 2018 and 2019 plan years by participants in the Texas Public School Employees Group Insurance Program authorized by Chapter 1575, Insurance Code; and

(2) reduce costs for an enrolled adult child with a mental disability or a physical incapacity during the 2018 and 2019 plan years.

(c) The Teacher Retirement System of Texas shall determine the most efficient allocation of the money transferred under Subsection (a) of this section to achieve the maximum benefit for participants in the program.

Senate Amendment No. 4 (Senate Floor Amendment No. 4)

Amend **CSHB 21** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 29, Education Code, is amended by adding Sections 29.026 and 29.027 to read as follows:

Sec. 29.026. GRANT PROGRAM PROVIDING SERVICES TO STUDENTS WITH AUTISM. (a) The commissioner shall establish a program to award grants to school districts and open-enrollment charter schools that provide innovative services to students with autism.

(b) A school district, including a school district acting through a district charter issued under Subchapter C, Chapter 12, and an open-enrollment charter school, including a charter school that primarily serves students with disabilities, as provided under Section 12.1014, may apply for a grant under this section.

(c) A program is eligible for a grant under this section if:

(1) the program operates as an independent campus or a separate program from the campus in which the program is located, with a separate budget;

(2) the program incorporates:

(A) evidence-based and research-based design;

(B) the use of empirical data on student achievement and improvement;

(C) parental support and collaboration;

(D) the use of technology;

(E) meaningful inclusion; and

(F) the ability to replicate the program for students statewide;

(3) the program gives priority for enrollment to students with autism;

(4) the program limits enrollment and services to students who are:

(A) at least three years of age; and

(B) younger than nine years of age or are enrolled in the third grade or a lower grade level; and

(5) the program allows a student who turns nine years of age or older during a school year to remain in the program until the end of that school year.

(d) A school district or open-enrollment charter school may not:

(1) charge a fee for the program, other than those authorized by law for students in public schools;

(2) require a parent to enroll a child in the program;

(3) allow an admission, review, and dismissal committee to place a student in the program without the written consent of the student's parent or guardian; or

(4) continue the placement of a student in the program after the student's parent or guardian revokes consent, in writing, to the student's placement in the program.

(e) A program under this section may:

(1) alter the length of the school day or school year or the number of minutes of instruction received by students;

(2) coordinate services with private or community-based providers;

(3) allow the enrollment of students without disabilities or with other disabilities, if approved by the commissioner; and

(4) adopt staff qualifications and staff to student ratios that differ from the applicable requirements of this title.

(f) The commissioner shall adopt rules creating an application and selection process for grants awarded under this section.

(g) The commissioner shall create an external panel of stakeholders, including parents of students with disabilities, to provide assistance in the selection of applications for the award of grants under this section.

(h) The commissioner shall award grants to fund not more than 10 programs that meet the eligibility criteria under Subsection (c). In selecting programs, the commissioner shall prioritize programs that are collaborations between multiple school districts, multiple charter schools, or school districts and charter schools. The selected programs must reflect the diversity of this state.

(i) The commissioner shall select programs and award grant funds to those programs beginning in the 2018-2019 school year. The selected programs are to be funded for five years.

(j) A grant awarded to a school district or open-enrollment charter school under this section is in addition to the Foundation School Program funds that the district or charter school is otherwise entitled to receive.

(k) The commissioner shall set aside an amount not to exceed \$20 million from the total amount of funds appropriated to the Foundation School Program for the 2018-2019 fiscal biennium to fund grants under this section. The commissioner shall use \$10 million for the purposes of this section for each school year in the state fiscal biennium. A grant recipient may not receive more than \$1 million for the 2018-2019 fiscal biennium. The commissioner shall reduce each district's and charter school's allotment proportionally to account for funds allocated under this section.

(l) The commissioner and any program selected under this section may accept gifts, grants, and donations from any public or private source, person, or group to implement and administer the program. The commissioner and any program selected under this section may not require any financial contribution from parents to implement and administer the program.

(m) The commissioner may consider a student with autism who is enrolled in a program funded under this section as funded in a mainstream placement, regardless of the amount of time the student receives services in a regular classroom setting.

(n) Not later than December 31, 2021, the commissioner shall publish a report on the grant program established under this section. The report must include:

(1) recommendations for statutory or funding changes necessary to implement successful innovations in the education of students with autism; and

(2) data on the academic and functional achievements of students enrolled in a program that received a grant under this section.

(o) This section expires September 1, 2024.

Sec. 29.027. GRANT PROGRAM PROVIDING SERVICES TO STUDENTS WITH DYSLEXIA. (a) The commissioner shall establish a program to award grants to school districts and open-enrollment charter schools that provide innovative services to students with dyslexia.

(b) A school district, including a school district acting through a district charter issued under Subchapter C, Chapter 12, and an open-enrollment charter school, including a charter school that primarily serves students with disabilities, as provided under Section 12.1014, may apply for a grant under this section.

(c) A program is eligible for a grant under this section if:

(1) the program operates as an independent campus or a separate program from the campus in which the program is located, with a separate budget;

(2) the program incorporates:

(A) evidence-based and research-based design;

(B) the use of empirical data on student achievement and improvement;

(C) parental support and collaboration;

(D) the use of technology;

(E) meaningful inclusion; and

(F) the ability to replicate the program for students statewide;

(3) the program gives priority for enrollment to students with dyslexia;

(4) the program limits enrollment and services to students who are:

(A) at least three years of age; and

(B) younger than nine years of age or are enrolled in the third grade or a lower grade level; and

(5) the program allows a student who turns nine years of age or older during a school year to remain in the program until the end of that school year.

(d) A school district or open-enrollment charter school may not:

(1) charge a fee for the program, other than those authorized by law for students in public schools;

(2) require a parent to enroll a child in the program;

(3) allow an admission, review, and dismissal committee to place a student in the program without the written consent of the student's parent or guardian; or

(4) continue the placement of a student in the program after the student's parent or guardian revokes consent, in writing, to the student's placement in the program.

(e) A program under this section may:

(1) alter the length of the school day or school year or the number of minutes of instruction received by students;

(2) coordinate services with private or community-based providers;

(3) allow the enrollment of students without disabilities or with other disabilities, if approved by the commissioner; and

(4) adopt staff qualifications and staff to student ratios that differ from the applicable requirements of this title.

(f) The commissioner shall adopt rules creating an application and selection process for grants awarded under this section.

(g) The commissioner shall create an external panel of stakeholders, including parents of students with disabilities, to provide assistance in the selection of applications for the award of grants under this section.

(h) The commissioner shall award grants to fund not more than 10 programs that meet the eligibility criteria under Subsection (c). In selecting programs, the commissioner shall prioritize programs that are collaborations between multiple school districts, multiple charter schools, or school districts and charter schools. The selected programs must reflect the diversity of this state.

(i) The commissioner shall select programs and award grant funds to those programs beginning in the 2018-2019 school year. The selected programs are to be funded for five years.

(j) A grant awarded to a school district or open-enrollment charter school under this section is in addition to the Foundation School Program funds that the district or charter school is otherwise entitled to receive.

(k) The commissioner shall set aside an amount not to exceed \$20 million from the total amount of funds appropriated to the Foundation School Program for the 2018-2019 fiscal biennium to fund grants under this section. The commissioner shall use \$10 million for the purposes of this section for each school year in the state fiscal biennium. A grant recipient may not receive more than \$1 million for the 2018-2019 fiscal biennium. The commissioner shall reduce each district's and charter school's allotment proportionally to account for funds allocated under this section.

(l) The commissioner and any program selected under this section may accept gifts, grants, and donations from any public or private source, person, or group to implement and administer the program. The commissioner and any program selected under this section may not require any financial contribution from parents to implement and administer the program.

(m) The commissioner may consider a student with dyslexia who is enrolled in a program funded under this section as funded in a mainstream placement, regardless of the amount of time the student receives services in a regular classroom setting.

(n) Not later than December 31, 2021, the commissioner shall publish a report on the grant program established under this section. The report must include:

(1) recommendations for statutory or funding changes necessary to implement successful innovations in the education of students with dyslexia; and

(2) data on the academic and functional achievements of students enrolled in a program that received a grant under this section.

(o) This section expires September 1, 2024.

Senate Amendment No. 5 (Senate Floor Amendment No. 6)

Amend **CSHB 21** (senate committee report) in SECTION 1 of the bill, in added Section 12.106(e), Education Code (page 1, line 51), immediately following the underlined period, by inserting "This subsection does not apply to a charter holder that operates a school program located at a day treatment facility, residential treatment facility, psychiatric hospital, or medical hospital."

Senate Amendment No. 6 (Senate Floor Amendment No. 7)

Amend **CSHB 21** (senate committee printing) in SECTION 6(b) of the bill, following "is to be made." (page 4, line 47), by adding the following:
If the commission makes the amount of appropriations transferred under Subsection (a) of this section available by delaying until the state fiscal biennium beginning September 1, 2019, the monthly capitation payments otherwise due in August 2019 to managed care organizations that contract with the commission to provide health care services to Medicaid recipients, the commission shall make

the delayed payments as soon as possible out of available money appropriated to the commission for that state fiscal biennium.

Senate Amendment No. 7 (Senate Floor Amendment No. 11)

Amend **CSHB 21** (senate committee printing) by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 42, Education Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. TEXAS COMMISSION ON PUBLIC SCHOOL FINANCE

Sec. 42.601. DEFINITION. In this subchapter, "commission" means the Texas Commission on Public School Finance.

Sec. 42.602. TEXAS COMMISSION ON PUBLIC SCHOOL FINANCE.

(a) The Texas Commission on Public School Finance is established to develop and make recommendations for improvements to the current public school finance system or for new methods of financing public schools.

(b) The commission is composed of 13 members, consisting of the following:

(1) four members appointed by the governor;

(2) four members appointed by the lieutenant governor;

(3) four members appointed by the speaker of the house of representatives; and

(4) a member of the State Board of Education, as designated by the chair of that board.

(c) The members appointed by the governor must have an interest in public education and include at least:

(1) one person who is a current or retired classroom teacher with at least 10 years of teaching experience;

(2) one person who is a member of the business community; and

(3) one person who is a member of the civic community.

(d) The appointments made by the lieutenant governor and the speaker of the house of representatives must each consist of:

(1) three members of the applicable legislative chamber; and

(2) an administrator in the public school system or an elected member of the board of trustees of a school district.

(e) In making appointments under Subsections (b)(1), (2), and (3), the governor, lieutenant governor, and speaker of the house of representatives shall coordinate to ensure that the membership of the commission reflects, to the extent possible, the ethnic and geographic diversity of this state.

Sec. 42.603. PRESIDING OFFICER. The governor shall designate the presiding officer of the commission.

Sec. 42.604. COMPENSATION AND REIMBURSEMENT. A member of the commission is not entitled to compensation for service on the commission but is entitled to reimbursement for actual and necessary expenses incurred in performing commission duties.

Sec. 42.605. ADMINISTRATIVE SUPPORT AND FUNDING. (a) Staff members of the agency shall provide administrative support for the commission.

(b) Funding for the administrative and operational expenses of the commission shall be provided by appropriation to the agency for that purpose.

Sec. 42.606. RECOMMENDATIONS. (a) The commission shall develop recommendations under this subchapter to address issues related to the public school finance system, including:

(1) the purpose of the public school finance system and the relationship between state and local funding in that system;

(2) the appropriate levels of local maintenance and operations and interest and sinking fund tax effort necessary to implement a public school finance system that complies with the requirements under the Texas Constitution; and

(3) policy changes to the public school finance system necessary to adjust for student demographics and the geographic diversity in the state.

(b) The commission may establish one or more working groups composed of not more than five members of the commission to study, discuss, and address specific policy issues and recommendations to refer to the commission for consideration.

Sec. 42.607. REPORT. Not later than December 31, 2018, the commission shall prepare and deliver a report to the governor and the legislature that recommends statutory changes to improve the public school finance system, including any adjustments to funding to account for student demographics.

Sec. 42.608. PUBLIC MEETINGS AND PUBLIC INFORMATION. (a) The commission may hold public meetings as needed to fulfill its duties under this subchapter.

(b) The commission is subject to Chapters 551 and 552, Government Code.

Sec. 42.609. COMMISSION ABOLISHED; EXPIRATION OF SUBCHAPTER. (a) The commission is abolished January 8, 2019.

(b) This subchapter expires January 8, 2019.

SECTION ____. Not later than the 30th day after the effective date of the section of this Act adding Subchapter L, Chapter 42, Education Code, the appropriate persons shall make the appointments and designations required by Section 42.602, Education Code, as added by this Act.

Senate Amendment No. 8 (Senate Floor Amendment No. 12)

Amend Amendment No. 4 by Huffman, to **CSHB 21**, as follows:

(1) on page 3, line 20, strike "five", and substitute "two"

(2) on page 3, line 24, after "receive.", insert "A grant awarded under this section may not come out of Foundation School Program funds."

(3) on page 3, line 27, strike "to the Foundation School Program"

(4) on page 4, line 14, strike "2021", and substitute "2020"

(5) on page 4, line 23, strike "2024", and substitute "2021"

(6) on page 7, line 5, strike "five" and substitute "two"

(7) on page 7, line 9, after "receive.", insert "A grant awarded under this section may not come out of Foundation School Program funds."

(8) on page 7, line 12, strike "to the Foundation School Program"

(9) on page 7, line 30, strike "2021", and substitute "2020"

(10) on page 8, line 8, strike "2024", and substitute "2020"

HB 30 - RULES SUSPENDED

Representative Zerwas moved to suspend all necessary rules to consider **HB 30** with senate amendments.

The motion prevailed.

HB 30 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Zerwas called up with senate amendments for consideration at this time,

HB 30, A bill to be entitled An Act relating to making supplemental appropriations and giving direction and making adjustments regarding appropriations for public school finance.

Representative Zerwas moved to concur in the senate amendments to **HB 30**.

The motion to concur in the senate amendments to **HB 30** prevailed by (Record 174): 118 Yeas, 24 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Coleman; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; Gooden; Guerra; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Huberty; Hunter; Isaac; Johnson, J.; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Oliveira; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Raymond; Rinaldi; Roberts; Rodriguez, E.; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Turner; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Arévalo; Bernal; Blanco; Collier; Davis, Y.; Dukes; Gervin-Hawkins; González; Hernandez; Howard; Johnson, E.; Minjarez; Neave; Nevárez; Ortega; Perez; Reynolds; Rodriguez, J.; Romero; Rose; Thierry; Thompson, S.; Uresti; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, R.; Canales; Farrar; Guillen; Israel; King, T.; Lucio.

Senate Committee Substitute

CSHB 30, A bill to be entitled An Act relating to the transfer of certain appropriations to the Texas Education Agency and the adjustment of appropriations for public school finance.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) The amount of \$311,000,000 of the unencumbered appropriations from the general revenue fund for the state fiscal biennium ending August 31, 2019, made by **SB 1**, Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to the Health and Human Services Commission is transferred to the Texas Education Agency to be used by the agency during that state fiscal biennium as follows:

(1) \$150,000,000 is allocated to fund financial hardship grants under Subchapter H, Chapter 42, Education Code, as added by **HB 21**, Acts of the 85th Legislature, 1st Called Session, 2017, or similar legislation that enacts a new hardship grant program for the benefit of school districts that would otherwise experience a significant loss of revenue during the 2017-2018 or 2018-2019 school year;

(2) \$60,000,000 is allocated to fund payments to open-enrollment charter schools under Section 12.106(d), Education Code, as added by **HB 21**, Acts of the 85th Legislature, 1st Called Session, 2017, or similar legislation that provides for funding to open-enrollment charter schools for instructional facilities;

(3) \$60,000,000 is allocated for the existing debt allotment under Section 46.032, Education Code, as amended by **HB 21**, Acts of the 85th Legislature, 1st Called Session, 2017, or similar legislation that increases the level of funding under that allotment; and

(4) \$41,000,000 is allocated for the small-sized district adjustment under Section 42.103, Education Code, as amended by **HB 21**, Acts of the 85th Legislature, 1st Called Session, 2017, or similar legislation that addresses the entitlement under that adjustment for certain school districts that contain less than 300 square miles.

(b) The Health and Human Services Commission shall identify the strategies and objectives out of which the transfer under Subsection (a) of this section is to be made.

(c) Notwithstanding the sum-certain appropriations specified in Rider 3, Chapter 605 (**SB 1**), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to the bill pattern of the appropriations to the Texas Education Agency, the Legislative Budget Board shall determine the sum-certain appropriation to the Foundation School Program for each year of the state fiscal biennium beginning September 1, 2017, based on the amount specified in that rider, the other provisions of the General Appropriations Act, and other law, including the provisions of this Act.

(d) If **HB 21**, Acts of the 85th Legislature, 1st Called Session, 2017, or another similar Act that addresses additional funding under the public school finance system for the components described in Subsection (a) of this section also transfers and allocates to those components the amount of unencumbered appropriations in the manner provided by that subsection, the transfer and allocation under Subsection (a) of this section does not occur.

SECTION 2. This Act takes effect only if the 85th Legislature, 1st Called Session, 2017, enacts **HB 21** or another similar Act that addresses additional funding under the public school finance system for the components described in

Section 1 of this Act and **HB 21** or that similar Act becomes law. If **HB 21** or another similar Act described by this section does not become law, this Act has no effect.

SECTION 3. Except as otherwise provided by this Act:

(1) this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; and

(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 30** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. (a) The amount of \$212,000,000 of the unencumbered appropriations from the general revenue fund for the state fiscal biennium ending August 31, 2019, made by **SB 1**, Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to the Health and Human Services Commission is transferred to the Teacher Retirement System of Texas and may be used by the retirement system during that state fiscal biennium to increase school districts' recruitment and retention of school teachers and provide support to participants in the Texas Public School Employees Group Insurance Program authorized by Chapter 1575, Insurance Code. The Health and Human Services Commission shall identify the strategies and objectives out of which the transfer is to be made.

(b) The Teacher Retirement System of Texas may use the money transferred under Subsection (a) of this section to:

(1) decrease the premiums and deductibles that would otherwise be paid during the 2018 and 2019 plan years by participants in the Texas Public School Employees Group Insurance Program authorized by Chapter 1575, Insurance Code; and

(2) reduce costs for an enrolled adult child with a mental disability or a physical incapacity during the 2018 and 2019 plan years.

(c) The Teacher Retirement System of Texas shall determine the most efficient allocation of the money transferred under Subsection (a) of this section to achieve the maximum benefit for participants in the program.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 30** (senate committee printing) as follows:

(1) In SECTION 1(a) of the bill (page 1, line 31), strike "\$311,000,000" and substitute "\$351,000,000".

(2) In SECTION 1(a)(3) of the bill (page 1, line 54), strike "and".

(3) In SECTION 1(a)(4) of the bill, between "300 square miles" and the period (page 1, line 60), insert the following:

(5) \$20,000,000 is allocated to be used to award grants authorized under Section 29.026, Education Code, as added by **HB 21**, Acts of the 85th Legislature, 1st Called Session, 2017, or similar legislation that enacts a program to award grants to school districts and open-enrollment charter schools that provide innovative services to students with autism; and

(6) \$20,000,000 is allocated to be used to award grants authorized under Section 29.027, Education Code, as added by **HB 21**, Acts of the 85th Legislature, 1st Called Session, 2017, or similar legislation that enacts a program to award grants to school districts and open-enrollment charter schools that provide innovative services to students with dyslexia

Senate Amendment No. 3 (Senate Floor Amendment No. 3)

Amend **CSHB 30** (senate committee printing) in SECTION 1(b) of the bill, following "is to be made." (page 2, line 3), by adding the following:

If the commission makes the amount of appropriations transferred under Subsection (a) of this section available by delaying until the state fiscal biennium beginning September 1, 2019, the monthly capitation payments otherwise due in August 2019 to managed care organizations that contract with the commission to provide health care services to Medicaid recipients, the commission shall make the delayed payments as soon as possible out of available money appropriated to the commission for that state fiscal biennium.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 444 - ADOPTED (by Cyrier)

Representative Cyrier moved to suspend all necessary rules to take up and consider at this time **HR 444**.

The motion prevailed.

The following resolution was laid before the house:

HR 444, Commending Kimmie Nemecek for her service as an assistant to the house sergeant-at-arms.

HR 444 was read and was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 444** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Cyrier who introduced Kimmie Nemecek.

RESOLUTIONS ADOPTED

Representative Kacal moved to suspend all necessary rules to take up and consider at this time the following congratulatory and memorial resolutions.

The motion prevailed, and by unanimous consent the house agreed to dispense with the reading of the resolutions.

The following resolutions were laid before the house:

HR 380 (by Minjarez), Congratulating Frank Erazo on his selection as the 2017 Rawlinson Innovator of the Year by the Northside Independent School District.

HR 384 (by Price), Commending Dan Redd for his service as chief executive officer of the Borger Economic Development Corporation.

HR 385 (by Price), Congratulating the Moore County Hospital District on its receipt of two awards for excellence in nursing and patient care.

HR 386 (by Price), Congratulating Jake Voigt on his graduation as a member of the 61st Texas Game Warden and State Park Police Officer Cadet Class.

HR 387 (by Price), Commemorating the 90th anniversary of the Dumas/Moore County Chamber of Commerce.

HR 388 (by Price), Commending the American Quarter Horse Hall of Fame and Museum for its commemoration of the National Day of the Cowboy.

HR 389 (by Price), Congratulating Jayden Lesley of the Bushland High School FFA chapter on his receipt of the Lone Star FFA Degree.

HR 390 (by Price), Congratulating John Legg of the Dumas High School FFA chapter on his receipt of the Lone Star FFA Degree.

HR 391 (by Price), Congratulating Shayla McDowell of the Dumas High School FFA chapter on her receipt of the Lone Star FFA Degree.

HR 392 (by Price), Congratulating Bailee McKay of the Dumas High School FFA chapter on her receipt of the Lone Star FFA Degree.

HR 393 (by Price), Congratulating Zach Stovall of the Dumas High School FFA chapter on his receipt of the Lone Star FFA Degree.

HR 394 (by Price), Congratulating Morgan Sullivan of the Dumas High School FFA chapter on her receipt of the Lone Star FFA Degree.

HR 395 (by Price), Congratulating Beau Swimmer of the Dumas High School FFA chapter on his receipt of the Lone Star FFA Degree.

HR 396 (by Price), Congratulating Makenzie Nicholas of the Highland Park High School FFA chapter on her receipt of the Lone Star FFA Degree.

HR 397 (by Price), Congratulating Kennedy Smith of the Highland Park High School FFA chapter on her receipt of the Lone Star FFA Degree.

HR 398 (by Price), Congratulating Makenzy Arganbright of Panhandle High School on her receipt of the Lone Star FFA Degree.

HR 399 (by Price), Congratulating Kaylee Brassfield of Panhandle High School on her receipt of the Lone Star FFA Degree.

HR 400 (by Price), Congratulating Ashton Canida of Panhandle High School on his receipt of the Lone Star FFA Degree.

HR 401 (by Price), Congratulating Noah Ford of Panhandle High School on his receipt of the Lone Star FFA Degree.

HR 402 (by Price), Congratulating Brennon Freeman of Panhandle High School on his receipt of the Lone Star FFA Degree.

HR 403 (by Price), Congratulating Grace Kuehler of Panhandle High School on her receipt of the Lone Star FFA Degree.

HR 404 (by Price), Congratulating Jaylin Richardson of Panhandle High School on her receipt of the Lone Star FFA Degree.

HR 405 (by Price), Congratulating Kayla Williams of Panhandle High School on her receipt of the Lone Star FFA Degree.

HR 407 (by Price), Congratulating Taylor Wood of Panhandle High School on her receipt of the Lone Star FFA Degree.

HR 408 (by Price), Congratulating Bret Barnard of the Stratford High School FFA chapter on his receipt of the Lone Star FFA Degree.

HR 409 (by Price), Congratulating Allie James of the Stratford High School FFA chapter on her receipt of the Lone Star FFA Degree.

HR 410 (by Price), Congratulating Carlee Metcalf of the Stratford High School FFA chapter on her receipt of the Lone Star FFA Degree.

HR 411 (by Price), Congratulating RaeLeigh Willborn of the Stratford High School FFA chapter on her receipt of the Lone Star FFA Degree.

HR 412 (by Price), Congratulating Cole Crownover of the Sunray High School FFA chapter on his receipt of the Lone Star FFA Degree.

HR 413 (by Price), Congratulating Colter Daniel of the Sunray High School FFA chapter on his receipt of the Lone Star FFA Degree.

HR 414 (by Price), Congratulating Caleb Ferguson of the Sunray High School FFA chapter on his receipt of the Lone Star FFA Degree.

HR 415 (by Price), Congratulating Emma-Kate Farris of the Tascosa High School FFA chapter on her receipt of the Lone Star FFA Degree.

HR 416 (by Price), Congratulating Jacey Haiduk of the White Deer High School FFA chapter on her receipt of the Lone Star FFA Degree.

HR 417 (by Price), Congratulating Dr. Walter Wendler on his inauguration as president of West Texas A&M University.

HR 420 (by Kacal), Congratulating John Hince of Bryan on his election as state commander of the American Legion, Department of Texas.

HR 422 (by Price), Congratulating Jared Brown of Boy Scouts of America Troop No. 507 in Borger on achieving the rank of Eagle Scout.

HR 423 (by Price), Congratulating Ben Brown of Boy Scouts of America Troop No. 548 in Fritch on achieving the rank of Eagle Scout.

HR 424 (by Price), Congratulating Jacob Brown of Boy Scouts of America Troop No. 548 in Fritch on achieving the rank of Eagle Scout.

HR 425 (by Roberts), Commemorating the opening of Klein Cain High School in Klein.

HR 426 (by Kacal), Commending Tom Maynard for his service as executive director of the Texas FFA Association.

HR 427 (by Fallon), Commending Cody Carroll for his service as superintendent of the Krum Independent School District.

HR 428 (by Fallon), Commending Jamie Wilson for his service as superintendent of the Denton Independent School District.

HR 429 (by Fallon), Congratulating Toby Lawrence on his election to the Krum City Council.

HR 430 (by Fallon), Commending Justin Diviney for serving on the Krum City Council.

HR 431 (by Fallon), Commending Mike Strand for serving on the Krum City Council.

HR 432 (by Fallon), Commending Rhonda Harrison for serving on the Krum City Council.

HR 433 (by Fallon), Commending Austin Petersen for serving on the Krum City Council.

HR 434 (by Fallon), Commending Ronald Harris for serving on the Krum City Council.

HR 435 (by Arévalo), Honoring Gilbert Velasquez for his contributions to Texas music.

HR 441 (by Wray), Congratulating Bob and Bobbie McGinnis of Waxahachie on their 70th wedding anniversary.

HR 442 (by Wray), Congratulating Birdie Mae Brown on her 95th birthday.

HR 443 (by Faircloth), Recognizing October 21, 2017, as D'Feet Breast Cancer Day.

HR 445 (by González), Commending Kathryn Lucero on her service with the Texas Secretary of State Colonias Program.

HR 448 (by Arévalo), Honoring Las Comadres Para Las Americas for its dedication to empowering Latina women.

HR 449 (by Hinojosa), Congratulating Camille Miller on her retirement as president and CEO of the Texas Health Institute.

HR 450 (by Fallon), Commending Heather Nesmith for serving on the Tioga City Council.

HR 451 (by Fallon), Commending Mead McGee for serving on the Tioga City Council.

HR 452 (by Fallon), Commending Jeff Moncrief for serving on the Tioga City Council.

HR 453 (by Fallon), Commending Tommy Hunter for serving on the Tioga City Council.

HR 454 (by Fallon), Commending Kurt Hall for serving on the Tioga City Council.

HR 455 (by Fallon), Commending Craig Jezek for serving on the Tioga City Council.

HR 456 (by Fallon), Commending Rickey Kemp for his service on the Tioga Independent School District Board of Trustees.

HR 457 (by Fallon), Commending Shawn Nesmith for his service on the Tioga Independent School District Board of Trustees.

HR 458 (by Fallon), Commending Matt Roberts for his service on the Tioga Independent School District Board of Trustees.

HR 459 (by Fallon), Commending Larry Hughes for his service on the Tioga Independent School District Board of Trustees.

HR 460 (by Fallon), Commending Kelly Lintner for her service on the Tioga Independent School District Board of Trustees.

HR 461 (by Fallon), Commending Paul Rodarmer for his service on the Tioga Independent School District Board of Trustees.

HR 462 (by Fallon), Commending Rick Staples for his service on the Tioga Independent School District Board of Trustees.

HR 464 (by Fallon), Commending Chris Farmer for his service on the Krum Independent School District Board of Trustees.

HR 465 (by Fallon), Commending Brad Andrus for his service on the Krum Independent School District Board of Trustees.

HR 466 (by Fallon), Commending Sue Real for her service on the Krum Independent School District Board of Trustees.

HR 467 (by Fallon), Commending Scott Edwards for his service on the Krum Independent School District Board of Trustees.

HR 468 (by Fallon), Commending Terry Knight for his service on the Krum Independent School District Board of Trustees.

HR 469 (by Fallon), Commending Mark Cofer for his service on the Krum Independent School District Board of Trustees.

HR 470 (by Fallon), Commending Eric Borchardt for his service on the Krum Independent School District Board of Trustees.

HR 472 (by Dutton), Commemorating the 90th anniversary of Phillis Wheatley High School in Houston.

HR 473 (by Shaheen), Congratulating Patience LeBlanc on her selection as the 2017 Texas History Teacher of the Year by the Gilder Lehrman Institute of American History.

HR 474 (by Price), Congratulating Richard Dewey on his retirement from the JBS beef processing plant in Cactus.

HR 475 (by Price), Congratulating Gary Parker on his retirement from the JBS beef processing plant in Cactus.

HR 476 (by E. Rodriguez), Commending Isaac Saldivar of the Austin Fire Department for his efforts to assist a family following a house fire.

HR 477 (by E. Rodriguez, Howard, and Hinojosa), Congratulating Louis Black on his retirement from the Austin Chronicle.

HR 479 (by Hefner), Congratulating J. Glen Dossett on his retirement as agriculture instructor for the Mineola Independent School District.

HR 480 (by Price), Honoring Don Wood on his retirement as superintendent of Bushland ISD.

HR 482 (by Martinez), Commending Chief Olga Maldonado for her service to the Mercedes Police Department.

HR 483 (by Price), Congratulating Amanda Head of Caprock High School in Amarillo on her selection as the 2018 Secondary Teacher of the Year from the Region 16 Education Service Center's area.

HR 484 (by Wilson), Congratulating Shelby Brainard of Georgetown on attaining the rank of Eagle Scout.

HR 485 (by Wilson), Congratulating Bailey Franklin of Boy Scouts of America Troop No. 155 in Georgetown on becoming an Eagle Scout.

HR 486 (by Wilson), Congratulating Garrett Epstein of Georgetown on attaining the rank of Eagle Scout.

HR 487 (by Klick), Congratulating Buck and Melba Griffin of North Richland Hills on their 70th wedding anniversary.

HR 488 (by Guerra), Honoring Dr. Carlos Cardenas and Dr. Jose Cazares for their service as president of the Texas Medical Association and Texas Dental Association, respectively.

HR 489 (by Roberts), Honoring Steven Smith for his service on the Klein ISD Board of Trustees.

HR 490 (by Cain), Congratulating Meshaila Favard on being crowned the Pre-Teen Division winner at the 2017 Miss Juneteenth Baytown Pageant.

HR 491 (by Cain), Congratulating Reagan Elder on being crowned the Princess Division winner at the 2017 Miss Juneteenth Baytown Pageant.

HR 492 (by Cain), Congratulating Tela Terry on being crowned Miss Juneteenth-Baytown at the 2017 Miss Juneteenth Baytown Pageant.

HR 493 (by Lucio), Commemorating the 80th anniversary of the Brownsville Chamber of Commerce.

HR 494 (by Cain), Commemorating the Rolling Strong kickoff fund-raising event of Wheelchairs for Warriors on September 11, 2017.

HR 495 (by Wu), Congratulating OCA-Greater Houston for being named Chapter of the Year at the OCA National Convention.

HR 497 (by Burkett), Commending the Reverend Rocky D. Pope of Mimosa Lane Baptist Church in Mesquite on his 25th pastoral anniversary.

HR 498 (by Fallon), Congratulating John Ryan on his election to the Denton City Council.

HR 499 (by Fallon), Congratulating Don Duff on his election to the Denton City Council.

HR 500 (by Fallon), Congratulating Gerard Hudspeth on his election to the Denton City Council.

HR 501 (by Fallon), Commending Sara Bagheri for serving on the Denton City Council.

HR 502 (by Fallon), Commending Dalton Gregory for serving on the Denton City Council.

HR 503 (by Fallon), Commending Keely Briggs for serving on the Denton City Council.

HR 504 (by Fallon), Commending Chris Watts for serving on the Denton City Council.

HR 505 (by Fallon), Commending Charles Stafford for his service on the Denton Independent School District Board of Trustees.

HR 506 (by Fallon), Commending Barbara Burns for her service on the Denton Independent School District Board of Trustees.

HR 507 (by Fallon), Commending Doug Chadwick for his service on the Denton Independent School District Board of Trustees.

HR 508 (by Fallon), Commending Dr. Jim Alexander for his service on the Denton Independent School District Board of Trustees.

HR 509 (by Fallon), Commending Dr. Jeanetta Smith for her service on the Denton Independent School District Board of Trustees.

HR 510 (by Fallon), Commending Dorothy Martinez for her service on the Denton Independent School District Board of Trustees.

HR 511 (by Fallon), Commending Mia Price for her service on the Denton Independent School District Board of Trustees.

HR 512 (by Bell), Congratulating Constable David Hill of Montgomery County on his 50 years in law enforcement.

HR 513 (by Uresti), Commending Dr. Robert Jaklich of Victoria ISD on his selection as the 2017 Education Service Center Region 3 Superintendent of the Year.

HR 515 (by Lucio), Congratulating Reynaldo Montanaro Sr. on the occasion of his retirement from the Office of the Attorney General.

The resolutions were adopted.

The following resolutions were laid before the house:

HR 374 (by Burrows), In memory of Deputy Jason Fann of the Yoakum County Sheriff's Office.

HR 375 (by Phelan), In memory of Misty Lynn Evans of Beaumont.

HR 382 (by Collier), In memory of Rebecca Minneweather of Fort Worth.

HR 419 (by Price), In memory of Bill Sumerford of Amarillo.

HR 421 (by Price), In memory of Officer Justin Ryan Scherlen of the Amarillo Police Department and commemorating his posthumous receipt of a Star of Texas Award.

HR 437 (by Dean), In memory of Thomas Matthew Larry of Hallsville.

HR 438 (by Dean), In memory of William Brannon of Hallsville.

HR 439 (by Dean), In memory of Heath Abram Faucheux of Hallsville.

HR 440 (by Wray), In memory of Billy Eastman Ott of Waxahachie.

HR 446 (by Phelan), In memory of Cooper Wayne Ballinger of China, Texas.

HR 447 (by Price), In memory of Corporal Monty Dale Platt of the West Texas A&M University Police Department.

HR 471 (by Meyer), In memory of George Dawson of Dallas.

HR 481 (by Martinez), In memory of Dr. Celestino Avila of Donna.

HR 496 (by Bell), In memory of Glen Campbell.

HR 514 (by Paddie), In memory of Kenneth Ponder of Hallsville.

HR 516 (by Wu), In memory of Dan Nip of Houston.

HR 517 (by Dutton), In memory of John E. Codwell Jr.

The resolutions were unanimously adopted by a rising vote.

PROVIDING FOR ADJOURNMENT SINE DIE

At 6:51 p.m., Representative Huberty moved that, at the conclusion of the receiving of messages from the senate and the signing of bills and resolutions, the house stand adjourned sine die in memory of Ruben Bavboza and Sergeant Allen L. Stigler Jr. of Arlington.

The motion prevailed. (The following members gave notice of their objection to adjourn sine die: C. Anderson, Biedermann, Bohac, Cain, Flynn, Hefner, Krause, Lang, Leach, Paul, Rinaldi, Sanford, Schaefer, Schofield, Swanson, E. Thompson, Tinderholt, and Zedler.)

**STATEMENTS REGARDING
ADJOURNMENT SINE DIE**

I called for a record vote and requested strict enforcement on the motion to adjourn sine die. Our requests were ignored and the speaker gaveled the house to adjournment sine die. The people of Texas deserve better.

Cain

When the motion to adjourn sine die was made, several members, including myself, objected to the motion and called for a record vote. The speaker refused to recognize the objections and adjourned without a vote. I oppose adjourning sine die while there is still time to appoint a conference committee to pass meaningful property tax relief.

Rinaldi

I am proud to serve in the Texas House of Representatives, and I am always humbled by the devotion that my fellow house colleagues have on behalf of the State of Texas. Back home, my constituents expressed delight that their legislature would finally address school finance and the crushing burden of property taxes. Both of the issues are connected. A motion was made on the floor Tuesday evening, a day before the 30-day constitutional restraint, to adjourn sine die. By voice acclamation, it prevailed. If there was a record vote to sine die, I would have voted no on the motion because I did not know if the senate was or would continue the negotiations on such vital issues as meaningful property tax relief, school finance, or addressing the current crisis in providing therapy care for medically fragile infants in rural Texas. Each of these issues was addressed in the house.

White

(Geren in the chair)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 4 and Senate List No. 3).

(Hinojosa in the chair)

ADJOURNMENT SINE DIE

In accordance with a previous motion, Representative Hinojosa, at 9:47 a.m. Wednesday, August 16, pronounced the House of Representatives of the First Called Session of the Eighty-Fifth Legislature adjourned sine die.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 3**HB 215, HCR 34****House List No. 4****HB 7, HB 21, HB 30****Senate List No. 3****SB 11, SB 17****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

Tuesday, August 15, 2017 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 11 (21 Yeas, 10 Nays)**SB 17** (31 Yeas, 0 Nays)

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

ENROLLED

August 14 - HB 214

August 15 - HB 7, HB 21, HB 30, HB 215, HCR 34

SENT TO THE GOVERNOR

August 14 - HB 214

August 15 - HB 7, HB 30, HB 215, HCR 34

August 16 - HB 21

SIGNED BY THE GOVERNOR

August 15 - HB 13, HB 214, HCR 26

August 16 - HB 7, HB 21, HB 30, HB 215, HCR 34

