

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-THIRD DAY — WEDNESDAY, APRIL 19, 2017

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

The roll of the house was called and a quorum was announced present (Record 275).

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; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; 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; 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.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Hunter.

Absent — Dukes; Tinderholt.

The speaker recognized Representative Oliverson who introduced Stephen Bailiff, pastor, Second Baptist Church, Cypress, who offered the invocation.

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

LEAVE OF ABSENCE GRANTED

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

Hunter on motion of Geren.

(Burkett in the chair)

CAPITOL PHYSICIAN

The chair recognized Representative Schubert who presented Dr. Robert Stark of Brenham as the "Doctor for the Day."

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

MESSAGE FROM THE SENATE

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

RESOLUTIONS ADOPTED

Representative Lucio 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 1313 (by Goldman), Commemorating the 25th anniversary of the Susan G. Komen Greater Fort Worth Race for the Cure.

HR 1343 (by J. Johnson), Honoring 100 Black Men of America for its service to African American youth.

HR 1356 (by Simmons, Shaheen, Leach, and Holland), Welcoming students from the Prestonwood Christian Academy Upper School to the State Capitol.

HR 1386 (by Workman), Congratulating the Austin Waldorf School boys' basketball team on winning the 2017 Texas Association of Private and Parochial Schools Class 2A state championship.

The resolutions were adopted.

On motion of Representative Lucio, 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 1023 - PREVIOUSLY ADOPTED (by Gonzales)

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

HR 1023, In memory of Betty Wilhelm Horton of Austin.

INTRODUCTION OF GUESTS

The chair recognized Representative Gonzales who introduced family members and friends of Betty Wilhelm Horton.

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).

(Tinderholt now present)

**HR 1385 - ADOPTED
(by Darby)**

Representative Darby moved to suspend all necessary rules to take up and consider at this time **HR 1385**.

The motion prevailed.

The following resolution was laid before the house:

HR 1385, In memory of Jerry Kelley of Helotes.

HR 1385 was read and was unanimously adopted by a rising vote.

On motion of Representative Moody, the names of all the members of the house were added to **HR 1385** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Darby who introduced family members of Jerry Kelley.

(Speaker in the chair)

**HR 1088 - PREVIOUSLY ADOPTED
(by Y. Davis)**

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

HR 1088, Congratulating the Duncanville High School girls' basketball team on winning the 2017 UIL 6A state championship.

INTRODUCTION OF GUESTS

The speaker recognized Representative Y. Davis who introduced coaches and players of the Duncanville High School girls' basketball team.

**PROVIDING FOR A LOCAL, CONSENT,
AND RESOLUTIONS CALENDAR
RULES SUSPENDED**

Representative S. Thompson moved to suspend all necessary rules to set a local, consent, and resolutions calendar for 9 a.m. tomorrow.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative S. Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 11:20 a.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 11:20 a.m. today, 3W.9, for a formal meeting, to set a calendar.

EMERGENCY CALENDAR HOUSE BILLS THIRD READING

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

HB 1377 ON THIRD READING (by S. Davis)

HB 1377, A bill to be entitled An Act relating to the contents of and recordkeeping requirements relating to personal financial statements filed with the Texas Ethics Commission.

HB 1377 was passed by (Record 276): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hunter.

Absent — Dukes.

STATEMENT OF VOTE

When Record No. 276 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

HB 1378 ON THIRD READING
(by S. Davis and Button)

HB 1378, A bill to be entitled An Act relating to restrictions on political contributions and political expenditures by general-purpose political committees.

HB 1378 was passed by (Record 277): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hunter.

Absent — Dukes; Fallon.

STATEMENT OF VOTE

When Record No. 277 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

HB 1379 ON THIRD READING
(by S. Davis)

HB 1379, A bill to be entitled An Act relating to the reporting of political contributions and political expenditures by out-of-state political committees.

HB 1379 was passed by (Record 278): 137 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank;

Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Koop; Krause; Kuempel; Lambert; Landgraf; 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; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Cain; Lang; Rinaldi; Stickland; Swanson; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hunter.

Absent — Dukes; Hefner; Klick; Zedler.

STATEMENTS OF VOTE

When Record No. 278 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 278 was taken, I was in the house but away from my desk. I would have voted yes.

Hefner

When Record No. 278 was taken, I was in the house but away from my desk. I would have voted no.

Zedler

HB 1381 ON THIRD READING (by S. Davis)

HB 1381, A bill to be entitled An Act relating to the provision of notice by the Texas Ethics Commission.

(Hunter now present)

HB 1381 was passed by (Record 279): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; 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.

Present, not voting — Mr. Speaker(C).

Absent — Dukes.

STATEMENT OF VOTE

When Record No. 279 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

(Burkett in the chair)

HB 1384 ON THIRD READING

(by S. Davis)

HB 1384, A bill to be entitled An Act relating to contributions and expenditures made in connection with a campaign for speaker of the house of representatives.

HB 1384 was passed by (Record 280): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; 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.

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

Absent — Dukes.

STATEMENT OF VOTE

When Record No. 280 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

(Speaker in the chair)

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 2029 ON THIRD READING (by Lozano, S. Thompson, Villalba, et al.)

HB 2029, A bill to be entitled An Act relating to the exemption of certain commercial weighing or measuring devices from registration and inspection requirements.

HB 2029 was passed by (Record 281): 146 Yeas, 1 Nays, 2 Present, not voting.

Yeas — 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; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; 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; 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.

Nays — Nevárez.

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

Absent — Dukes.

STATEMENTS OF VOTE

When Record No. 281 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 281 was taken, I was shown voting no. I intended to vote yes.

Nevárez

HB 29 ON THIRD READING

(by S. Thompson, Huberty, Collier, Cook, Frullo, et al.)

HB 29, A bill to be entitled An Act relating to prostitution and the trafficking of persons, civil racketeering related to trafficking, the prosecution of and punishment for certain sexual offenses and offenses involving or related to trafficking, reimbursement of certain costs for criminal victims who are children, and the release and reporting of certain information relating to a child; increasing a criminal penalty; creating a criminal offense.

Amendment No. 1

Representative Schofield offered the following amendment to **HB 29**:

Amend **HB 29** on third reading, by striking added Section 140A.051(6), Civil Practice and Remedies Code, and substituting the following:

(6) "Racketeering violation" means any act or omission in violation of Section 20A.02(a)(3) or (4), Penal Code, and the offense or an element of the offense:

(A) occurs in more than one county in this state; or

(B) is facilitated by the use of United States mail, e-mail, telephone, facsimile, or a wireless communication from one county in this state to another.

Amendment No. 1 was adopted.

HB 29, as amended, was passed by (Record 282): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; 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.

Present, not voting — Mr. Speaker(C).

Absent — Dukes.

STATEMENT OF VOTE

When Record No. 282 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

HB 2964 ON THIRD READING (by Meyer and Button)

HB 2964, A bill to be entitled An Act relating to abandonment of shares of a mutual fund.

HB 2964 was passed by (Record 283): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; 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.

Present, not voting — Mr. Speaker(C).

Absent — Dukes.

STATEMENT OF VOTE

When Record No. 283 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

HB 1600 ON THIRD READING

(by S. Thompson, Price, Lucio, G. Bonnen, Wu, et al.)

HB 1600, A bill to be entitled An Act relating to certain mental health screenings under the Texas Health Steps program.

HB 1600 was passed by (Record 284): 119 Yeas, 29 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farrar; Flynn; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Koop; Kuempel; Lambert; Landgraf; Larson; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Sheffield; Shine; Simmons; Smithee; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zerwas.

Nays — Bell; Biedermann; Burrows; Cain; Cyrier; Dale; Dean; Fallon; Frank; Goldman; Isaac; Klick; Krause; Lang; Laubenberg; Leach; Murphy; Phillips; Rinaldi; Sanford; Schaefer; Schubert; Shaheen; Springer; Stickland; Swanson; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Dukes.

STATEMENTS OF VOTE

When Record No. 284 was taken, I was shown voting no. I intended to vote yes.

Dean

When Record No. 284 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 284 was taken, I was shown voting yes. I intended to vote no.

Hefner

When Record No. 284 was taken, I was shown voting yes. I intended to vote no.

Simmons

HB 2098 ON THIRD READING
(by Geren)

HB 2098, A bill to be entitled An Act relating to allowing the holder of a brewpub license to sell ale and malt liquor to certain wholesalers.

HB 2098 was passed by (Record 285): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; 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.

Present, not voting — Mr. Speaker(C).

Absent — Dukes.

STATEMENT OF VOTE

When Record No. 285 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

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

HB 100 ON SECOND READING
(by Paddie, S. Thompson, Nevárez, Kuempel, Morrison, et al.)

HB 100, A bill to be entitled An Act relating to the regulation of transportation network companies; requiring an occupational permit; authorizing a fee.

HB 100 - POINT OF ORDER

Representative Walle raised a point of order against further consideration of **HB 100** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Local and Consent Calendars:

Capriglione on motion of Hunter.

Clardy on motion of Hunter.

Frank on motion of Hunter.

Gonzales on motion of Hunter.

HB 100 - (consideration continued)

HB 100 - POINT OF ORDER DISPOSITION

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

Representative Walle raised a point of order against further consideration of **HB 100** under Rule 4, Section 32(c)(2), on the grounds that the bill analysis is misleading. Rule 4, Section 32(c) of the House Rules states that "each committee report on a bill . . . must include in summary or section-by-section form a detailed analysis of the subject matter of the bill." Representative Walle observes that the bill analysis for **HB 100** explains the bill's definitions of "digitally prearranged ride" and "transportation network company" but fails to explain the bill's new definition of the term "digital network," which the bill would add to the Occupations Code. He further argues that because "digital network" is already defined in the Insurance Code, the bill analysis's failure to explain the new and different definition that the bill would add in the Occupations Code is misleading and inadequate.

The mere fact that a bill analysis "does not state that the bill is defining this key term . . . is not a fatal flaw." See 83 H.J. Reg. 3005-3006 (2013) (Martinez Fischer point of order on **CSHB 3316**); see 83 H.J. Reg. 2815-2816 (2013) (Schaefer point of order on **HB 75**); see 83 H.J. 1st C.S. 1082-1083 (2013) (C. Turner point of order on **CSHB 16**). If, however, the bill analysis were to contain a definition of a term different from the bill's definition of the same term, that might give rise to a sustainable point of order. See, e.g., 83 H.J. Reg. 3005-3006 (2013) (Martinez Fischer point of order on **CSHB 3316**). In this instance, the bill analysis does not contain a contradictory explanation or use of the term "digital network" from the bill's definition of the same term. It simply does not explain that the bill is defining that key term. Further, the chair has not discovered, nor has anyone alleged, any example of the bill analysis using the term incorrectly. Having reviewed **HB 100** and the bill analysis, the chair finds that the bill analysis complies with Rule 4, Section 32(c)(2).

(Capriglione and Gonzales now present)

LEAVE OF ABSENCE GRANTED

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

Smithee on motion of Muñoz.

(Frank now present)

HB 100 - (consideration continued)**HB 100 - POINT OF ORDER**

Representative E. Rodriguez raised a point of order against further consideration of **HB 100** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

(Clardy now present)

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

HB 100 presents uniform requirements and operational standards for transportation network companies ("TNC") statewide. One of these requirements is that a TNC must adopt a policy that prohibits a driver from "refusing to provide service to a potential passenger with a service animal unless the driver has a medically documented condition that prevents the driver from transporting animals." Under Rule 4, Section 32(c) of the House Rules, each committee report on a bill must include in summary or section-by-section form a detailed analysis of the bill.

Representative E. Rodriguez argues that provisions for service animals are not included in the bill analysis, thus rendering it incomplete. However, on page 2 of the bill analysis, service animals are accounted for: "**HB 100** requires a transportation network company to adopt a policy of nondiscrimination . . . from refusing to provide service to a potential passenger with a service animal unless the driver has a medically documented condition that prevents the driver from transporting animals." Additionally, on page 3, the bill analysis states: "The bill requires . . . the driver to comply with the policy, and sets out further requirements and prohibited actions of a transportation network company regarding the accommodation of passengers with service animals and physical disabilities." Having reviewed the bill, the complete analysis, and house precedents, the chair determines that the bill analysis complies with Rule 4, Section 32(c).

Amendment No. 1

Representative Paddie offered the following amendment to **HB 100**:

Amend **HB 100** (house committee printing) as follows:

(1) On page 2, lines 26-27, strike "Subsection (b)" and substitute "Subsections (b) and (c)".

(2) On page 3, strike line 16 and substitute the following:

(c) The governing body of a governmental entity with jurisdiction over a cruise ship terminal may impose regulations, including a reasonable fee, on a transportation network company that provides digitally prearranged rides to or from the terminal.

(d) Regulations under Subsections (b) and (c) may not:

(3) On page 3, between lines 19 and 20, insert the following:

(e) This chapter does not affect the ability of a local authority, as defined by Section 541.002, Transportation Code, to:

(1) take an action described by Section 542.202, Transportation Code, or otherwise authorized by Subtitle C, Title 7, Transportation Code, that allows the local authority to adopt traffic rules in the jurisdiction of the authority if the rules are applied to transportation network company vehicles and drivers in the same manner as non-transportation network company vehicles and drivers; or

(2) enforce a provision of Subtitle C, Title 7, Transportation Code, or any other state law relating to the operation of traffic on public roads.

(4) On page 4, line 7, strike "of \$5,000".

(5) On page 4, line 8, between "chapter" and the underlined period, insert "in an amount determined by department rule to cover the costs of administering this chapter".

(6) On page 6, line 20, between "license" and the underlined semicolon, insert "issued by this state, another state, or the District of Columbia".

(7) On page 7, line 3, strike "registry database" and substitute "public website".

(8) On page 8, line 2, between "a" and "crime", insert "felony".

(9) On page 8, lines 7-8, strike "in the national sex offender registry database" and substitute "registered in the national sex offender public website".

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

(c) A transportation network company shall conduct or cause to be conducted an annual criminal background check described by Subsection (a)(2) for each driver authorized to access the company's digital network.

(11) Strike page 9, line 24, through page 10, line 3, and substitute the following:

(b) A vehicle used to provide digitally prearranged rides may be owned, leased, or rented by, or otherwise made available to, the driver.

(c) Section 547.607, Transportation Code, does not apply to a personal vehicle used to provide digitally prearranged rides.

(12) On page 10, lines 12-14, strike "unless the driver has a medically documented condition that prevents the driver from transporting animals".

(13) On page 11, lines 4-5, strike "independent contractor, and not an employee of the company" and substitute "independent contractor for all purposes, and not an employee of the company in any manner".

(14) On page 11, between lines 16 and 17, insert the following:

Sec. 2402.115. AGREEMENTS WITH LOCAL ENTITIES FOR LARGE EVENTS. Notwithstanding Section 2402.003, a municipality or other local entity may contract with a transportation network company operating in the

municipality's or entity's jurisdiction for the coordination of large events occurring in the municipality's or entity's jurisdiction. An agreement under this section:

(1) may not exclude a transportation network company holding a permit under this chapter from providing services at the event; and

(2) must have comparable terms for each company providing services at the event.

(15) At the end of page 13 add the following:

Sec. 2402.154. DATA SHARING WITH MUNICIPALITY. A municipality and a transportation network company may voluntarily enter into an agreement under which the company shares the company's data with the municipality.

(16) On page 14, lines 9-10, strike "that contradicts or is otherwise inconsistent with this Act".

(17) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. A transportation network company operating under a municipal ordinance in a municipality of this state immediately before the effective date of this Act may operate at any location in this state without the permit required under Section 2402.051, Occupations Code, as added by this Act, until the later of:

(1) the 30th day after the date rules adopted by the Texas Department of Licensing and Regulation to administer Section 2402.051 become effective; or

(2) the date the company's application for a permit under Section 2402.051 submitted to the department before the date described by Subdivision (1) of this section is approved or denied.

Amendment No. 1 was adopted by (Record 286): 118 Yeas, 25 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Holland; Huberty; Hunter; Isaac; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Nevárez; Oliverson; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, J.; Romero; Rose; Schubert; Shine; Simmons; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; Workman; Wray; Zerwas.

Nays — Biedermann; Burrows; Cain; Fallon; Hefner; Hinojosa; Howard; Israel; Krause; Lang; Ortega; Rinaldi; Rodriguez, E.; Sanford; Schaefer; Schofield; Shaheen; Stickland; Swanson; Tinderholt; Vo; White; Wilson; Wu; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Smithee.

Absent — Dukes; Longoria; Neave; Oliveira; Sheffield.

STATEMENTS OF VOTE

When Record No. 286 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 286 was taken, I was shown voting yes. I intended to vote no.

Leach

When Record No. 286 was taken, I was in the house but away from my desk. I would have voted yes.

Longoria

When Record No. 286 was taken, I was in the house but away from my desk. I would have voted yes.

Neave

Amendment No. 2

Representative Rinaldi offered the following amendment to **HB 100**:

Amend **HB 100** (house committee printing) as follows:

(1) In SECTION 1 of the bill (page 1, line 17), strike "personal" and substitute "passenger".

(2) In SECTION 1 of the bill (page 1, line 19), strike "Personal" and substitute "Passenger".

(3) In SECTION 1 of the bill (page 1, line 19), strike "that:" and substitute "designed to carry not more than eight persons, including the driver.".

(4) In SECTION 1 of the bill, on page 1, strike lines 20-24.

(5) In SECTION 1 of the bill, on page 2, strike line 1.

(6) In SECTION 1 of the bill (page 9, line 26), strike "not".

Representative Paddie moved to table Amendment No. 2.

(Kacal in the chair)

The motion to table prevailed by (Record 287): 85 Yeas, 58 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson, C.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Button; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Dale; Darby; Davis, S.; Dean; Dutton; Faircloth; Farrar;

Flynn; Frullo; Geren; Giddings; Goldman; Gonzales; Gooden; Gutierrez; Herrero; Hinojosa; Holland; Howard; Isaac; Israel; Johnson, J.; King, K.; King, P.; Koop; Kuempel; Lambert; Larson; Longoria; Lozano; Martinez; Metcalf; Miller; Moody; Morrison; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Price; Raney; Reynolds; Roberts; Rodriguez, J.; Romero; Sheffield; Shine; Simmons; Springer; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; VanDeaver; Vo; Workman; Wray; Zerwas.

Nays — Alvarado; Anchia; Anderson, R.; Bell; Biedermann; Bohac; Burkett; Burns; Burrows; Cain; Canales; Craddick; Cyrier; Davis, Y.; Deshotel; Elkins; Fallon; Frank; Gervin-Hawkins; González; Guerra; Guillen; Hefner; Hernandez; Johnson, E.; Keough; King, T.; Krause; Landgraf; Lang; Laubenberg; Leach; Lucio; Meyer; Minjarez; Muñoz; Murr; Pickett; Raymond; Rinaldi; Rodriguez, E.; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Stephenson; Stickland; Swanson; Tinderholt; Uresti; Villalba; Walle; White; Wilson; Wu; Zedler.

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

Absent, Excused — Smithee.

Absent — Dukes; Huberty; Hunter; Klick.

STATEMENTS OF VOTE

When Record No. 287 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 287 was taken, I was shown voting yes. I intended to vote no.

Goldman

When Record No. 287 was taken, I was temporarily out of the house chamber. I would have voted no.

Huberty

When Record No. 287 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

Amendment No. 3

Representative Stickland offered the following amendment to **HB 100**:

Amend **HB 100** (house committee printing) as follows:

- (1) Strike page 1, lines 10-11, and renumber subsequent subdivisions of added Section 2402.001, Occupations Code, accordingly.
- (2) Strike page 3, line 16, through page 14, line 5.

Representative Paddie moved to table Amendment No. 3.

The motion to table prevailed by (Record 288): 111 Yeas, 23 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; Gooden; Guerra; Gutierrez; Hernandez; Herrero; Holland; Howard; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Keough; King, K.; King, P.; Koop; Kuempel; Lambert; Landgraf; Larson; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Shine; Simmons; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Uresti; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Burrows; Cain; Collier; Deshotel; Elkins; Guillen; Hefner; King, T.; Klick; Krause; Lang; Leach; Rinaldi; Sanford; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; White; Wilson; Zedler.

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

Absent, Excused — Smithee.

Absent — Coleman; Dukes; Fallon; Giddings; González; Hinojosa; Huberty; Laubenberg; Moody; Oliveira; Reynolds; Schofield; Turner.

STATEMENTS OF VOTE

When Record No. 288 was taken, I was shown voting yes. I intended to vote no.

Burns

When Record No. 288 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 288 was taken, I was in the house but away from my desk. I would have voted yes.

Hinojosa

When Record No. 288 was taken, I was temporarily out of the house chamber. I would have voted no.

Huberty

When Record No. 288 was taken, I was in the house but away from my desk. I would have voted yes.

Moody

Amendment No. 4

Representative Minjarez offered the following amendment to **HB 100**:

Amend **HB 100** (house committee printing) on page 3, line 14, between "fee" and the underlined comma, by inserting "and regulations to control traffic flow at the airport".

Representative Paddie moved to table Amendment No. 4.

The motion to table prevailed.

Amendment No. 5

Representative Y. Davis offered the following amendment to **HB 100**:

Amend **HB 100** (house committee printing) on page 3, between lines 19 and 20, by inserting the following appropriately lettered subsection to added Section 2402.003, Occupations Code:

() Notwithstanding Subsection (a), a municipality may require each driver that is authorized to access a transportation network company's digital network to submit to a fingerprint-based background check.

AMENDMENT NO. 5 - REMARKS

REPRESENTATIVE ISRAEL: Representative Davis, could you tell us, does Dallas currently have an agreement that allows for TNCs to operate within Dallas?

REPRESENTATIVE Y. DAVIS: They do have an agreement.

ISRAEL: And what is their agreement like relative to security and fingerprint background checks?

Y. DAVIS: I think they have—I guess the most important thing for the City of Dallas is that they're going to lose their ability to get the monies that they have in their agreement so they can protect citizens as well as provide the revenue to protect our roads and streets from the wear and tear. You know, two years ago when this bill came up, we talked about the need to protect the citizens of the State of Texas. That need has not changed. There have been incidents after incidents with Uber and other of these kinds of systems, and we're just trying to put some safeguards in place. It's not trying to kill the bill; it's not trying to prevent them from doing business. It's trying to make sure that we are cautious and provide every level of support for security for the citizens of this state and the communities that we represent. My cities would like to be able to make sure that they structure a program that will protect the citizens that they are responsible to respond.

ISRAEL: So if we implement this piece of legislation as is, cities will not have the ability to put in their own safety requirements and considerations. They will have to adhere to what the Department of Licensing and Regulation does as relative to **HB 100**?

Y. DAVIS: Based on the way I read the bill, the cities will not have any authority to do anything on behalf of the citizens that they are responsible to.

ISRAEL: Have there been incidents of drivers who have not had fingerprint background checks who have been found to have been bad actors?

Y. DAVIS: That's right. And we require this of our taxi drivers, and we shouldn't take chances with any life. One incident is too many incidents, and so this is just a safeguard that says, cities, we want to make sure that we don't prevent you from protecting the citizens that you represent. You know, the state has that responsibility, I think. I think the state ought to step up and say, we vetted every avenue to make sure that when citizens get in these vehicles they're with a driver that they can trust. And to the extent that we're not doing it, we should not prevent our cities from doing it, and that's what this amendment does.

REPRESENTATIVE E. RODRIGUEZ: Representative Davis, I really appreciate this amendment. I think that a lot of us talk about local control and letting our local communities decide what's best for their citizens. Your amendment is the epitome of that, I believe, and I thank you for bringing that to us. Are you familiar with Houston Mayor Turner's statement that 50 percent of people applying to be Uber drivers in Houston have some form of criminal record?

Y. DAVIS: Yes, sir.

E. RODRIGUEZ: So in Houston they have an agreement in place that they do fingerprinting. They do that at the local level. What I think the mayor is referring to is some people that are trying to become Uber drivers, when they do the fingerprinting, it turns out that some of them probably shouldn't be Uber drivers.

Y. DAVIS: Shouldn't be, that's correct.

E. RODRIGUEZ: So would you agree with me that if we disallow fingerprinting at the local level or let the locals decide about fingerprinting and public safety, that you might have some drivers that shouldn't be driving, then driving for Uber but for the fingerprinting?

Y. DAVIS: That's correct. And Representative, the problem with all of this is we're negating our responsibility to provide a secure environment for these riders. The drivers that are being fingerprinted—we're not trying to keep good drivers out. We're trying to make sure that we, when women and children—and now there was a commercial recently where they indicated they were going to go after teenagers, and try to help with the soccer moms driving their kids around. And I will tell you, the person who did the commercial said, "I'm a driver for Uber, but I won't let them drive my kids." Now, I will tell you that speaks highly to the fact that we need to make sure we are protecting citizens of this state and at least allow the cities to protect their citizens so that we don't have people getting in a car with folks they shouldn't be getting in a car with.

E. RODRIGUEZ: I think you'll agree with me, being a driver, driving folks around, it's not just a way to make extra money. I applaud all of that stuff and the ability to make a little extra with what you have, but it's a serious responsibility that you're carrying on as well as a driver. And I think for public safety purposes,

we should make sure that everyone who's driving for Uber or Lyft or any of them are fingerprinted, that we know to the best of our ability that they're qualified to drive and that they're going to be good drivers and safe drivers.

Y. DAVIS: That's correct, and that's all this amendment does is try to put some sensibility around this policy that's going to allow anybody to drive our family members and visitors around, that we've secured them enough to know that they're not going to be harmed. One incident is too much. We've all heard the horror stories over the years. We're just saying, why wouldn't we take every step possible so that we can prevent these kind of issues from coming up? So that's what this amendment is.

REPRESENTATIVE HINOJOSA: Representative Davis, are you aware of what law enforcement in this state's opinion of what fingerprinting is when it comes to drivers for ride-hailing companies?

Y. DAVIS: I'm sorry, I didn't hear your question.

HINOJOSA: Are you aware of what Texas law enforcement officials believe when it comes to fingerprinting, which is what you're trying to allow municipalities to require, what law enforcement in this state says with regard to fingerprinting?

Y. DAVIS: Yes, we've had much testimony with regard to fingerprinting and how do you make sure what's the most secure way to determine whether or not someone should be driving or not. Everyone who's come before us said that it ought to be a fingerprint background to be as thorough as possible. There's never been a question of whether or not that would be the best. They've all testified over and over again that we ought to make sure to get the best we can. That would be through a fingerprint background check.

HINOJOSA: Thank you, Representative Davis, and I have a quote here that just backs up exactly what you're saying, from Texas Department of Public Safety Assistant Director Mike Lesko, who said, "When you're doing a background check, the very most important thing is to have proper identification so you know who you're actually talking about and whose criminal history that you're looking at. That can only be achieved through fingerprint checks." Representative Davis, I really appreciate you putting forward this amendment and doing what we can to look out for the public safety interest of Texans.

Y. DAVIS: Again, members, I offer this amendment as at least a way to allow the cities—if we're going to, as a state, dismantle what cities have put in place that they deem appropriate for their local communities, it makes no sense for us to take away their ability to make sure their citizens are safe. And so that's what this amendment does is gives them back the authority to provide background checks if they deem necessary so that they can protect their citizens.

REPRESENTATIVE MARTINEZ: Representative Paddie, we've heard a lot about fingerprinting. Are all the TNC drivers in Austin and Houston fingerprinted? Do we know?

REPRESENTATIVE PADDIE: Well, let's talk about those examples, specifically. In Houston, and I referenced it a little bit earlier, when you apply for a license in Houston, you're given a 30-day provisional license in which you've not submitted a fingerprint background, but by day 31, under their current ordinance, you would have to do that. And so I would question this notion of if it's truly about safety. What happens on day 31 as opposed to those previous 30 days where you didn't require that? And I would point to a really recent example, members, where we had a great Super Bowl in Houston, and by every report I've seen, extremely successful. There was an agreement worked out at that time, temporarily, to make sure there was enough supply there. Some 4,000 drivers were brought in and given provisional licenses and not required, of course, because of that, to have fingerprint backgrounds, and we had a very successful Super Bowl. And it was admitted in part of the hearing when I asked a representative from Houston if they're aware of any incidents that were reported either to the city—other representatives were asked that question as well—and they said there was zero. And so again, I think the most important point here, Mr. Martinez, is that as of this morning, Florida passed a statewide bill, and they became the 41st state in this country to pass a framework like this, and not a single one of them required fingerprinting.

And the question was asked, I don't think we ever really got to the answer, so let me answer the question of Dallas. Because Ms. Israel raised a good question as to what does Dallas do, which obviously would be something that Ms. Davis would care about—that's who she represents. The City of Dallas testified that they studied this issue completely, not only for TNCs but for all vehicles for hire, including taxis and limos, and they came to the determination as a city in their ordinance to not require fingerprint backgrounds, including taxis. And so no one, none of those types of transportation options are required to have fingerprints in Dallas where Ms. Davis represents.

MARTINEZ: Representative Paddie, I don't know if you remember or you recall when that deputy from Williamson County came in and testified, what exactly did he tell us about the difference between a background check and a fingerprint? Do you recall?

PADDIE: Well, I can't remember everything he says, but you know, I will tell you that part of this argument, I believe, is based on a false assumption that somehow fingerprints are so much better and that if we do that, it's going to prevent bad things from happening. Obviously, we can't.

MARTINEZ: But wouldn't you be able—the only way a fingerprint is effective is if that individual has already been charged with a crime. Am I correct?

PADDIE: Correct, and I might add, too, Mr. Martinez, that the FBI database is incomplete and inaccurate. That's been proven on a number of occasions. And so it is not the savior when it comes to ensuring safety out there. And it was mentioned, too, about law enforcement. You know, I would ask members to think about the fact if DPS pulls you over for speeding for coming down to Austin, and when they walk up there—it's never happened to me and I don't think any of you. I don't think you've ever been fingerprinted to confirm you were in fact who

you were, who you say you are, and that you don't have some outstanding warrant or whatever the case may be. It's a name-based check that gets run on you right there on the side of the road.

MARTINEZ: Do we have any idea how many state contracts are out there for companies that do fingerprinting?

PADDIE: I'm only aware of one.

MARTINEZ: There's only one company right now that is contracted under the State of Texas to do fingerprinting, correct?

PADDIE: That's my understanding.

MARTINEZ: So if you do a background check, that pretty much gives you a list of everything that individual has done, including moving violations, as opposed to a fingerprint, which now you're only basing it off of criminal charges.

PADDIE: It's very extensive, and you have the benefit of sitting through a hearing two sessions in a row and heard, very specifically, how extensive and how good these background checks are. I certainly appreciate some others' perspective in that they have this opinion that fingerprints are so much better, but I would say that the data doesn't support that.

REPRESENTATIVE FARRAR: Representative Paddie, I actually had some experience with this. The City of Houston requires, in order to drive a cab, you have to have had a clean record and fingerprints and a clean record for 10 years on DWIs and drug offenses. But we had a situation in my neighborhood where there was a cab driver who was repeatedly driving drunk home and wrecking into neighbors' cars. I called to complain. There was no response for this person. Anyway, I looked him up, and he did have drug and DWI convictions, but they were beyond the 10 years. He was fingerprinted, but he was somehow deemed to be okay because they had his fingerprint. So this idea of fingerprinting, to me, is a false sense of security in these situations. I don't think it is an end-all be-all.

PADDIE: Right, I would agree, Ms. Farrar. In fact, again, we absolutely as a body want nothing more than to make sure bad things don't happen. And we've heard about some unfortunate situations involving all sorts of different industries. My goodness, we have 150 teachers in this state that are currently under investigation for improper relationships with children. All of those teachers were fingerprinted. So because you're fingerprinted doesn't somehow magically ensure that someone is not going to make a bad decision at some point and do something wrong. So I do agree with you that there seems to be this false sense of security in the fact that we did fingerprints as opposed to these background checks that I believe are more extensive and better serve the purpose.

E. RODRIGUEZ: Representative Paddie, so would you say then, just based on your last statement about the fingerprinting, would you say that Uber's background check through Sabre or whatever—so that's foolproof? Nobody that ever goes through that and passes that background check is ever going to commit some kind of crime or anything like that as a driver?

PADDIE: I would not say that at all. I would say that there is no foolproof way to anticipate that a year from now someone is going to make some bad decision or, you know, whatever the case may be.

E. RODRIGUEZ: Well, the real question I think then is, is it possible for someone to pass an Uber or Sabre background check and they miss something? Is that possible?

PADDIE: Mr. Rodriguez, I suppose anything is possible. As far as being able to specifically confirm particular incidents or types of offenses or anything like that, I would not be qualified.

E. RODRIGUEZ: Is the reason why you don't have any factual information on that is because Uber will not release important information to the public? They won't release it to cities. They won't release it to the state, either. Could you get it right now if you asked Uber to give you information on how many people applied to be Uber drivers but they caught via the background check before they could drive? Or how many people were able to drive and then later it was found out that they shouldn't have passed that background check or something like that? Are you able to give me any of that information?

PADDIE: Mr. Rodriguez, I don't work for Uber or any other TNC company, and so I wouldn't be advised.

E. RODRIGUEZ: Well, I would suggest to you that if you ask that question of them, they will just refuse to give you that information. So there is no way for any of us in this body to really know about their system, what system that they're using. I appreciate what you're saying about fingerprinting; I know it's not a perfect system. I think doubling up—if you have a background check via however Uber does it or any other company and also having fingerprinting like Representative Davis' amendment would do—now you're really talking about a safety net to make sure that folks are safe that are being driven by these drivers.

REPRESENTATIVE LARSON: Representative Paddie, based on the conversation you had for about the last 20 minutes about fingerprinting, is there anything in this bill that prohibits the local government entity from negotiating or having to enter a local agreement with the TNC dealing with fingerprinting?

PADDIE: No, Mr. Larson. I'm glad you brought that up for the purposes of legislative intent here, because I want it to be very clear that there is nothing in this bill that prevents a TNC company from going to a city and working out a deal. By way of example, let's say there is a TNC company that they believe there is a niche out there, that there is a market for those who want fingerprinted drivers. So they can, in fact, go to the City of San Antonio—and I understand from testimony delivered by San Antonio, in fact, in the hearing, that they would be willing to do this—that company can come and say, "Hey, I would like to market myself as the fingerprinting TNC."

LARSON: In following on with that, is there anything in this bill that would prohibit a TNC to set up a process where they could voluntarily share information that the driver has been fingerprinted?

PADDIE: No, there's nothing. Again, if that company wanted to market themselves in that way, they could go to the city. If the city was willing, they could do that. There is nothing in this bill that prevents that from happening. So if there are companies that wish to differentiate themselves based on the fact that they fingerprint their drivers, they're not required to do that, but they could certainly go to a city and that could be an option.

Representative Paddie moved to table Amendment No. 5.

E. RODRIGUEZ: Representative Davis, did you know Massachusetts recently reviewed state records and found that more than 8,200 of nearly 71,000 drivers who had already been cleared by background checks by ride-hailing companies, they found almost over 8,200 that would have failed, I guess, a fingerprint?

Y. DAVIS: So basically, they slipped through.

E. RODRIGUEZ: They slipped through.

Y DAVIS: But with the fingerprints, you were able to stop 8,200 drivers that should not be driving our citizens.

E. RODRIGUEZ: That's exactly right.

The motion to table prevailed by (Record 289): 101 Yeas, 40 Nays, 2 Present, not voting.

Yeas — Alonzo; Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospier; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Dutton; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guerra; Hefner; Herrero; Holland; Huberty; Hunter; Isaac; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Nevárez; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Rinaldi; Roberts; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alvarado; Anchia; Arévalo; Bernal; Blanco; Canales; Coleman; Collier; Cortez; Davis, Y.; Farrar; Gervin-Hawkins; Giddings; González; Gutierrez; Hernandez; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Martinez; Minjarez; Moody; Muñoz; Neave; Oliveira; Ortega; Perez; Raymond; Rodriguez, E.; Rodriguez, J.; Rose; Thompson, S.; Turner; Uresti; Walle; Wu.

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

Absent, Excused — Smithee.

Absent — Burkett; Deshotel; Dukes; Guillen; Reynolds; Vo.

STATEMENTS OF VOTE

When Record No. 289 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

When Record No. 289 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 289 was taken, my vote failed to register. I would have voted no.

Guillen

When Record No. 289 was taken, I was shown voting yes. I intended to vote no.

Herrero

Amendment No. 6

Representative Minjarez offered the following amendment to **HB 100**:

Amend **HB 100** (house committee printing) as follows:

(1) On page 5, line 8, after the underlined semicolon, strike "and".

(2) On page 5, line 10, between "vehicle" and the underlined period insert: ; and

(3) if the driver has participated in a voluntary background check program provided by a municipality, a statement to that effect

AMENDMENT NO. 6 - REMARKS

REPRESENTATIVE J. RODRIGUEZ: I just wanted to clarify. I know there's been a lot of discussion this morning already about fingerprinting, so I just want to clarify with you what this amendment does. So I understand, you mentioned our city, San Antonio. If they participate in a voluntary fingerprinting program, this will essentially allow that process to continue. And I think, in practice, basically, if I were to—or our spouse or our kids—were to call an Uber or Lyft, basically, it would show on the driver's, I guess, or whoever responds, whether or not they participate in that voluntary fingerprinting program. Is that correct?

REPRESENTATIVE MINJAREZ: You're correct, Representative. I think what it does is that it definitely gives the consumer a choice, and I think in regard to this bill, we also need to consider the consumers and making sure they have peace of mind at the end of the day. So it gives them a choice whether they want a driver that's fingerprinted or not.

J. RODRIGUEZ: Great, and I know there's been a lot of discussion already about the pros and cons of the safety of fingerprinting versus name-based searches. I'm not going to go over that again, but essentially, you know that even DPS has gone on record and basically said the name-based search can be confusing—you can come up with multiple names—but a fingerprint-based search is the most accurate way to ensure public safety. Is that your understanding as well?

MINJAREZ: It is. You know, your fingerprints are unique to you. No one else has your same fingerprint. So I think, at the end of the day, this is something that is needed. Again, it's optional. My amendment is not mandating anything; it is optional. It's been working in San Antonio, and I think it is a win-win for both the TNCs and for the consumers.

J. RODRIGUEZ: Right, and you make a good point. I know you've worked on this previously. You and I have had discussions about this, worked with our local municipality—in fact, I think we're both coauthors on this bill—but what you're simply doing does not change the substance of the bill. You're essentially giving folks the option to have a voluntary fingerprinting program and to comply at the local level, correct?

MINJAREZ: That's correct.

REPRESENTATIVE ISRAEL: Representative Minjarez, I wanted to ask you a question about women as it relates to this new technology and relatively new industry called TNCs. I think women are especially vulnerable and would like to have the added security of being able to choose a driver who has gone through a more extensive fingerprint background check. Would you agree with me on that?

MINJAREZ: I completely agree with you on that.

ISRAEL: Because I think women might feel more fragile and a little bit more tentative, TNCs do offer them a little bit more of added security. And I think your amendment gives those companies out there who are doing something already to promote themselves as providing that extra layer of security some added support and reassurance to especially a female or a vulnerable or a disabled passenger.

MINJAREZ: You're correct, and this is not something new. This has been in practice in my city of San Antonio. Again, it has been working beautifully, and I just want to provide this option to have for the consumer.

REPRESENTATIVE URESTI: Mr. Paddie, Ms. Minjarez's amendment will only direct San Antonio, Texas. Now, they presently have the choice of whether or not they want to be fingerprinted. So in a business perspective, wouldn't this be a plus for those that have this business to be able to say, "Look, I'm an Uber driver, and I am going to go ahead and present to you that I have been fingerprinted"? So this would be a major plus. Since we already practice this in San Antonio now, why would you want to take this away from our city? I mean, this is our city we're talking about. We're not changing anything else on your bill. And again, I'll be supporting your bill, but this amendment is for our city.

REPRESENTATIVE PADDIE: No, this would include all cities. This would not be San Antonio only.

URESTI: Well, but it's an option. We practice it, and it works great. It's not mandatory.

PADDIE: Well, and to your point, Mr. Uresti, on the business, again, I want to make clear there's nothing in here that if there is a business that feels that there is a market for this, there is nothing in this bill that prevents them from doing that. In San Antonio, the testimony in committee was, of the thousands or however

many thousands of drivers, less than or right around 500 have elected to do the optional fingerprinting. I followed up that question with a representative from San Antonio to say, well, have you received input from your constituents or grave concern or complaints that "Hey, I want a fingerprinted driver, and I've been unable to get one because the supply is not there"? Again, we're talking about 500 or less, the answer was no. And so my personal opinion—and of course, I'll leave it up to the market—but my personal opinion is the evidence shows me that the demand is not there. I can assure you—you're a businessman; I'm a businessman—if there is a market for it, business will pursue that market. And they will be coming to San Antonio, in your case, and saying, I would like to be fingerprinted so I can market myself as such.

URESTI: In San Antonio right now, they are asking for us to do as Ms. Minjarez is pushing forward. So why would we want to stop that?

PADDIE: Again, there is nothing in here that would prevent a company from doing exactly what is being done right now in San Antonio if they want to go to the city and choose that option. What I am not going to do in this bill is force them to do that. I choose to let the market decide that, and then they can go to the city and work out their deal.

URESTI: But Ms. Minjarez's bill would not affect yours, that's what I'm trying to say. So there's no reason to try and kill her bill—her amendment, I apologize.

PADDIE: I would have to disagree and ask for clarification on how you think this doesn't affect the bill.

URESTI: Because it's an option, as Ms. Minjarez stated earlier.

PADDIE: No, it says it would require you to have an optional fingerprinting program.

URESTI: An optional.

PADDIE: It would require it, though. I understand that it would then be optional, but it would require there to be an optional one. And as far as it being on the app and that type of thing, again, if a business chose to pursue this market, you can bet they're going to market it. And when you open up that app, I would guarantee you, it's going to offer that option on there—or it's going to have a big old stamp of whatever that says "we fingerprint our drivers"—because they've chosen to pursue a perceived market that I don't think exists. But if they want to do that, I want them to have that option to do that, and this bill doesn't prevent it.

REPRESENTATIVE Y. DAVIS: Let me just ask you a question, because I understand that Representative Minjarez's amendment is very similar to mine in that it allows cities to do something if they want to. It didn't mandate it. The amendment I had before you did not mandate it, and you kept saying that there is nothing in this bill that prohibits cities from doing something. I'd like for you to explain to me why you think the cities can do something under this bill, because you clearly state that they can't.

PADDIE: Ms. Davis, as it relates to the optional fingerprint and speaking on the amendment itself, the cities cannot mandate fingerprinting, which is what you would prefer. Or you would prefer that we—

Y. DAVIS: I would prefer that the state be responsible and provide background fingerprints so the citizens in this state, all over the state, would be safe. But then, if you're not going to do it, so that I'll be clear, my question was whether or not you were saying earlier that this bill didn't prohibit cities from doing something, and in fact, it does.

PADDIE: Well, what I was referring to is the situation that I described a moment ago. Let's say you own a TNC company, and you believe there is a market for marketing yourself as "all of our drivers are fingerprinted." You could go to the City of Dallas as a business and say, I would like to do this. The cities would go through that process, you now market yourselves—

Y. DAVIS: In your bill on page 3, does it not say that TNCs "may not be regulated by a municipality or other local entity"? Is that not in your bill on page 3, which prohibits cities from doing anything?

PADDIE: Well, first of all, Ms. Davis, the cities in that situation would not be regulated. They offer a service, because right now, you can't decide to just go do fingerprinting. You have to go through a government entity.

Y. DAVIS: No, the question was, you said that this bill did not keep cities from doing anything. And it says on page 3, line 3, numbers (1) and (2), it "is an exclusive power and function of this state" and TNCs "may not be regulated by a municipality." So you are misrepresenting what this bill does, is that not true?

PADDIE: Well, with all due respect, Ms. Davis, I do not believe I am misrepresenting anything.

Y. DAVIS: You didn't say that?

PADDIE: If they go to the city and work out an agreement—

Y. DAVIS: No, my question is this—let me ask my question.

PADDIE: Ms. Davis, I'll be happy to answer your question if you allow me—

Y. DAVIS: Okay, well, let me clarify my question, because you're talking about something I didn't ask you. The question here was, based on your conversation, didn't I hear you say that cities have the ability to do what her amendment says and what my amendment says? That there was nothing in this bill that would prohibit cities from having or putting in place their own policies—didn't you say that?

PADDIE: Ms. Davis, you referenced a very key word in what you just described: regulate. If I am a TNC company and I go to the city and I work out an agreement for them to provide this service of allowing me to be fingerprinted, my company employees to be fingerprinted, that is not regulation. The city has no regulation or enforcement that comes along with that mutually agreed upon

situation where they said, "Hey, we would like our drivers fingerprinted. City of Dallas, would you be willing to do that?" City of Dallas says, "yes"—that's not regulation.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of personal business:

Keough on motion of Faircloth.

HB 100 - (consideration continued)

Representative Paddie moved to table Amendment No. 6.

(Speaker in the chair)

Y. DAVIS: Representative Minjarez, based on the legislation, do you believe without your amendment your city would not be able to provide any kind of regulations or requirements?

MINJAREZ: I do, Representative Davis.

Y. DAVIS: So without your amendment, you're taking all of the city's authority or ability to do any regulations. Is that your understanding of this bill?

MINJAREZ: Yes, it is my understanding.

The motion to table prevailed.

(Smithee now present)

Amendment No. 7

Representative Burrows offered the following amendment to **HB 100**:

Amend **HB 100** (house committee printing) as follows:

(1) On page 5, strike lines 11-14 and substitute the following:

Sec. 2402.105. ELECTRONIC RECEIPT. Within a reasonable time following the completion of a

(2) On page 8, strike lines 14-17.

(3) Renumber subsequent sections of added Chapter 2402, Occupations Code, and cross-references to those sections accordingly.

Amendment No. 7 was adopted.

Amendment No. 8

Representative Hinojosa offered the following amendment to **HB 100**:

Amend **HB 100** (house committee printing) on page 10, line 9, between "sex," and "disability," by inserting "sexual orientation, gender identity or expression,".

REMARKS ORDERED PRINTED

Representative Hinojosa moved to print all remarks on Amendment No. 6.

The motion prevailed.

(Dukes now present)

Representative Paddie moved to table Amendment No. 8.

(Kuempel in the chair)

The motion to table prevailed by (Record 290): 92 Yeas, 51 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Cook; Cosper; Craddick; Cyrier; Dale; Darby; Dean; Elkins; Faircloth; Fallon; Flynn; Geren; Goldman; Gooden; Gutierrez; Hefner; Holland; Huberty; Hunter; Isaac; Johnson, J.; Kacal; King, K.; King, P.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Nevárez; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Arévalo; Bernal; Blanco; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Frullo; Gervin-Hawkins; Giddings; González; Guerra; Guillen; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; King, T.; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

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

Absent, Excused — Keough.

Absent — Anchia; Frank; Gonzales; Villalba.

STATEMENTS OF VOTE

When Record No. 290 was taken, my vote failed to register. I would have voted no.

Anchia

When Record No. 290 was taken, I was shown voting yes. I intended to vote no.

Canales

When Record No. 290 was taken, I was shown voting no. I intended to vote yes.

Frullo

When Record No. 290 was taken, I was in the house but away from my desk. I would have voted yes.

Gonzales

When Record No. 290 was taken, I was shown voting yes. I intended to vote no.

Gutierrez

When Record No. 290 was taken, I was excused because of personal business. I would have voted yes.

Keough

When Record No. 290 was taken, I was shown voting yes. I intended to vote no.

Nevárez

Amendment No. 9

Representative Simmons offered the following amendment to **HB 100**:

Amend **HB 100** by adding the following appropriately numbered item to the amendment and renumbering subsequent items accordingly:

() On page 11, between lines 1 and 2, insert the following and renumber subsequent sections of added Chapter 2402, Occupations Code, accordingly:

Sec. 2402.114. ACCESSIBILITY PILOT PROGRAM. (a) Each transportation network company shall conduct, for a period of two years beginning not later than the 90th day after the date the company is issued a permit under Section 2402.051, an accessibility pilot program in one of the four largest markets in which the company operates in this state to:

(1) offer their services to disabled persons, including disabled persons using a fixed-frame wheelchair; and

(2) ensure that, if necessary, referrals to alternate providers of wheelchair-accessible service are made in a manner that does not unreasonably delay the provision of service.

(a-1) Notwithstanding Subsection (a), a transportation network company that is issued a permit under Section 2402.051 on or before January 1, 2018, shall begin the pilot program under Subsection (a) not later than that date. This subsection expires January 1, 2020.

(b) Not later than the 100th day after the date a transportation network company begins a pilot program under Subsection (a), the company shall submit to the department a report demonstrating the company's compliance with Subsection (a).

(c) A transportation network company shall provide a report on the findings of the company's pilot program to each legislative standing committee with primary jurisdiction over transportation not later than the 75th day after the date the program ends. At a minimum, the report must include information regarding:

(1) the number of vehicles equipped to accommodate a passenger with a fixed-frame wheelchair that were available through the company's digital network in the market in which the pilot program was conducted at the time the program ended;

(2) the average time elapsed between the time a fixed-frame wheelchair-bound passenger requested a ride and the time the ride began;

(3) the number of rides provided to fixed-frame wheelchair-bound passengers during the duration of the program; and

(4) the number of instances in which the company referred a fixed-frame wheelchair-bound passenger to another provider because the passenger could not be accommodated by the company.

(d) The department:

(1) shall:

(A) by rule establish requirements for a report under Subsection (b); and

(B) provide the transportation network company with notice of those requirements at the time the department issues the company's permit; and

(2) may revoke the company's permit for failure to timely submit a report required under this section.

Amendment No. 9 was adopted by (Record 291): 102 Yeas, 28 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Clardy; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Elkins; Fairecloth; Fallon; Farrar; Flynn; Frank; Geren; Giddings; Gonzales; González; Gooden; Guerra; Gutierrez; Herrero; Holland; Huberty; Hunter; Isaac; Johnson, E.; Johnson, J.; Kacal; King, P.; King, T.; Koop; Krause; Lambert; Landgraf; Larson; Leach; Lozano; Metcalf; Meyer; Miller; Morrison; Muñoz; Murphy; Murr; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Roberts; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schubert; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Workman; Wray; Wu; Zerwas.

Nays — Anchia; Arévalo; Bernal; Biedermann; Blanco; Dukes; Gervin-Hawkins; Hefner; Howard; Israel; Klick; Lang; Martinez; Minjarez; Moody; Neave; Reynolds; Rinaldi; Schaefer; Schofield; Shaheen; Stickland; Swanson; Tinderholt; Vo; Walle; White; Zedler.

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

Absent, Excused — Keough.

Absent — Cain; Capriglione; Coleman; Deshotel; Dutton; Frullo; Goldman; Guillen; Hernandez; Hinojosa; King, K.; Laubenberg; Longoria; Lucio; Romero; Sheffield; Wilson.

STATEMENTS OF VOTE

When Record No. 291 was taken, I was in the house but away from my desk. I would have voted no.

Cain

When Record No. 291 was taken, I was in the house but away from my desk. I would have voted yes.

Capriglione

When Record No. 291 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 291 was taken, I was in the house but away from my desk. I would have voted yes.

Frullo

When Record No. 291 was taken, I was in the house but away from my desk. I would have voted yes.

Goldman

When Record No. 291 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 291 was taken, I was in the house but away from my desk. I would have voted yes.

Hernandez

When Record No. 291 was taken, I was in the house but away from my desk. I would have voted no.

Hinojosa

When Record No. 291 was taken, I was excused because of personal business. I would have voted no.

Keough

When Record No. 291 was taken, I was in the house but away from my desk. I would have voted yes.

Longoria

When Record No. 291 was taken, I was in the house but away from my desk. I would have voted yes.

Lucio

When Record No. 291 was taken, I was shown voting no. I intended to vote yes.

Neave

When Record No. 291 was taken, I was shown voting yes. I intended to vote no.

E. Rodriguez

When Record No. 291 was taken, I was in the house but away from my desk. I would have voted yes.

Romero

Amendment No. 10

Representative Blanco offered the following amendment to **HB 100**:

Amend **HB 100** (house committee printing) on page 10, line 9, between "sex," and "disability," by inserting "sexual orientation, gender identity or expression, veteran status,".

Amendment No. 11

Representative Schaefer offered the following amendment to Amendment No. 10:

Amend Amendment No. 10 by Blanco to **HB 100** on page 1, line 3 of the amendment, by striking "veteran status,".

AMENDMENT NO. 11 - REMARKS

REPRESENTATIVE GONZÁLEZ: Representative Schaefer, you know, you and I have a long friendship. I consider us really good friends. I'm surprised that you're offering the amendment to the amendment. Can you tell me why you think that it's okay to not have these protections for people who we know are actively being discriminated against?

REPRESENTATIVE SCHAEFER: A transportation bill is not the place to be establishing in law a protected class that is not otherwise in state statute or in federal statute. This is not the place to have this debate. This is not what this bill is about.

GONZÁLEZ: But doesn't the bill put in protections for a lot of other classes, even non-protected classes like location, for example?

SCHAEFER: This bill is not about creating protected classes. Those debates are for another day.

GONZÁLEZ: But if there is data saying that LGBT folks are being discriminated against, you're okay with the Texas Legislature passing a bill that allows discrimination?

SCHAEFER: No, I think what's going to happen is that the free market is going to punish people that are harming other people, and those businesses are going to be shut down pretty quickly by the free market. But when it comes to the idea of creating a protected class, that's a debate for another day, another bill. That's not what we're doing here. This is a transportation bill.

GONZÁLEZ: But a transportation bill that does outline protecting race, sex, disability, and other things, and so my concern is—

SCHAEFER: That is already established in law. That's not creating new law. This is an attempt to plow new ground, and that's not what we should be doing on this bill.

GONZÁLEZ: But with all due respect, Representative Schaefer, the bill also adds other things that are protected, like location, for example.

SCHAEFER: Location is not about people, okay, so the established protected classes under federal law are what's there. This is not the time or the place to be adding that kind of language to this bill, as Representative Paddie already articulated. We've already had this debate 10 minutes ago.

GONZÁLEZ: With all due respect, but if we know—and we have data that there is discrimination—then don't we have a responsibility, if we're doing this bill, to ensure that Texans are going to be protected?

SCHAEFER: Then let's file a bill, have committee hearings. There's other bills that touch on this topic. It's best left for another setting.

GONZÁLEZ: Is a Railroad Commission sunset bill an appropriate place to have bathroom amendments?

SCHAEFER: I thought it was.

GONZÁLEZ: I think it's an interesting debate to say that we can't put in protections—

SCHAEFER: We're dealing with private companies, not government. This bill is about private companies and their actions. The sunset bill was about how state government acts. It's a different question.

GONZÁLEZ: But these are private companies that we're building regulations on, so therefore, the state is acting, correct?

SCHAEFER: Well, I'm opposed to creating these new regulations on these private companies, so I intend to vote against the bill.

GONZÁLEZ: But if the bill passes, you're against making sure that people are protected?

SCHAEFER: That's not what I'm saying. I know that's what you're saying. I'm saying that these questions that you believe are very important are best suited for a different policy debate on a different vehicle.

REPRESENTATIVE URESTI: Representative, you said that in transportation, that it's not where we should look about any protected class—at any part of transportation.

SCHAEFER: That's not what I said.

URESTI: A little while ago, you just said that transportation is not a place to be looking at protected classes. That is what you said.

SCHAEFER: You said any part. I said this bill is about ride-sharing transportation networks, private companies. This is not the time to have a debate on establishing protected classes under new state policy.

URESTI: But you did say that transportation is not a place to worry about protected classes; that is what you said. I'm just quoting what you said a little while ago. So you're okay with striking out veterans from being discriminated against? You're okay with striking that out?

SCHAEFER: What I'm doing is taking us back to the same question this body addressed 10 minutes ago so that we can resolve this and move on.

URESTI: But the question is, with your amendment, you're okay with striking out veterans from being discriminated against?

SCHAEFER: I'm okay with striking out veteran status on this amendment so that it takes us back to exactly what we dealt with 10 minutes ago in order to move on with this bill.

URESTI: Your amendment takes out veterans from being discriminated against and you're okay with that?

SCHAEFER: There are already many protections for veterans under other provisions in federal and state law.

URESTI: But that's exactly what your amendment does. It takes away veterans from being discriminated against in this bill.

SCHAEFER: It's unnecessary. What I'm doing—

URESTI: So you're saying to every veteran in this room, you're saying to every veteran that's ever served our country, that they can be discriminated against by your amendment. That's what you're saying.

SCHAEFER: No.

URESTI: That's exactly what your amendment does, though.

SCHAEFER: Are you asking a question?

URESTI: I'm asking a question. So you're okay with telling every veteran in this room and every veteran in the State of Texas, including my father, my brothers, that they can be discriminated against?

SCHAEFER: I'm a veteran, and I love veterans.

URESTI: Then I think you should pull down your amendment then, sir.

SCHAEFER: Veterans know exactly what's going on here. This is a game being played. Veterans are smart.

Representative Blanco moved to table Amendment No. 11.

The motion to table was lost by (Record 292): 53 Yeas, 92 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Arévalo; Bailes; Bernal; Blanco; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Farrar; Gervin-Hawkins; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Hunter; Israel; Johnson, E.; King, T.; Longoria; Lucio; Martinez; Minjarez;

Moody; Muñoz; Neave; Nevárez; Oliveira; Oliverson; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Nays — Allen; Anderson, C.; Ashby; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Cook; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Dutton; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; Isaac; Kacal; King, K.; King, P.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; 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.

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

Absent, Excused — Keough.

Absent — Anderson, R.; Johnson, J.

STATEMENTS OF VOTE

When Record No. 292 was taken, I was shown voting yes. I intended to vote no.

Bailes

When Record No. 292 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 292 was taken, I was excused because of personal business. I would have voted no.

Keough

When Record No. 292 was taken, I was shown voting yes. I intended to vote no.

Oliverson

REMARKS ORDERED PRINTED

Representative Collier moved to print remarks on Amendment No. 11 between Representative Schaefer and Representative González and between Representative Schaefer and Representative Uresti.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

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

Isaac on motion of Dale.

HB 100 - (consideration continued)

Amendment No. 11 was adopted by (Record 293): 91 Yeas, 50 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Gutierrez; Hefner; Holland; Hunter; Kacal; King, K.; King, P.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; 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; Arévalo; Bernal; Blanco; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gervin-Hawkins; Giddings; González; Guerra; Guillen; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; King, T.; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

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

Absent, Excused — Isaac; Keough.

Absent — Anchia; Huberty; Johnson, J.; Longoria; Rose.

STATEMENT OF VOTE

When Record No. 293 was taken, I was excused because of personal business. I would have voted yes.

Keough

Amendment No. 10, as amended, failed of adoption by (Record 294): 54 Yeas, 90 Nays, 2 Present, not voting.

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

Nays — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospere; Craddick; Cyrier; Dale; Darby; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; Klick; Koop;

Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; 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.

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

Absent, Excused — Isaac; Keough.

Absent — Gutierrez; King, T.

STATEMENT OF VOTE

When Record No. 294 was taken, I was excused because of personal business. I would have voted no.

Keough

Amendment No. 12

Representatives Tinderholt and Cain offered the following amendment to **HB 100**:

Amend **HB 100** (house committee printing) on page 10, between lines 14 and 15, by inserting the following and relettering the subsequent subsections of added Section 2402.113, Occupations Code:

(b) For the purposes of Subsection (a), "sex" means the physical condition of being male or female.

HB 100 - POINT OF ORDER

Representative Walle raised a point of order against further consideration of **HB 100** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

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

HB 100 defines "transportation network company" and then goes on to state that:

The term does not include an entity that provides . . .

(D) a type of ride service for which:

(i) the fee received by the driver does not exceed the driver's costs of providing the ride; or

(ii) the driver receives a fee that exceeds the driver's costs associated with providing the ride but makes not more than three round-trips per day between the driver's or passenger's place of employment and the driver's or passenger's home."

The bill analysis explains this part of the bill by saying, "The bill expressly excludes from the meaning of 'transportation network company' . . . a type of ride service that meets certain criteria with respect to the fee received by the driver and number of round trips per day."

Representative Walle argues that the use of "and" in the bill analysis, when the bill contained the word "or," renders the bill analysis misleading in violation of Rule 4, Section 32(c) of the House Rules. The bill analysis is a detailed analysis in summary form intended to aid members in understanding the contents of a bill. Done properly, it can provide notice to members of areas they might wish to further scrutinize.

The portion of **HB 100**'s bill analysis subject to this point of order does not misstate the bill's provisions; the analysis specifically refers to exclusions from the definition of a transportation network company, including "a type of ride service" meeting certain criteria "with respect to" certain features. And it correctly identifies the features—the fee received by the driver and number of round trips per day—that impact whether a ride service is excluded. The bill does not restate or paraphrase the exact provisions of the bill, nor is it required to, so long as it provides a summary of the bill with detailed analysis that is not misleading. Having thoroughly reviewed **HB 100** and the bill analysis, the chair finds that this point of order should be respectfully overruled.

Amendment No. 12 was adopted by (Record 295): 90 Yeas, 52 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cosper; Craddick; Cyrier; Dale; Darby; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; 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; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gervin-Hawkins; Giddings; González; Guerra; Gutierrez; Hernandez; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo; Wu.

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

Absent, Excused — Isaac; Keough.

Absent — Guillen; Herrero; King, T.; Walle.

STATEMENT OF VOTE

When Record No. 295 was taken, I was excused because of personal business. I would have voted yes.

Keough

Amendment No. 13

Representative Israel offered the following amendment to **HB 100**:

Amend **HB 100** (house committee printing) as follows:

- (1) On page 11, line 22, strike "one year" and substitute "10 years".
- (2) On page 11, line 24, strike "one year" and substitute "10 years".

HB 100 - POINT OF ORDER

Representative Walle raised a point of order against further consideration of **HB 100** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

(Isaac now present)

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. 3).

HB 100 - (consideration continued)

Amendment No. 13 was withdrawn.

Amendment No. 14

Representative Hinojosa offered the following amendment to **HB 100**:

Amend **HB 100** (house committee printing) as follows:

- (1) On page 14, line 6, strike "On" and substitute "Except as provided by Subsection (b), on".
- (2) On page 14, between lines 11 and 12, insert the following:
 - (b) This Act does not affect the validity of an ordinance or other municipal measure enacted in response to a public vote of the voters of the municipality that expands, increases, or maintains public safety requirements for transportation network companies operating in that municipality.

Representative Paddie moved to table Amendment No. 14.

The motion to table prevailed by (Record 296): 102 Yeas, 43 Nays, 2 Present, not voting.

Yeas — Alonzo; Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospier; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Gutierrez; Hefner; Holland; Huberty; Hunter; Isaac; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Metcalf; Meyer; Miller; Morrison; Muñoz; Murphy; Murr; Nevárez; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Raymond; Rinaldi; Roberts; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons;

Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Thompson, S.; Tinderholt; VanDeaver; Villalba; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alvarado; Anchia; Arévalo; Bernal; Blanco; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gervin-Hawkins; Giddings; González; Guerra; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Lucio; Minjarez; Moody; Neave; Oliveira; Ortega; Perez; Pickett; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thierry; Turner; Uresti; Vo; Walle; Wu.

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

Absent, Excused — Keough.

Absent — Martinez; White.

STATEMENTS OF VOTE

When Record No. 296 was taken, I was excused because of personal business. I would have voted yes.

Keough

When Record No. 296 was taken, I was in the house but away from my desk. I would have voted yes.

White

Amendment No. 15

Representative Israel offered the following amendment to **HB 100**:

Amend **HB 100** (house committee printing) as follows:

- (1) On page 11, line 22, strike "one year" and substitute "10 years".
- (2) On page 11, line 24, strike "one year" and substitute "10 years".

Amendment No. 16

Representative Israel offered the following amendment to Amendment No. 15:

Amend Amendment No. 15 by Israel to **HB 100** on page 1 of the amendment, lines 3 and 5, by striking "10" and substituting "five".

Amendment No. 16 was adopted.

Amendment No. 15, as amended, was adopted.

Amendment No. 17

Representative Israel offered the following amendment to **HB 100**:

Amend **HB 100** (house committee printing) as follows:

(1) On page 12, line 4, between "(a)" and "Any" insert the following:
A transportation network company shall provide, on the last day of each month, to the department and any municipality in which the information was collected:

- (1) the date, time, origin, and destination of each ride;
- (2) the total time and distance of each ride;

- (3) the date, time, and location of ride requests that were canceled;
- (4) the number of rides completed and passengers transported; and
- (5) information recorded daily for each driver regarding:

(A) the number of hours logged on to the company's digital network; and

(B) the number of miles driven while the driver was logged on to the company's digital network.

(b) A transportation network company shall:

(1) on a daily basis, compile a report of all accidents occurring in a municipality that involved a vehicle whose driver was logged on to the company's digital network, including, if applicable, the date, time, and location of autonomous vehicle operation disengagement; and

(2) provide the report to the municipality not later than 5 p.m. of the day after the date the accidents occurred.

(c)

(2) Reletter the subsequent subsections and cross-references to those subsections accordingly.

Representative Paddie moved to table Amendment No. 17.

The motion to table prevailed by (Record 297): 105 Yeas, 41 Nays, 2 Present, not voting.

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

Nays — Allen; Alvarado; Anchia; Arévalo; Bernal; Blanco; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gervin-Hawkins; Giddings; González; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Lucio; Minjarez; Moody; Neave; Ortega; Perez; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thierry; Turner; Uresti; Vo; Walle; Wu.

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

Absent, Excused — Keough.

Absent — Martinez.

STATEMENTS OF VOTE

When Record No. 297 was taken, I was excused because of personal business. I would have voted yes.

Keough

When Record No. 297 was taken, I was shown voting no. I intended to vote yes.

E. Rodriguez

Amendment No. 18

Representative E. Rodriguez offered the following amendment to **HB 100**:

Amend **HB 100** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Subtitle F, Title 7, Transportation Code, is amended to read as follows:

SUBTITLE F. COMMERCIAL MOTOR VEHICLES AND PERSONAL VEHICLES USED FOR COMMERCIAL PURPOSES

SECTION _____. Subtitle F, Title 7, Transportation Code, is amended by adding Chapter 649 to read as follows:

CHAPTER 649. TRANSPORTATION NETWORK COMPANY DRIVER'S LICENSES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 649.001. DEFINITIONS. In this chapter:

(1) "Department" means the Texas Department of Motor Vehicles.

(2) "Digital network" means any online-enabled application, software, website, or system offered or used by a transportation network company that enables a prearranged ride with a transportation network company driver.

(3) "Personal vehicle" means a vehicle that is used by a transportation network company driver and is:

(A) owned, leased, or otherwise authorized for use by the driver;

and

(B) not a taxicab, limousine, or similar for-hire vehicle.

(4) "Prearranged ride" means transportation provided by a transportation network company driver to a transportation network company rider, beginning at the time a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company and ending at the time the last requesting rider departs from the driver's personal vehicle. The term does not include:

(A) a shared expense carpool or vanpool arrangement or service; or

(B) transportation provided using a taxicab, limousine, or similar for-hire vehicle.

(5) "Transportation network company" means a corporation, partnership, sole proprietorship, or other entity operating in this state that uses a digital network to connect a transportation network company rider to a transportation network company driver for a prearranged ride. The term does not

include an entity arranging nonemergency medical transportation under a contract with the state or a managed care organization for individuals qualifying for Medicaid or Medicare.

(6) "Transportation network company driver" means an individual who:

(A) receives connections to potential transportation network company riders and related services from a transportation network company in exchange for payment of a fee to the company; and

(B) uses a personal vehicle to offer or provide a prearranged ride to a transportation network company rider on connection with the rider through a digital network controlled by the company in exchange for compensation or payment of a fee.

(7) "Transportation network company rider" means an individual who uses a transportation network company's digital network to connect with a transportation network company driver who provides a prearranged ride to the individual in the driver's personal vehicle between points chosen by the individual.

SUBCHAPTER B. DEPARTMENT POWERS AND DUTIES

Sec. 649.010. ISSUANCE OF LICENSE. The department shall issue a license to a person who meets the requirements of this chapter and rules adopted under this chapter.

Sec. 649.011. REGISTRY. The department by rule shall adopt procedures to create and maintain a registry of all persons issued a license under this chapter.

Sec. 649.012. GENERAL POWERS AND DUTIES. The department may take action as necessary to administer and enforce this chapter.

Sec. 649.013. RULEMAKING. The department shall adopt rules for licensing transportation network company drivers and other rules as necessary to implement this chapter.

Sec. 649.014. FEES. The department by rule shall set the fees imposed under this chapter in an amount sufficient to recover costs of administering this chapter.

Sec. 649.015. CRIMINAL HISTORY RECORD. The department shall obtain from the Federal Bureau of Investigation criminal history record information on each applicant for a license under this chapter.

SUBCHAPTER C. REGULATION OF TRANSPORTATION NETWORK COMPANY DRIVERS

Sec. 649.021. LICENSE REQUIRED. A person may not act as a transportation network company driver unless the person holds a license under this chapter.

Sec. 649.022. LICENSE APPLICATION. (a) The department by rule shall establish a license application.

(b) The requirements for a license must include that the applicant:

(1) submit an application in a form prescribed by the department;

(2) pay the required fee;

(3) disclose any transportation network company whose digital network the applicant will use to provide a prearranged ride to a transportation network company rider;

(4) provide evidence of the applicant's personal financial responsibility for any personal vehicle the applicant will use to provide a prearranged ride to a transportation network company rider; and

(5) submit a complete and legible set of the applicant's fingerprints in a form prescribed by the department.

Sec. 649.023. TERM; RENEWAL. (a) A license issued under this chapter expires on the first anniversary of the date of issuance.

(b) A person may renew a license issued under this chapter if the person:

(1) submits a renewal application in a form prescribed by the department;

(2) pays a renewal fee; and

(3) satisfies any other requirements for renewal adopted by the department.

Sec. 649.024. DISPLAY OF LICENSE. The department by rule shall adopt requirements for the conspicuous display of a transportation network company driver's license inside the cab of any personal vehicle operated by a transportation network company driver to provide prearranged rides to a transportation network company rider.

Sec. 649.025. DISPLAY OF INSIGNIA ON VEHICLE. The department by rule shall adopt requirements for the display of transportation network company insignia on any personal vehicle operated by a transportation network company driver to provide prearranged rides to a transportation network company rider.

Sec. 649.026. REPORT OF ACCIDENT. A transportation network company driver shall report to the department any accident involving the driver while the driver is logged on to a digital network not more than one month after the date of the accident.

Sec. 649.027. INSURANCE. A person acting as a transportation network company driver under this chapter must possess evidence of financial responsibility in a form approved by the department as required under:

(1) Chapter 601 of this code; and

(2) Chapter 1954, Insurance Code.

SUBCHAPTER D. ENFORCEMENT

Sec. 649.051. SUSPENSION OR REVOCATION OF LICENSE. The department may suspend or revoke a license issued under this chapter for a violation of this chapter or a rule adopted under this chapter.

Sec. 649.052. CIVIL PENALTY. A person who violates this chapter or a rule adopted under this chapter is subject to a civil penalty in an amount set by the department of not more than \$1,000 per violation.

SECTION ____. Not later than December 1, 2017, the Texas Department of Motor Vehicles shall adopt rules necessary to implement Chapter 649, Transportation Code, as added by this Act.

(2) On page 14, line 12, strike "This" and insert the following:

(a) Except as provided by Subsection (b) of this section, this

(3) On page 14, immediately following line 16, add the following:

(b) Chapter 649, Transportation Code, as added by this Act, takes effect September 1, 2018.

Representative Paddie moved to table Amendment No. 18.

The motion to table prevailed.

Amendment No. 19

Representative Schaefer offered the following amendment to **HB 100**:

Amend **HB 100** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Article 62.063(b), Code of Criminal Procedure, is amended to read as follows:

(b) A person subject to registration under this chapter because of a reportable conviction or adjudication for which an affirmative finding is entered under Article 42.015(b) or 42A.105(a), as appropriate, may not, for compensation:

(1) operate or offer to operate a bus;

(2) provide or offer to provide passenger transportation through a transportation network company as defined by Section 215.004, Local Government Code [~~a passenger taxicab or limousine transportation service~~];

(3) provide or offer to provide any type of service in the residence of another person unless the provision of service will be supervised; or

(4) operate or offer to operate any amusement ride.

SECTION 2. Section 215.004, Local Government Code, is amended to read as follows:

Sec. 215.004. REGULATION OF TRANSPORTATION NETWORK COMPANIES [~~TAXICABS AND LIMOUSINES~~]. (a) In this section:

(1) "Digital network" means any online-enabled application, website, or system offered or used by a transportation network company that enables the prearrangement of rides between passengers and drivers.

(2) "Transportation network company" means a corporation, partnership, sole proprietorship, or other entity that, for compensation, provides passenger transportation services for hire, including:

(A) transportation services arranged through a digital network;

(B) street-hail taxicab services; and

(C) limousine or other car services arranged by a method other than through a digital network.

(b) A [~~(a) To protect the public health, safety, and welfare, a~~] municipality may not license, control, or otherwise regulate a transportation network company or a driver or vehicle providing transportation services on behalf of a transportation network company. [~~by ordinance:~~

~~(1) shall license, control, and otherwise regulate each private passenger vehicle, regardless of how it is propelled, that provides passenger taxicab transportation services for compensation and is designed for carrying no more than eight passengers; and~~

~~(2) may license, control, and otherwise regulate each private passenger vehicle, regardless of how it is propelled, that provides passenger limousine transportation services for compensation and is designed for carrying no more than 15 passengers.~~

~~[(a-1) Subsection (a) applies to a taxicab or limousine service that is operated:~~

- ~~[(1) within the jurisdiction of the municipality;~~
- ~~[(2) on property owned by the municipality, singly or jointly with one or more other municipalities or public agencies;~~
- ~~[(3) on property in which the municipality possesses an ownership interest; or~~
- ~~[(4) by transporting from the municipality, municipal property, or property in which the municipality has an interest and returning to it.~~

~~[(b) The ordinance may include:~~

- ~~[(1) regulation of the entry into the business of providing passenger taxicab or limousine transportation services, including controls, limits, or other restrictions on the total number of persons providing the services;~~
- ~~[(2) regulation of the rates charged for the provision of the services;~~
- ~~[(3) establishment of safety and insurance requirements; and~~
- ~~[(4) any other requirement adopted to ensure safe and reliable passenger transportation service.~~

~~[(c) In regulating passenger taxicab or limousine transportation services under this section, a municipality is performing a governmental function. A municipality may carry out the provisions of this section to the extent the governing body of the municipality considers it necessary or appropriate.~~

~~[(d) The provisions of this section relating to the regulation of limousine transportation services apply only to a municipality with a population of more than 1.9 million.]~~

SECTION 3. Section 215.073, Local Government Code, is amended to read as follows:

Sec. 215.073. VEHICLES ~~[FOR HIRE]~~. Except as provided by Section 215.004, a ~~[The]~~ municipality may license, fix the charges or fares made by, or otherwise regulate any person who owns, operates, or controls any type of vehicle used on the public streets or alleys of the municipality for carrying passengers or freight for compensation.

SECTION 4. Section 22.082, Transportation Code, is amended to read as follows:

Sec. 22.082. RULES. A resolution, rule, or order of a joint board dealing with a subject authorized by Section 22.014 ~~[or 22.081]~~ is effective only on approval of the governing authorities of the constituent agencies. On approval, a resolution, rule, or order of the joint board has the same effect in the territories or jurisdictions involved as an ordinance, resolution, rule, or order of the public agency would have in its own territory or jurisdiction.

SECTION 5. Section 22.081, Transportation Code, is repealed.

SECTION 6. (a) The change in law made by this Act in amending Article 62.063, Code of Criminal Procedure, applies only to a person who is required to register under Chapter 62, Code of Criminal Procedure, on the basis of a conviction or adjudication for an offense committed on or after the effective date

of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

(b) A person who is required to register under Chapter 62, Code of Criminal Procedure, solely on the basis of a conviction or adjudication that occurs before the effective date of this Act is governed by the law in effect when the conviction or adjudication occurred, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2017.

Representative Paddie moved to table Amendment No. 19.

The motion to table prevailed by (Record 298): 117 Yeas, 30 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; Koop; Lambert; Landgraf; Larson; Laubenberg; 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; Roberts; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Shine; Simmons; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zerwas.

Nays — Allen; Biedermann; Burrows; Cain; Canales; Cyrier; Deshotel; Dukes; Elkins; Fallon; Hefner; King, T.; Klick; Krause; Lang; Leach; Rinaldi; Rodriguez, E.; Sanford; Schaefer; Schofield; Shaheen; Smithee; Stickland; Swanson; Tinderholt; Uresti; White; Wilson; Zedler.

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

Absent, Excused — Keough.

STATEMENTS OF VOTE

When Record No. 298 was taken, I was shown voting yes. I intended to vote no.

Bell

When Record No. 298 was taken, I was excused because of personal business. I would have voted no.

Keough

HB 100 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE MURPHY: Chris, trying to pick up on our conversation earlier, we're talking about your awareness of existing transportation companies that are already using a variety of network applications to book rides. You're aware of that, as I recall?

REPRESENTATIVE PADDIE: I am.

MURPHY: Some of these applications include HAIL A CAB, zTrip, Curb, and Arro. Have you heard of these industry applications?

PADDIE: Yes, sir, I have.

MURPHY: And then, very critically, is it your intent to prevent such existing transportation companies like taxis from using their own applications or industry-wide applications to book trips and to connect passengers with drivers?

PADDIE: Absolutely not.

REMARKS ORDERED PRINTED

Representative Murphy moved to print remarks between Representative Paddie and Representative Murphy.

The motion prevailed.

HB 100, as amended, was passed to engrossment by (Record 299): 110 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Alonzo; Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Holland; Huberty; Hunter; Isaac; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel(C); Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Nevárez; Oliveira; Oliverson; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Roberts; Romero; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; VanDeaver; Villalba; White; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alvarado; Anchia; Arévalo; Bernal; Biedermann; Blanco; Cain; Coleman; Davis, Y.; Deshotel; Dukes; Gervin-Hawkins; Giddings; González; Hernandez; Hinojosa; Howard; Israel; Lang; Minjarez; Neave; Ortega; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Rose; Schaefer; Stickland; Swanson; Tinderholt; Turner; Uresti; Vo; Walle; Wu.

Present, not voting — Mr. Speaker.

Absent, Excused — Keough.

Absent — Wilson.

STATEMENTS OF VOTE

When Record No. 299 was taken, I was excused because of personal business. I would have voted yes.

Keough

When Record No. 299 was taken, I was shown voting no. I intended to vote yes.

Vo

When Record No. 299 was taken, I was in the house but away from my desk. I would have voted yes.

Wilson

(Speaker in the chair)

**HB 2053 ON SECOND READING
(by Oliveira)**

HB 2053, A bill to be entitled An Act relating to the enforcement of workers' compensation compliance and practice requirements.

HB 2053 was passed to engrossment.

**HB 1352 ON SECOND READING
(by Pickett, Ortega, and Blanco)**

HB 1352, A bill to be entitled An Act relating to the conveyance of property by a municipality for the public purpose of economic development.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Oliveira requested permission for the Committee on Business and Industry to meet while the house is in session, at 3:45 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry, 3:45 p.m. today, 3W.9, for a formal meeting, to consider pending business.

HB 1352 - (consideration continued)

Amendment No. 1

Representative Pickett offered the following amendment to **HB 1352**:

Amend **HB 1352** (house committee report) as follows:

(1) On page 1, line 11, between "Section" and "272.001(a)", insert "253.008 or".

(2) On page 1, line 12, between "municipality" and "may", insert ", except as provided by Subsection (d),".

(3) On page 1, between lines 21 and 22, insert a new Subsection (d) to read as follows:

(d) A municipality may not transfer for consideration authorized by this section real property or an interest in real property the municipality owns, holds, or claims as a public square or park.

(4) On page 1, line 22, strike "(d)" and substitute "(e)".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Leach offered the following amendment to **HB 1352**:

Amend **HB 1352** (house committee report) as follows:

(1) On page 1, line 24, through page 2, line 2, strike "published in a newspaper of general circulation in the county in which the property is located or, if there is no such newspaper, in an adjoining county" and substitute "by any means for the municipality to provide public notice authorized by statute or by ordinance of the municipality".

(2) On page 2, line 5, strike "published on two separate days" and substitute "provided".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Leach offered the following amendment to **HB 1352**:

Amend **HB 1352** (house committee report) on page 2, between lines 7 and 8, by adding an appropriately lettered Subsection to read as follows:

() This section does not constitute a grant or expansion of eminent domain authority.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Schofield offered the following amendment to **HB 1352**:

Amend **HB 1352** (house committee report) on page 2, between lines 7 and 8, by adding an appropriately lettered subsection to read as follows:

() A municipality may not transfer real property for consideration described by this section if the real property was acquired by the municipality from the previous owner by the exercise of eminent domain authority or the threat of the exercise of eminent domain authority. The prohibition provided by this subsection does not apply if:

(1) the municipality offers the previous owner an opportunity to repurchase the real property at the current market value and the previous owner declines the offer; or

(2) the municipality cannot locate the previous owner with reasonable effort.

Amendment No. 4 was adopted.

HB 1352, as amended, was passed to engrossment by (Record 300): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; Cospers; 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; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Keough.

Absent — Schaefer.

STATEMENTS OF VOTE

When Record No. 300 was taken, I was shown voting yes. I intended to vote no.

Faircloth

When Record No. 300 was taken, I was excused because of personal business. I would have voted yes.

Keough

When Record No. 300 was taken, I was in the house but away from my desk. I would have voted yes.

Schaefer

CSHB 1486 ON SECOND READING

(by Price, G. Bonnen, Coleman, Collier, Sheffield, et al.)

CSHB 1486, A bill to be entitled An Act relating to peer specialists, peer services, and the provision of those services under the medical assistance program.

CSHB 1486 was passed to engrossment.

HB 932 ON SECOND READING**(by J. Johnson)**

HB 932, A bill to be entitled An Act relating to the collection of information concerning the number of juvenile offenders committed to the Texas Juvenile Justice Department who have been in foster care.

(Keough now present)

HB 932 was passed to engrossment by (Record 301): 145 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; 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; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C); Burns; Rodriguez, J.

Absent — Muñoz; Springer.

STATEMENTS OF VOTE

When Record No. 301 was taken, I was shown voting present, not voting. I intended to vote yes.

Burns

When Record No. 301 was taken, I was in the house but away from my desk. I would have voted yes.

Muñoz

When Record No. 301 was taken, I was shown voting present, not voting. I intended to vote yes.

J. Rodriguez

When Record No. 301 was taken, I was in the house but away from my desk. I would have voted yes.

Springer

CSHB 21 ON SECOND READING
(by Huberty, Zerwas, Turner, K. King, Dutton, et al.)

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

CSHB 21 - POINT OF ORDER

Representative Schaefer raised a point of order against further consideration of **CSHB 21** under Rule 8, Section 1(a) and Rule 8, Section 1(b) of the House Rules on the grounds that the bill caption is inaccurate.

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

Rule 8, Section 1(a) of the House Rules requires that captions provide "the legislature and the public reasonable notice of the subject of the proposed measure." Additionally, Section 1(b) requires a house bill "that would impose, authorize, increase, or change the rate or amount of a tax, assessment, surcharge, or fee" to "include a short statement at the end of its title or caption indicating the general effect of the bill on the tax, assessment, surcharge, or fee." Representative Schaefer objects that the caption to **CSHB 21** is overly broad and that the word "fee" appears 20 times in the bill, yet the caption does not mention the word "fee."

The caption of **CSHB 21** is "relating to the public school finance system." Having reviewed the entirety of **CSHB 21**, which is a very broad public school finance bill, the chair determines that the caption does not run afoul of Rule 8, Section 1(a). Every appearance of the word "fee" is in Section 1 of the bill, which contains the list of existing fees that a board of trustees may require payment of in Section 11.158(a) of the education code. All but two of these instances are in text that is printed for context, but is not actually changed by the bill. In two instances, the word "fee" is contained in sections that are stricken from the bill.

Representative Schaefer contends that in these two instances, the bill is authorizing a fee that was previously not allowed. In the first instance, the bill expands the class of persons to whom an existing fee might apply by removing a fee exemption. In the second instance, the bill removes authorization for certain districts to charge a fee for transportation. Rule 8, Section 1(b) of the House Rules does not apply to a provision removing an exemption to expand the class of persons to whom a fee applies nor does it apply to removing authorization to charge a fee. See 83 H.J. Reg. 1615-1616 (2013) (Simpson point of order on **CSHB 63**; "the rule does not apply to bills that indirectly affect the payment or application of an existing tax, assessment, surcharge, or fee, such as a bill changing a due date, repealing or otherwise eliminating a program or agency that includes fee or assessment authority, modifying or adopting a tax exemption, or modifying a class of persons or transactions subject to an existing tax or fee."). Accordingly, the chair overrules the point of order.

Amendment No. 1

Representative Martinez offered the following amendment to **CSHB 21**:
 Floor Packet Page No. 2

Amend **CSHB 21** (house committee report) as follows:

(1) On page 1, line 4, strike "Section 11.158(a), Education Code, is" and substitute "Sections 11.158(a) and (h), Education Code, are".

(2) On page 2, line 22, after the semicolon, insert "or".

(3) On page 2, strike lines 23-27, and substitute the following:

(14) ~~[a reasonable fee for transportation of a student who lives within two miles of the school the student attends to and from that school, except that the board may not charge a fee for transportation for which the school district receives funds under Section 42.155(d);~~

(4) On page 3, line 1, strike "(15)" and substitute "[~~(15)~~"]".

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

(h) For a fee charged under Subsection (a)(14) [~~(a)(15)~~], the school district must provide a written form to be signed by the student's legal guardian stating that this fee would not create a financial hardship or discourage the student from attending the program. The school district may only assess the fee if the student returns the signed form.

SECTION 2. Sections 25.092(b) and (f), Education Code, are amended to read as follows:

(b) The board of trustees of each school district shall appoint one or more attendance committees to hear petitions for class credit or a final grade by students who are in attendance fewer than the number of days required under Subsection (a) and have not earned class credit or a final grade under Subsection (a-1). Classroom teachers shall comprise a majority of the membership of the committee. A committee may give class credit or a final grade to a student because of extenuating circumstances. Each board of trustees shall establish guidelines to determine what constitutes extenuating circumstances and shall adopt policies establishing alternative ways for students to make up work or regain credit or a final grade lost because of absences. The alternative ways must include at least one option that does not require a student to pay a fee authorized under Section 11.158(a)(14) [~~11.158(a)(15)~~]. A certified public school employee may not be assigned additional instructional duties as a result of this section outside of the regular workday unless the employee is compensated for the duties at a reasonable rate of pay.

(f) The availability of the option developed under Subsection (b) must be substantially the same as the availability of the educational program developed under Section 11.158(a)(14) [~~11.158(a)(15)~~].

(6) Renumber existing SECTIONS of the bill accordingly.

Representative Huberty moved to table Amendment No. 1.

The motion to table prevailed by (Record 302): 89 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Dutton; Elkins; Faircloth; Fallon; Flynn; 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; Rinaldi; Roberts; Sanford; Schubert; Shaheen; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Thompson, E.; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Farrar; Gervin-Hawkins; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; Oliveira; Ortega; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schaefer; Schofield; Sheffield; Thierry; Thompson, S.; Tinderholt; Turner; Uresti; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent — Anderson, C.; Giddings; Perez; Swanson.

STATEMENTS OF VOTE

When Record No. 302 was taken, I was in the house but away from my desk. I would have voted yes.

Swanson

When Record No. 302 was taken, I was shown voting no. I intended to vote yes.

Tinderholt

Amendment No. 2

Representative Minjarez offered the following amendment to **CSHB 21**:
Floor Packet Page No. 4

Amend **CSHB 21** (house committee report) as follows:

- (1) Strike page 1, line 4, through page 3, line 18.
- (2) Strike page 4, line 16, through page 5, line 10.
- (3) Strike page 6, lines 17-25.
- (4) Strike page 8, lines 1-7.
- (5) On page 9, lines 11-12, strike "or amounts made available for the transportation of career and technology education students".
- (6) On page 12, line 1, strike "42.155,".
- (7) On page 16, line 13, strike "[to the district for transportation, any allotment]" and substitute "to the district for transportation, any allotment".
- (8) On page 16, line 14, strike "[~~or 42.160,~~]" and substitute "[~~or 42.160~~],".

(9) On page 20, strike line 21, and renumber subsequent subdivisions of SECTION 24 of the bill accordingly.

(10) Renumber existing SECTIONS of the bill accordingly.

Representative Huberty moved to table Amendment No. 2.

The motion to table prevailed.

Amendment No. 3

Representatives Krause and Faircloth offered the following amendment to **CSHB 21**:

Floor Packet Page No. 5

Amend **CSHB 21** (house committee printing) by adding SUBSECTION 16 on page 3 between lines 6 and 7:

(16) Fees under this section may not be collected by a school district designated as a district of innovation that includes modifications to the first day of instruction requirements under Section 25.0811 and 25.0812 in its local innovation plan in Section 12A.003(B) beginning with the 2018-2019 school year.

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative González offered the following amendment to **CSHB 21**:

Floor Packet Page No. 6

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

(1) On page 7, strike lines 8-9, and substitute the following:

SECTION 11. Section 42.101, Education Code, is amended by amending Subsection (a) and adding Subsection (a-3) to read as follows:

(2) On page 7, line 10, strike "For" and substitute "Subject to adjustment under Subsection (a-3), for ~~For~~".

(3) On page 7, following line 27, insert the following:

(a-3) If a district does not operate a public school transportation system, the basic allotment provided to the district under Subsection (a) or (b) is reduced by \$125.

Representative Huberty moved to table Amendment No. 4.

The motion to table prevailed by (Record 303): 91 Yeas, 58 Nays, 1 Present, not voting.

Yeas — Alonzo; Anderson, C.; Anderson, R.; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Cain; Cook; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; Guillen; Hefner; Holland; Howard; Huberty; Hunter; Isaac; Israel; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Oliveira; Oliverson; Paddie; Parker; Paul; Phelan; Price;

Raney; Rinaldi; Roberts; Rodriguez, E.; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Stephenson; Stickland; Swanson; Thompson, E.; Tinderholt; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alvarado; Anchia; Arévalo; Ashby; Bernal; Blanco; Burrows; Canales; Capriglione; Clardy; Coleman; Collier; Cortez; Davis, Y.; Dukes; Farrar; Flynn; Giddings; González; Gooden; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Johnson, E.; Johnson, J.; King, T.; Lambert; Lucio; Martinez; Minjarez; Moody; Muñoz; Murr; Neave; Nevárez; Ortega; Perez; Phillips; Pickett; Raymond; Reynolds; Rodriguez, J.; Romero; Rose; Smithee; Springer; Stucky; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

STATEMENTS OF VOTE

When Record No. 303 was taken, I was shown voting yes. I intended to vote no.

C. Anderson

When Record No. 303 was taken, I was shown voting yes. I intended to vote no.

Dean

Amendment No. 5

Representative González offered the following amendment to **CSHB 21**:
Floor Packet Page No. 8

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

(1) On page 7, strike lines 8-9 and substitute the following:

SECTION 11. Section 42.101, Education Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(2) On page 7, following line 27, add the following:

(d) Notwithstanding any other provision of this section, the Legislative Budget Board shall determine the amount by which the basic allotment specified under this section may be increased using revenue available to the state as a result of the repeal of former Sections 42.155, 42.160, and 42.2513 by **HB 21**, Acts of the 85th Legislature, Regular Session, 2017, and the commissioner shall provide funding to school districts under this chapter based on a basic allotment of that amount.

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Raney offered the following amendment to **CSHB 21**:
Floor Packet Page No. 10

Amend **CSHB 21** (house committee printing) on page 7, lines 16 and 18, by striking "\$4,765" in each instance it appears and substituting "\$5,140 [~~\$4,765~~]".

AMENDMENT NO. 6 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE STICKLAND: Chairman Huberty, is this going to change the fiscal note of the bill?

REPRESENTATIVE HUBERTY: No, sir. Actually, it has no fiscal impact whatsoever. In current statute, the current basic allotment states \$4,765. All that Mr. Raney is trying to do is increase the basic allotment to \$5,140, which was approved by appropriators. So Chairman Zerwas and I talked about this.

STICKLAND: So is this a cleanup?

HUBERTY: Yes, sir, it is, absolutely, 100 percent.

REMARKS ORDERED PRINTED

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

The motion prevailed.

Amendment No. 6 was adopted.

Amendment No. 7

Representative Blanco offered the following amendment to **CSHB 21**:
Floor Packet Page No. 11

Amend **CSHB 21** (house committee printing) on page 8, line 13, by striking "0.11" and substituting "0.25".

(Kuempel in the chair)

Representative Huberty moved to table Amendment No. 7.

The motion to table prevailed.

Amendment No. 8

Representative Uresti offered the following amendment to **CSHB 21**:
Floor Packet Page No. 12

Amend **CSHB 21** (house committee report) as follows:

(1) Add the following appropriately numbered SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1062 to read as follows:

Sec. 12.1062. STATE FUNDING PROHIBITED. Notwithstanding any other provision of this title or other law, the commissioner may not provide state funding to an open-enrollment charter school. An open-enrollment charter school may charge tuition.

(2) On page 18, strike lines 20-23, and substitute the following:

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

(3) On page 20, between lines 13 and 14, insert the following appropriately numbered subdivision and renumber subsequent subdivisions of SECTION 24 of the bill accordingly:

() Section 12.106;

Representative Huberty moved to table Amendment No. 8.

The motion to table prevailed by (Record 304): 122 Yeas, 18 Nays, 2 Present, not voting.

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

Nays — Allen; Collier; Cortez; Davis, Y.; Dukes; Farrar; González; Guerra; Guillen; Muñoz; Ortega; Raymond; Reynolds; Rodriguez, E.; Romero; Rose; Thompson, S.; Uresti.

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

Absent — Blanco; Giddings; Hernandez; Johnson, J.; King, T.; Moody; Neave; Pickett.

STATEMENTS OF VOTE

When Record No. 304 was taken, I was in the house but away from my desk. I would have voted no.

Blanco

When Record No. 304 was taken, I was in the house but away from my desk. I would have voted yes.

Neave

When Record No. 304 was taken, I was shown voting no. I intended to vote yes.

Romero

Amendment No. 9

Representative Uresti offered the following amendment to **CSHB 21**:

Floor Packet Page No. 13

Amend **CSHB 21** (house committee report) as follows:

(1) On page 18, strike lines 20-23, and substitute the following:

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

(2) On page 19, strike lines 4-6, and substitute the following:

Sec. 42.453. OPEN-ENROLLMENT CHARTER SCHOOL NOT ELIGIBLE. An open-enrollment charter school is not eligible for a grant under this subchapter.

Representative Huberty moved to table Amendment No. 9.

The motion to table prevailed by (Record 305): 142 Yeas, 3 Nays, 2 Present, not voting.

Yeas — 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; Cook; Cortez; Cosper; 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; 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; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; 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; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Collier; González; Uresti.

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

Absent — Nevárez; Swanson; VanDeaver.

STATEMENT OF VOTE

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

Swanson

Amendment No. 10

Representative Nevárez offered the following amendment to **CSHB 21**:
Floor Packet Page No. 14

Amend **CSHB 21** (house committee report) as follows:

(1) On page 19, strike lines 11-15, and substitute the following:

Sec. 42.455. FUNDING LIMIT. The amount of grants awarded by the commissioner under this subchapter may not exceed \$200 million or a greater amount provided by appropriation.

(2) On page 19, line 26, strike "2019" and substitute "2018".

Representative K. King moved to table Amendment No. 10.

The motion to table prevailed.

Amendment No. 11

Representative González offered the following amendment to **CSHB 21**:
Floor Packet Page No. 16

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

(1) On page 19, lines 12-13, strike ", or a greater amount provided by appropriation,".

(2) On page 19, lines 14-15, strike ", or a greater amount provided by appropriation,".

Amendment No. 11 was adopted.

Amendment No. 12

Representative Collier offered the following amendment to **CSHB 21**:
Floor Packet Page No. 18

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

SECTION _____. Sections 12.106(a-1) and (a-2), Education Code, are amended to read as follows:

(a-1) In determining funding for an open-enrollment charter school under Subsection (a), adjustments under Sections 42.102, 42.103, 42.104, and 42.105 are based on the lesser of:

(1) the average adjustment for the state; or

(2) the adjustment for the school district within whose boundaries the charter holder's campus with the greatest enrollment is located.

(a-2) In addition to the funding provided by Subsection (a), a charter holder is entitled to receive for the open-enrollment charter school enrichment funding under Section 42.302 based on the lesser of:

(1) the state average tax effort; or

(2) the tax effort of the school district within whose boundaries the charter holder's campus with the greatest enrollment is located.

Representative Huberty moved to table Amendment No. 12.

The motion to table prevailed by (Record 306): 115 Yeas, 24 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Bernal; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; Gooden; Guerra; Hefner; Herrero; Huberty; Hunter; Isaac; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Metcalf; Meyer; Miller; Morrison; Muñoz; Murphy; Murr; Nevárez; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Romero; 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; Canales; Collier; Cortez; Farrar; González; Hernandez; Hinojosa; Howard; Israel; King, T.; Martinez; Minjarez; Moody; Neave; Oliveira; Ortega; Perez; Rodriguez, E.; Rodriguez, J.; Rose; Thierry; Thompson, S.; Uresti.

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

Absent — Anchia; Blanco; Coleman; Giddings; Guillen; Gutierrez; Holland; Pickett; Walle.

STATEMENTS OF VOTE

When Record No. 306 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 306 was taken, I was shown voting yes. I intended to vote no.

Nevárez

When Record No. 306 was taken, I was shown voting yes. I intended to vote no.

Turner

Amendment No. 13

Representative Bernal offered the following amendment to **CSHB 21**:

Floor Packet Page No. 19

Amend **CSHB 21** (house committee report) as follows:

(1) Add the following appropriately numbered SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 34.002(c), Education Code, is amended to read as follows:

(c) The commissioner shall reduce the basic allotment provided under Section 42.101 for each student in average daily attendance by \$125 for a [A] school district that fails or refuses to meet the safety standards for school buses established under this section [is ineligible to share in the transportation allotment under Section 42.155] until the first anniversary of the date the district begins complying with the safety standards.

(2) On page 20, strike line 16 and renumber subsequent subdivisions in SECTION 24 of the bill accordingly.

Amendment No. 13 was adopted.

Amendment No. 14

Representative E. Thompson offered the following amendment to **CSHB 21**:

Floor Packet Page No. 20

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

SECTION _____. Sections 42.158(b) and (d-1), Education Code, are amended to read as follows:

(b) For the first school year in which students attend a new instructional facility, a school district is entitled to an allotment of \$1,000 [~~\$250~~] for each student in average daily attendance at the facility. For the second school year in which students attend that instructional facility, a school district is entitled to an allotment of \$1,000 [~~\$250~~] for each additional student in average daily attendance at the facility.

(d-1) In addition to the appropriation amount described by Subsection (d), the amount of \$1 million may be appropriated each school year to supplement the allotment to which a school district is entitled under this section that may be provided using the appropriation amount described by Subsection (d). The commissioner shall first apply the funds appropriated under this subsection to prevent any reduction under Subsection (d) in the allotment for attendance at an eligible high school instructional facility, subject to the maximum amount of \$1,000 [~~\$250~~] for each student in average daily attendance. Any funds remaining after preventing all reductions in amounts due for high school instructional

facilities may be applied proportionally to all other eligible instructional facilities, subject to the maximum amount of \$1,000 [~~\$250~~] for each student in average daily attendance.

SECTION _____. A school district that is entitled under Section 42.158, Education Code, to receive funding in the 2017-2018 school year for the second year of student attendance at a new instructional facility is entitled for that year to the amount provided for the second year of student attendance as a result of the changes in law made by this Act.

Amendment No. 15

Representative Bernal offered the following amendment to Amendment No. 14:

Amend Amendment No. 14 as follows:

Section 42.158(g), Education Code, is amended to read as follows:

(g) In this section:

(1) "Instructional facility" [~~,"instructional"~~] Facility" has the meaning assigned by Section 46.001.

(2) "New instructional facility" includes:

(A) a newly constructed instructional facility;

(B) a repurposed instructional facility; and

(C) a leased facility operating for the first time as an instructional facility with a minimum lease term of not less than 10 years.

Amendment No. 15 was adopted.

Amendment No. 14, as amended, was adopted. (White recorded voting no.)

Amendment No. 16

Representative Gooden offered the following amendment to **CSHB 21**:
Floor Packet Page No. 22

Amend **CSHB 21** as follows:

Add the following as SECTION 18 and renumber the following Sections accordingly:

SECTION 18. Chapter 42, Education Code, is amended by adding Section 42.161 to read as follows:

42.161. Prekindergarten Allotment. (a) For each eligible student served in a half or full-day prekindergarten program under Subchapters E or E-1, Chapter 29, a district is entitled to an allotment of 0.1. Funding under this section is in addition to funding for a half-day program under Sections 29.153(c) or 29.166(a).

(b) This section applies only to students who are four years of age or older as of September 1 of the applicable school year.

(c) This section applies beginning with the 2019-2020 school year. This subsection expires August 31, 2019.

Representative Huberty moved to table Amendment No. 16.

The motion to table prevailed by (Record 307): 85 Yeas, 57 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson, C.; Anderson, R.; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Cook; Cospser; Craddick; Cyrier; Dale; Darby; Davis, S.; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Hefner; Holland; Huberty; Hunter; Isaac; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Metcalf; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Smithee; Springer; Stickland; Swanson; Thompson, E.; Tinderholt; Villalba; Workman; Wray; Zedler; Zerwas.

Nays — Alvarado; Anchia; Arévalo; Ashby; Bernal; Blanco; Coleman; Collier; Cortez; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Farrar; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Lozano; Lucio; Martinez; Meyer; Minjarez; Muñoz; Neave; Nevárez; Oliveira; Ortega; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Shine; Thompson, S.; Turner; Uresti; VanDeaver; Vo; Walle; White; Wilson; Wu.

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

Absent — Moody; Perez; Phillips; Stephenson; Stucky; Thierry.

STATEMENTS OF VOTE

When Record No. 307 was taken, I was shown voting no. I intended to vote yes.

Deshotel

When Record No. 307 was taken, I was in the house but away from my desk. I would have voted no.

Moody

Amendment No. 17

Representatives Darby, VanDeaver, Burns, D. Bonnen, Kacal, Ashby, Phillips, C. Anderson, Morrison, Cyrier, Springer, White, Sheffield, Landgraf, Lozano, Longoria, González, Hefner, Phelan, Wray, Roberts, Paddie, Schubert, Raney, Cook, Clardy, Murr, Wilson, Guillen, Stephenson, Frank, and Lambert offered the following amendment to **CSHB 21**:

Floor Packet Page No. 23

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

(1) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Effective September 1, 2018, Section 12.106(a-1), Education Code, is amended 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.

SECTION _____. (a) 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

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

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

SECTION _____. 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:

$$AA = (1 + ((1,600 - ADA) \times \underline{.000275} \del{[.00025]})) \times ABA$$

(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:

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

(2) On page 19, line 14, strike "\$75" and substitute "\$34".

(3) On page 21, line 4, strike "This" and substitute "Except as otherwise provided by this Act, this".

Amendment No. 17 was adopted by (Record 308): 86 Yeas, 59 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Arévalo; Ashby; Bailes; Bonnen, D.; Burns; Burrows; Button; Canales; Capriglione; Clardy; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Darby; Davis, Y.; Dean; Dukes; Elkins; Fallon; Flynn; Frank; Frullo; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Hunter; Isaac; Israel; Kacal; King, K.; King, P.; King, T.; Lambert; Landgraf; Lang; Longoria; Lozano; Lucio; Martinez; Moody; Morrison; Murr; Nevárez; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Schaefer; Schubert; Sheffield; Shine; Smithee; Springer; Stephenson; Stucky; Swanson; Uresti; VanDeaver; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Bell; Biedermann; Blanco; Bohac; Bonnen, G.; Burkett; Cain; Coleman; Dale; Davis, S.; Deshotel; Dutton; Faircloth; Farrar; Geren; Gervin-Hawkins; Giddings; Goldman; Hernandez; Howard; Huberty; Johnson, E.; Johnson, J.; Keough; Klick; Koop; Krause; Larson; Leach; Metcalf; Meyer; Miller; Minjarez; Muñoz; Murphy; Neave; Oliveira; Oliverson; Rinaldi; Romero; Rose; Sanford; Schofield; Shaheen; Simmons; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner; Villalba; Vo; Walle; Wu.

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

Absent — Bernal; Laubenberg; Thierry.

STATEMENTS OF VOTE

When Record No. 308 was taken, I was in the house but away from my desk. I would have voted yes.

Bernal

When Record No. 308 was taken, I was shown voting yes. I intended to vote no.

Button

When Record No. 308 was taken, I was shown voting yes. I intended to vote no.

Capriglione

When Record No. 308 was taken, I was shown voting no. I intended to vote yes.

Coleman

When Record No. 308 was taken, I was shown voting yes. I intended to vote no.

Cosper

When Record No. 308 was taken, I was shown voting no. I intended to vote yes.

Howard

When Record No. 308 was taken, I was shown voting yes. I intended to vote no.

Swanson

When Record No. 308 was taken, I was shown voting no. I intended to vote yes.

E. Thompson

When Record No. 308 was taken, I was shown voting no. I intended to vote yes.

Walle

When Record No. 308 was taken, I was shown voting yes. I intended to vote no.

Zedler

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. 4).

CSHB 21 - (consideration continued)

Amendment No. 18

Representative Lambert offered the following amendment to **CSHB 21**:
Floor Packet Page No. 25

Amend **CSHB 21** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 7.055(b), Education Code, is amended by adding Subdivision (42) to read as follows:

(42) The commissioner may accept a gift, donation, or other contribution on behalf of the public school system or agency and, unless otherwise specified by the donor, may use the contribution for the benefit of the public school system or agency in the manner the commissioner determines appropriate.

SECTION _____. Subchapter F, Chapter 29, Education Code, is amended by adding Section 29.194 to read as follows:

Sec. 29.194. STUDY ON SUMMER CAREER AND TECHNOLOGY EDUCATION COURSES. (a) The commissioner shall conduct a study regarding the provision of career and technology education courses during the summer. The study must analyze:

- (1) the feasibility of providing those courses during the summer;
- (2) the potential demand for those courses during the summer;
- (3) any funding considerations associated with providing those courses during the summer; and
- (4) any other matter the commissioner determines appropriate.

(b) Not later than December 1, 2018, the commissioner shall submit to the governor and the members of the legislature a report on the results of the study and any recommendations for legislative or other action.

(c) The provisions of this section apply only if the commissioner receives sufficient money to pay for the study and report from gifts, donations, or other contributions that may be used for that purpose.

(d) This section expires September 1, 2019.

Amendment No. 19

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

Amend Amendment No. 18 by Lambert to **CSHB 21** (page 25, prefiled amendment packet) as follows:

(1) On page 1, line 13, strike "SUMMER".

(2) On page 1, between lines 24 and 25, add the following:

(a-1) The study shall include an evaluation of the feasibility of extending career and technology education programs to students enrolled below the eighth grade level and providing funding for those programs.

Amendment No. 19 was adopted.

Amendment No. 20

Representatives Bell and Howard offered the following amendment to Amendment No. 18:

Amend Amendment No. 18 by Lambert to **CSHB 21** (page 25, prefiled amendment packet) on page 2, immediately following line 4, by adding the following:

SECTION _____. Not later than March 1, 2019, the Texas Education Agency shall conduct a review of technology applications and career and technology courses for grades nine through 12 and provide recommendations to the State Board of Education for eliminating duplicative courses while ensuring certifications are aligned with the rigor of each individual course.

Amendment No. 20 was adopted.

Amendment No. 18, as amended, was adopted.

Amendment No. 21

Representative Nevárez offered the following amendment to **CSHB 21**:
Floor Packet Page No. 27

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

(1) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 7.062(c), Education Code, is amended to read as follows:

(c) Except as otherwise provided by this subsection, if the commissioner certifies that the amount appropriated for a state fiscal year for purposes of Subchapters A and B, Chapter 46, exceeds the amount to which school districts

are entitled under those subchapters for that year, the commissioner shall use the excess funds, in an amount not to exceed \$20 million in any state fiscal year, for the purpose of making grants under this section. The use of excess funds under this subsection has priority over any provision of Chapter 42 that permits or directs the use of excess foundation school program funds, including Sections ~~[42.2517,]~~ 42.2521, 42.2522, and 42.2531. The commissioner is required to use excess funds as provided by this subsection only if the commissioner is not required to reduce the total amount of state funds allocated to school districts under Section 42.253(h).

SECTION _____. Section 42.102, Education Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The basic allotment for each school district is adjusted to reflect the ~~[geographic variation in known resource costs and]~~ costs of education for ~~[due to factors beyond the control of]~~ the school district using the updated cost of education index provided under Subsection (c).

(c) Based on a statistical analysis conducted by the Legislative Budget Board to determine for each school district the current geographic variation in known resource costs and costs of education due to factors beyond the control of the district, the commissioner shall update the cost of education index used for purposes of this section during the 2016-2017 school year. The updated index shall be used for purposes of this section beginning with the 2017-2018 school year. Subsequently, the commissioner periodically may request more current statistical analysis from the Legislative Budget Board and further update as needed the cost of education index used for purposes of this section.

(2) On page 20, between lines 19 and 20, add the following appropriately numbered subdivision and renumber the subsequent subdivisions accordingly:

(____) Section 42.102(b);

(3) On page 20, line 22, strike "and".

(4) On page 20, line 23, strike the period and substitute "; and".

(5) On page 20, between lines 23 and 24, add the following appropriately numbered subdivision:

(____) Section 42.2517.

Amendment No. 22

Representative Huberty offered the following amendment to Amendment No. 21:

Amend Amendment No. 21 by Nevarez to **CSHB 21** (pages 27-28, prefiled amendments packet) as follows:

(1) On page 1, lines 21, strike "amending Subsection (a) and".

(2) On page 1, strike lines 23-27.

(3) On page 2, lines 4-6, strike "The updated index shall be used for purposes of this section beginning with the 2017-2018 school year. Subsequently, the" and substitute "The".

(4) On page 2, line 9, strike "used for purposes of this section".

(5) On page 2, strike lines 10-13, and renumber subsequent subdivisions appropriately.

Amendment No. 22 was adopted.

Amendment No. 21, as amended, was adopted.

Amendment No. 23

Representative S. Davis offered the following amendment to **CSHB 21**:

Floor Packet Page No. 29

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

SECTION _____. Section 11.052, Education Code, is amended by amending Subsections (a) and (d) and adding Subsection (b-1) to read as follows:

(a) A school district described by Subsection (b-1) may not receive formula funding from any source for any purposes unless the board of trustees of that district is selected in the manner described by Subsection (b-1)

(a-1) Except as provided by Subsections [Subsection] (b) and (b-1), the board of trustees of an independent school district, on its own motion, may order that trustees of the district are to be elected from single-member trustee districts or that not fewer than 70 percent of the members of the board of trustees are to be elected from single-member trustee districts with the remaining trustees to be elected from the district at large.

(b-1) This subsection applies only to an independent school district located in a county with a population of 3.3 million or more and with a student enrollment of more than 200,000. The board of trustees of a district subject to this subsection shall order that five trustees are to be elected from single-member districts, with the remaining trustees to be elected at large. Section 11.053 does not apply when the plan to divide the district into the appropriate number of trustee districts is adopted to comply with this subsection. If a board of trustees subject to this subsection fails to comply with this subsection, the school district is not entitled to receive state funds, including any formula funding, under this title.

(d) An order of the board adopted under Subsection (a), ~~(b)~~, or (b-1) must be entered not later than the 120th day before the date of the first election at which all or some of the trustees are elected from single-member trustee districts authorized by the order.

Amendment No. 23 was withdrawn.

Amendment No. 24

Representative Giddings offered the following amendment to **CSHB 21**:

Floor Packet Page No. 31

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

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

(a-3) Notwithstanding Section 29.153(c), in computing the sum of attendance under Subsection (a) for a school year, a school district may include full days of attendance for each prekindergarten student who attends a full-day prekindergarten program offered by the district, provided that:

- (1) the student is eligible for prekindergarten under Section 29.153;
- (2) the district does not charge tuition for the student's enrollment in the program; and
- (3) the program complies with the requirements regarding high quality specified in Subchapter E-1, Chapter 29.

Representative Huberty moved to table Amendment No. 24.

The motion to table prevailed by (Record 309): 91 Yeas, 54 Nays, 2 Present, not voting.

Yeas — Alonzo; Anderson, C.; Anderson, R.; 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; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; Hunter; Isaac; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alvarado; Anchia; Arévalo; Blanco; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gervin-Hawkins; Giddings; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; White; Wilson; Wu.

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

Absent — Bernal; Elkins; González.

(Speaker in the chair)

Amendment No. 25

Representative Biedermann offered the following amendment to **CSHB 21**:
Floor Packet Page No. 32

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

SECTION _____. Subchapter A, Chapter 42, Education Code, is amended by adding Section 42.008 to read as follows:

Sec. 42.008. TEACHER SURVEY. (a) Out of the amount appropriated for the basic allotment under the Foundation School Program for the state fiscal biennium beginning September 1, 2017, the commissioner shall set aside an amount, not to exceed \$80,000, necessary to fund the administration of a survey of the opinions of public school teachers in this state regarding the efficacy of the public school finance system.

(b) The survey shall consist of questions developed jointly by the committees of the senate and the house of representatives with jurisdiction over public education. The agency and the Legislative Budget Board shall provide support to the committees, including recommendations for proposed questions if requested by the committees.

(c) The survey shall be administered by a vendor selected by the comptroller. The vendor shall be responsible for providing the survey to each school district and open-enrollment charter school in this state and providing any assistance required by school districts and open-enrollment charter schools in distributing the survey to teachers.

(d) The survey must:

(1) permit teachers to submit anonymous responses directly to the vendor; and

(2) be conducted in accordance with a timeline that requires teacher responses to be submitted to the vendor not later than April 30, 2018.

(e) A school district or open-enrollment charter school may not require a teacher to provide any information to the district or school regarding the teacher's responses to the survey.

(f) For each school district and open-enrollment charter school, the vendor shall notify the commissioner of the rate of participation in the survey by teachers employed by the district or school. For school districts or schools with high participation rates, as determined by the commissioner, the commissioner, in a manner considered appropriate by the commissioner, shall include consideration of the participation rate as a favorable additional factor in determining the performance rating assigned to the district or school under Section 39.054 for the 2017-2018 school year.

(g) The vendor shall submit the results of the survey to the legislature and the governor not later than December 31, 2018.

(h) This section expires September 1, 2019.

AMENDMENT NO. 25 - REMARKS

REPRESENTATIVE BIEDERMANN: This is an amendment that I am very passionate about. It's about listening to our teachers. I've been working on this amendment for a while, meeting with many educators as well as the TEA staff. This amendment will give us valuable feedback from our teachers, who are on the frontline of our public education system. Since the State of Texas will be spending \$90 billion in the next biennium on education—half of our budget—I feel we as legislators should get the feedback from our teachers. However, after speaking with Chairman Huberty, I will be withdrawing this amendment and attaching it to **HB 22**, which already contains surveys for students. So I'll be presenting it with **HB 22**.

Amendment No. 25 was withdrawn.

Amendment No. 26

Representative Blanco offered the following amendment to **CSHB 21**:
Floor Packet Page No. 38

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

SECTION _____. Subchapter A, Chapter 42, Education Code, is amended by adding Section 42.010 to read as follows:

Sec. 42.010. COMPREHENSIVE REVIEW OF PUBLIC SCHOOL FINANCE WEIGHTS, ALLOTMENTS, AND ADJUSTMENTS. (a) The agency shall conduct a comprehensive review of:

(1) the cost of education adjustment applied to the basic allotment to determine school district entitlements under the public school finance system; and

(2) all other weights, allotments, and adjustments under the public school finance system, including all current weights, allotments, and adjustments provided under this chapter and any additional weights, allotments, and adjustments that the agency determines may be appropriate.

(b) The review must determine the effectiveness of existing weights, allotments, and adjustments in fulfilling the mission of the public education system stated in Section 4.001(a) and furthering the state policy stated in Section 42.001. At a minimum, the review must determine how closely and appropriately each of the following elements reflects and provides financing for costs beyond the control of school districts:

(1) adjustments for costs related to the geographic variation in known resource costs and costs of education, controlling for the impact of unequalized wealth and hold-harmless provisions, and properly reflecting the impact of high concentrations of poverty on the compensation that school districts must pay to attract and retain teachers of comparable or appropriate quality;

(2) adjustments for costs related to the size and diseconomies of scale of school districts;

(3) adjustments for costs related to the varying instructional needs and characteristics of students and the extent to which the adjustments provide each student with access to programs and services that are appropriate to the student's educational needs;

(4) other factors, in addition to economic status, that correlate to at-risk status and the need for compensatory education, and the degree to which those factors correspond to additional educational costs; and

(5) the manner in which the cost adjustments are applied to and affect the overall school finance system.

(c) The review of the adjustments described in Subsection (b)(1) must:

(1) address all uncontrollable costs that can reasonably be quantified;

(2) consider the qualifications, experience, and turnover rate of personnel and the impact of those factors on student achievement in considering the adequacy and comparability of salaries;

(3) properly address the impact of factors that have a large impact on certain types of school districts, such as extreme isolation, regardless of general state impact;

(4) include only factors for which a rational economic argument can be made;

(5) be carefully constructed to make sure that a cost factor does not significantly affect more than one variable; and

(6) not be artificially adjusted to meet predetermined outcomes and must not use arbitrary limits.

(d) In determining whether any additional weights, allotments, and adjustments are appropriate under the public school finance system, the agency shall include consideration of an additional weight for educational services provided to students in prekindergarten on a half-day basis and on a full-day basis.

(e) The agency may contract with one or more consultants if necessary to enable the agency to perform its duties under this section.

(f) The Legislative Budget Board, the comptroller, the state auditor, and any other state agency, official, or personnel shall cooperate with the agency in carrying out its duties under this section.

(g) Not later than September 1, 2018, the agency shall provide to the legislature, the Legislative Budget Board, the comptroller, and the state auditor a report that:

(1) states the findings of the review conducted under this section; and

(2) includes recommendations for updated weights, allotments, and adjustments and any other statutory changes considered appropriate by the agency.

(h) This section expires January 1, 2019.

Amendment No. 26 was withdrawn.

REMARKS ORDERED PRINTED

Representative Cain moved to print remarks by Representative Biedermann on Amendment No. 25.

The motion prevailed.

Amendment No. 27

Representative Meyer offered the following amendment to **CSHB 21**:
Floor Packet Page No. 41

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

SECTION _____. Subchapter D, Chapter 41, Education Code, is amended by adding Section 41.0932 to read as follows:

Sec. 41.0932. LIMITATION ON TOTAL COST. (a) Notwithstanding any other provision of this chapter, a school district that executes an agreement to purchase all attendance credits necessary to reduce the district's wealth per student to the equalized wealth level:

(1) is entitled to retain maintenance and operations tax revenue sufficient to pay the district's average maintenance and operations costs per student in average daily attendance, as determined under Subsection (b) and adjusted for inflation; and

(2) may not be required to pay a total amount for attendance credits that would reduce the district's retained maintenance and operations tax revenue below the amount described by Subdivision (1).

(b) For purposes of Subsection (a)(1), the commissioner shall determine a school district's average maintenance and operations costs per student in average daily attendance based on the district's maintenance and operations expenditures per student in average daily attendance for the preceding three school years. The commissioner shall adjust a district's average costs to reflect inflation in a manner determined appropriate by the commissioner.

(c) A determination by the commissioner under this section is final and may not be appealed.

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

Amendment No. 27 was withdrawn.

Amendment No. 28

Representative Springer offered the following amendment to **CSHB 21**:

Floor Packet Page No. 42

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

SECTION _____. Subchapter B, Chapter 42, Education Code, is amended by adding Section 42.1041 to read as follows:

Sec. 42.1041. INELIGIBILITY FOR SMALL OR MID-SIZED DISTRICT ADJUSTMENT OR SPARSITY ADJUSTMENT. (a) This section applies only to a school district that:

(1) borders the Red River; and

(2) has a student enrollment of less than 90, with more than 50 percent of the enrollment consisting of students who have transferred from another school district.

(b) Notwithstanding Section 42.103, 42.104, or 42.105, a school district to which this section applies is ineligible for an adjustment under Section 42.103 or 42.105 for any school year during which the district:

(1) issues bonds for the construction of a new instructional facility on property more than 5 miles from a property that before the issuance of the bonds was owned by the district and was the location of an instructional facility for the previous 5 years; or

(2) makes payments on bonds described by Subdivision (1).

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

Amendment No. 29

Representative K. King offered the following amendment to **CSHB 21**:

Floor Packet Page No. 43

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

SECTION _____. Chapter 42, Education Code, is amended by adding Section 42.107 to read as follows:

Sec. 42.107. SPECIAL PURPOSE SCHOOL DISTRICTS OPERATED BY GENERAL ACADEMIC TEACHING INSTITUTIONS (a) In each fiscal year of the biennium, the Commissioner of Education shall allocate funding from the Foundation School Program to each special-purpose school district established under Section 11.351 that is operated by a general academic teaching institution as defined by Section 61.003, in an amount equivalent to the Basic Allotment in Section 42.101(a) multiplied by the number of full-time equivalent students who are enrolled in the school district and who reside in this state.

(b) In allocating funding to special-purpose school districts under this section, the commissioner shall use a payment schedule consistent with the payment schedule adopted for open-enrollment charter schools.

(c) A special-purpose school district that receives state funding for a resident student under this section may not charge tuition or fees to that student for the academic term for which state funding is received, beyond fees permitted under Section 11.158.

(d) A special-purpose school district may elect not to receive state funding under this section.

Amendment No. 29 was adopted.

Amendment No. 30

Representative Walle offered the following amendment to **CSHB 21**:

Floor Packet Page No. 46

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

SECTION _____. Sections 42.152(a) and (c), Education Code, are amended to read as follows:

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

(c) Funds allocated under this section shall be used to fund supplemental programs and services designed to eliminate any disparity in performance on assessment instruments administered under Subchapter B, Chapter 39, or disparity in the rates of high school completion between students at risk of dropping out of school, as defined by Section 29.081, and all other students. Specifically, the funds, other than an indirect cost allotment established under State Board of Education rule, which may not exceed 25 ~~45~~ percent, may be used to meet the costs of providing a compensatory, intensive, or accelerated instruction program under Section 29.081 or a disciplinary alternative education program established under Section 37.008, to pay the costs associated with placing students in a juvenile justice alternative education program established under Section 37.011, or to support a program eligible under Title I of the Elementary and Secondary Education Act of 1965, as provided by Pub. L. No. 103-382 and its subsequent amendments, and by federal regulations implementing that Act, at a campus at which at least 40 percent of the students are educationally disadvantaged. In meeting the costs of providing a compensatory, intensive, or accelerated instruction program under Section 29.081, a district's compensatory education allotment shall be used for costs supplementary to the regular education program, such as costs for program and student evaluation, instructional materials and equipment and other supplies required for quality instruction, supplemental staff expenses, salary for teachers of at-risk students, smaller class size, and individualized instruction. A home-rule school district or an open-enrollment charter school must use funds allocated under Subsection (a) for a purpose authorized in this subsection but is not otherwise subject to Subchapter C, Chapter 29. For purposes of this subsection, a program specifically designed to serve students at risk of dropping out of school, as defined by Section 29.081, is considered to be a program supplemental to the regular education program, and a district may use its compensatory education allotment for such a program.

Representative Huberty moved to table Amendment No. 30.

The motion to table prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 6:45 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 6:45 p.m. today, 3W.15, for a formal meeting, to set a calendar.

CSHB 21 - (consideration continued)

Amendment No. 31

Representative E. Rodriguez offered the following amendment to **CSHB 21**:

Floor Packet Page No. 48

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

SECTION _____. Subchapter C, Chapter 42, Education Code, is amended by adding Section 42.1531 to read as follows:

Sec. 42.1531. LANGUAGE ACQUISITION ALLOTMENT FOR STUDENTS WHO ARE DEAF OR HARD OF HEARING. (a) For each student in average daily attendance who is deaf or hard of hearing and is found to be reading at a level below the age-appropriate reading level for a student without a disability, a school district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 0.2.

(b) Funds allocated under this section, other than an indirect cost allotment established under State Board of Education rule, must be used in providing programs to assist students who are deaf or hard of hearing in acquiring age-appropriate language skills.

(c) A school district's allocation under this section may be used only for program and student evaluation, instructional materials and equipment, staff development, supplemental staff expenses, salary supplements for teachers, and other supplies required for quality instruction and for reporting information regarding student progress as required by commissioner rule.

(d) A school district may receive funding for a student under this section and Section 42.151 if the student satisfies the requirements of both sections.

Amendment No. 31 was withdrawn.

Amendment No. 32

Representative E. Johnson offered the following amendment to **CSHB 21**:
Floor Packet Page No. 51

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

(1) On page 3, between lines 11 and 12, add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Section 12.104(b), Education Code, is amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under Section 28.025;

- (F) special education programs under Subchapter A, Chapter 29;
- (G) bilingual education under Subchapter B, Chapter 29;
- (H) prekindergarten programs under Subchapter E, ~~[E-1]~~ E-1, or E-2, Chapter 29;
- (I) extracurricular activities under Section 33.081;
- (J) discipline management practices or behavior management techniques under Section 37.0021;
- (K) health and safety under Chapter 38;
- (L) public school accountability under Subchapters B, C, D, E, F, G, and J, Chapter 39;
- (M) the requirement under Section 21.006 to report an educator's misconduct;
- (N) intensive programs of instruction under Section 28.0213; and
- (O) the right of a school employee to report a crime, as provided by Section 37.148.

SECTION _____. Section 25.001(a), Education Code, is amended to read as follows:

(a) A person who, on the first day of September of any school year, is at least five years of age and under 21 years of age, or is at least 21 years of age and under 26 years of age and is admitted by a school district to complete the requirements for a high school diploma is entitled to the benefits of the available school fund for that year. Any other person enrolled in a prekindergarten class under Section 29.153 or Subchapter E-1 or E-2, Chapter 29, is entitled to the benefits of the available school fund.

(2) On page 3, line 12, strike "Section 29.153(c), Education Code, is amended" and substitute "Section 29.153, Education Code, is amended by amending Subsection (c) and adding Subsection (c-1)"

(3) On page 3, line 15, between "basis" and the period, insert the following: , unless the school district chooses to operate gold standard prekindergarten classes on a full-day basis in accordance with Subchapter E-2. A school district is eligible for funding under the Foundation School Program for students enrolled in a gold standard prekindergarten class as provided by Section 29.17403

(4) On page 3, line 15, between the period and "A district", insert: "(c-1)".

(5) On page 3, between lines 18 and 19, add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Section 29.1532, Education Code, is amended by amending Subsection (c) and adding Subsection (e) to read as follows:

(c) A school district that offers prekindergarten classes, including a high quality prekindergarten program class under Subchapter E-1 or a gold standard prekindergarten program class under Subchapter E-2, shall include the following information in the district's Public Education Information Management System (PEIMS) report:

(1) demographic information, as determined by the commissioner, on students enrolled in district and campus prekindergarten classes, including the number of students who are eligible for classes under Section 29.153;

(2) the numbers of half-day and full-day prekindergarten classes offered by the district and campus;

(3) the sources of funding for the prekindergarten classes;

(4) the class size and ratio of instructional staff to students for each prekindergarten program class offered by the district and campus;

(5) if the district elects to administer an assessment instrument to students enrolled in district and campus prekindergarten program classes, a description and the results of each type of assessment instrument; and

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

(e) The agency shall make the information required under this section available and accessible to parents and the general public.

SECTION _____. Chapter 29, Education Code, is amended by adding Subchapter E-2 to read as follows:

SUBCHAPTER E-2. GOLD STANDARD PREKINDERGARTEN PROGRAM

Sec. 29.17401. DEFINITION. In this subchapter, "program" means a gold standard prekindergarten program provided free of tuition or fees in accordance with this subchapter.

Sec. 29.17402. GOLD STANDARD PREKINDERGARTEN PROGRAM.

(a) From funds appropriated for that purpose, the commissioner by rule shall establish a funding program under which funds are awarded to school districts and open-enrollment charter schools to implement a full-day prekindergarten program under this subchapter for children who are:

(1) eligible for classes under Section 29.153; and

(2) at least four years of age on September 1 of the year the child begins the program.

(b) Before a school district may participate in the program, the district must apply to the agency and the agency must approve the district's application. The school district shall include in the district's application:

(1) a design plan for implementation of the program;

(2) a professional development plan to improve the instruction quality of teachers and teacher's aides; and

(3) any other information required by the commissioner.

(c) A program is subject to any other requirements imposed by law that apply to a prekindergarten program not provided in accordance with this subchapter, except that to the extent a conflict exists between this subchapter and any other provision of law, this subchapter prevails.

Sec. 29.17403. GOLD STANDARD PROGRAM FUNDING. (a) In addition to funding granted under Subsection (b), a school district is eligible for half-day funding under the Foundation School Program for students enrolled in a program class.

(b) A school district is entitled to receive a gold standard prekindergarten program allotment under Section 42.160.

Sec. 29.17404. GOLD STANDARD CURRICULUM AND INSTRUCTION STANDARDS. (a) The agency shall approve curricula to be used in a prekindergarten program under this subchapter.

(b) A school district may select and implement a curriculum for the program that the agency has approved. If the school district does not select an approved curriculum for the program, the school district must obtain agency approval for the selected curriculum before the district implements the curriculum.

(c) The agency shall ensure that the curriculum implemented in a program includes prekindergarten guidelines established by the agency.

(d) Each program class must have at least one teacher certified under Subchapter B, Chapter 21. A school district:

(1) may not enroll more than 25 students in a program class; and

(2) must maintain an average ratio in a program class of not less than one certified teacher or teacher's aide for each 10 students.

(e) A teacher's aide who is included in the required student to instructor ratio under Subsection (d)(2):

(1) must have been awarded a Child Development Associate (CDA) credential; or

(2) must:

(A) have at least four years of experience working in early child development; and

(B) receive a Child Development Associate (CDA) credential not later than the fourth anniversary of the date the teacher's aide began working in a program class.

(f) The commissioner shall develop standards for instructional coaching and clinical practice for teachers and teacher's aides in the program that ensure continued improvement of instruction quality.

Sec. 29.17405. PARENT ENGAGEMENT PLANS. A school district shall:

(1) develop and implement a parent engagement plan to assist the district in achieving and maintaining high levels of parental involvement and positive parental attitudes toward education; and

(2) assess parental involvement in the program and parental attitude.

Sec. 29.17406. STUDENT ASSESSMENTS. (a) A school district shall administer diagnostic assessments to students in the program but may not administer a standardized assessment instrument. A diagnostic assessment may not be the basis of class advancement, teacher compensation, or district funding. A school district shall report data from results of diagnostic assessments in accordance with Section 29.1532(c).

(b) The agency shall approve diagnostic assessments for a prekindergarten program under this subchapter. A school district may select assessments for the program from among the approved assessments. If the school district does not select an approved assessment, the school district must obtain agency approval for the assessment selected by the district before using the assessment.

Sec. 29.17407. PROGRAM ASSESSMENT. (a) The agency shall assess the effectiveness of the program by comparing student-level results of assessment instruments administered under Section 39.023(a) in the third and fourth grades of students who completed the program against the results of the same assessment instruments of students who did not complete the program.

(b) The agency shall develop and approve additional methods by which a school district may assess the district's program classes and instruction. The methods must be capable of measuring or assessing interaction between teachers and students, coverage of program curriculum, and other metrics required by commissioner rule.

(c) A school district may select and implement appropriate methods approved by the agency for assessing the district's program classes. If the school district does not select an approved assessment method, the school district must obtain agency approval for the assessment method selected. A school district shall report data from results of program assessments in accordance with Section 29.1532(c).

Sec. 29.17408. PROGRAM ACCOUNTABILITY. (a) The commissioner shall establish benchmarks for the effectiveness of a school district's program using student-level results collected under Section 29.17407(a). The rules must require a district to demonstrate high achievement or show substantial progress toward high achievement with respect to the benchmarks to continue operating the program.

(b) If a school district's program does not satisfy benchmarks adopted under Subsection (a), the agency shall propose changes for the district's program to assist the district in satisfying the benchmarks. A district that implements proposed changes is eligible to operate the program notwithstanding the district's failure to satisfy benchmarks for the program. If a district to which the agency has proposed changes fails to implement the proposed changes, the district is ineligible to receive funding under this subchapter.

Sec. 29.17409. CONTRACTS WITH PRIVATE PROVIDERS. A school district participating in the program may enter into a contract with eligible private providers to provide services or equipment for the program.

Sec. 29.17410. ELIGIBLE PRIVATE PROVIDERS. To be eligible to contract with a school district to provide a program or part of a program, a private provider must be licensed by and in good standing with the Department of Family and Protective Services. For purposes of this section, a private provider is in good standing with the Department of Family and Protective Services if the department has not taken an action against the provider's license under Section 42.071, 42.072, or 42.078, Human Resources Code, during the 24-month period preceding the date of a contract with a school district. The private provider must also be accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by the commissioner.

Sec. 29.17411. WRITTEN CONTRACT REQUIRED. A school district and a private provider contracting under this subchapter shall enter a written contract governing the services to be provided by the private provider, including the amount of funding allocated by the school district to the private provider and the number of students the private provider agrees to enroll. The contract may provide that:

(1) the school district leases school facilities to or from the private provider;

(2) the school district employs a certified teacher for the prekindergarten class and the private provider supplies the school facilities and all other personnel and supplies; or

(3) the private provider supplies the school facilities, certified teachers, personnel, and supplies.

Sec. 29.17412. DISCRIMINATION BY PRIVATE PROVIDER PROHIBITED. A private provider may not deny program services to a student on the basis of the student's race, religion, sex, ethnicity, national origin, or disability.

Sec. 29.17413. OVERSIGHT OF PRIVATE PROVIDERS. (a) A school district that contracts with a private provider shall monitor the private provider's compliance with the terms of the contract.

(b) The commissioner shall monitor a private provider's compliance with state laws and requirements for prekindergarten programs.

Sec. 29.17414. RULES. The commissioner may adopt rules necessary to implement this subchapter.

(6) On page 6, between lines 25 and 26, add the following appropriately numbered SECTION to the bill:

SECTION _____. Section 42.003(b), Education Code, is amended to read as follows:

(b) A student to whom Subsection (a) does not apply is entitled to the benefits of the Foundation School Program if the student is enrolled in a prekindergarten class under Section 29.153 or Subchapter E-1 or E-2, Chapter 29.

(7) On page 11, between lines 18 and 19, add the following appropriately numbered SECTIONS to the bill:

SECTION _____. The heading to Section 42.160, Education Code, is amended to read as follows:

Sec. 42.160. GOLD STANDARD PREKINDERGARTEN PROGRAM [HIGH SCHOOL] ALLOTMENT.

SECTION _____. Section 42.160(a), Education Code, is amended to read as follows:

(a) A school district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 0.5 [of \$275] for each student in average daily attendance in a gold standard prekindergarten program under Subchapter E-2, Chapter 29, [grades 9 through 12] in the district.

(8) On page 20, line 22, strike "Section 42.160" and substitute "Sections 42.160(b), (c), and (d)".

(9) On page 21, between lines 3 and 4, add the following appropriately numbered SECTION to the bill:

SECTION _____. Sections 12.104(b), 25.001(a), 29.1532, and 42.003(b), Education Code, as amended by this Act, and Subchapter E-2, Chapter 29, Education Code, as added by this Act, apply beginning with the 2017-2018 school year.

(10) Renumber subsequent SECTIONS of the bill accordingly.

LEAVES OF ABSENCE GRANTED

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

Ashby on motion of Workman.

Cook on motion of Workman.

S. Davis on motion of Workman.

Geren on motion of Workman.

Giddings on motion of Workman.

Howard on motion of Workman.

Hunter on motion of Workman.

Kacal on motion of Workman.

K. King on motion of Workman.

Phelan on motion of Workman.

CSHB 21 - (consideration continued)

Representative Huberty moved to table Amendment No. 32.

The motion to table prevailed by (Record 310): 86 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Bailes; Bell; Bernal; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cospier; Craddick; Cyrier; Dale; Darby; Dean; Dutton; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; Isaac; Keough; King, P.; Klick; Koop; Krause; Kuempel; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phillips; Price; Raney; 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 — Alonzo; Alvarado; Anchia; Arévalo; Blanco; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Farrar; Gervin-Hawkins; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused, Committee Meeting — Ashby; Cook; Davis, S.; Geren; Giddings; Howard; Hunter; Kacal; King, K.; Phelan.

Absent — Allen; Biedermann; Lambert.

Amendment No. 33

Representative S. Thompson offered the following amendment to **CSHB 21**:
Floor Packet Page No. 63

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

SECTION _____. Subchapter E, Chapter 42, Education Code, is amended by adding Section 42.2541 to read as follows:

Sec. 42.2541. ESTIMATED PROJECTIONS. (a) In this section, "equivalent equalized wealth level" means an equalized wealth level for a state fiscal biennium that results in approximately the same number of school districts that are required to take action under Chapter 41 to reduce wealth as the number of school districts that were required to take that action during the preceding state fiscal biennium.

(b) Not later than November 1 of each even-numbered year, the agency shall:

(1) submit to the legislature a projection for an equivalent equalized wealth level for the following biennium based on the agency's estimate of:

(A) student enrollment under Section 42.254(a)(1); and

(B) the comptroller's estimate of any increase in total taxable value of all property in the state under Section 42.254(a)(2); and

(2) provide projections for the equalized funding elements under Section 42.007 for the following biennium as necessary to achieve the equivalent equalized wealth level projected under Subdivision (1).

Amendment No. 34

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

Amend Amendment No. 33 by S. Thompson to **CSHB 21** (page 63, prefiled amendments packet) as follows:

(1) On page 1, line 19, strike "and".

(2) On page 1, line 22, strike "and".

(3) On page 1, between lines 22 and 23, insert the following:

(C) the number of school districts offering a local optional residence homestead exemption under Section 11.13(n), Tax Code;

(D) the number of school districts adopting a tax rate below the maximum tier one tax rate determined under Section 42.252;

(E) the projected amount of maintenance and operations tax revenue per student in weighted average daily attendance of the Austin Independent School District; and

(F) the number of school districts adopting a maintenance and operations tax rate of \$1.17; and

Amendment No. 34 was adopted.

Amendment No. 33, as amended, was adopted by (Record 311): 123 Yeas, 12 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Gervin-Hawkins; Goldman; Gonzales; González; Gooden; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Huberty; Isaac; Israel; Johnson, E.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; 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; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Hefner; Johnson, J.; Krause; Lang; Rinaldi; Sanford; Schaefer; Stickland; Swanson; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused, Committee Meeting — Ashby; Cook; Davis, S.; Geren; Giddings; Howard; Hunter; Kacal; King, K.; Phelan.

Absent — Guillen; Keough; Phillips; Schubert.

STATEMENTS OF VOTE

When Record No. 311 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 311 was taken, I was shown voting no. I intended to vote yes.

J. Johnson

When Record No. 311 was taken, I was shown voting yes. I intended to vote no.

Zedler

Amendment No. 35

Representative S. Thompson offered the following amendment to **CSHB 21**: Floor Packet Page No. 64

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

SECTION _____. Section 42.2522, Education Code, is amended by adding Subsection (f) to read as follows:

(f) Subsection (a) does not apply to a school district that is prohibited by Section 11.13(n-1), Tax Code, from reducing the amount of or repealing an exemption adopted under Section 11.13(n), Tax Code, and the commissioner shall provide funding under this chapter based on the district's taxable value of property computed in accordance with Section 403.302(d)(2), Government Code. This subsection expires December 31, 2019.

Amendment No. 35 was withdrawn.

Amendment No. 36

Representative González offered the following amendment to **CSHB 21**:
Floor Packet Page No. 65

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

(1) Add the following appropriately numbered SECTIONS and renumber the SECTIONS accordingly:

SECTION _____. Section 7.062(c), Education Code, is amended to read as follows:

(c) Except as otherwise provided by this subsection, if the commissioner certifies that the amount appropriated for a state fiscal year for purposes of Subchapters A and B, Chapter 46, exceeds the amount to which school districts are entitled under those subchapters for that year, the commissioner shall use the excess funds, in an amount not to exceed \$20 million in any state fiscal year, for the purpose of making grants under this section. The use of excess funds under this subsection has priority over any provision of Chapter 42 that permits or directs the use of excess foundation school program funds, including Sections 42.2517, 42.2521, [~~42.2522,~~] and 42.2531. The commissioner is required to use excess funds as provided by this subsection only if the commissioner is not required to reduce the total amount of state funds allocated to school districts under Section 42.253(h).

SECTION _____. Sections 403.302(d), (e), (e-1), (i), and (m), Government Code, are amended to read as follows:

(d) For the purposes of this section, "taxable value" means the market value of all taxable property less:

(1) the total dollar amount of any residence homestead exemptions lawfully granted under Section 11.13(b) or (c), Tax Code, in the year that is the subject of the study for each school district;

(2) ~~[one half of the total dollar amount of any residence homestead exemptions granted under Section 11.13(n), Tax Code, in the year that is the subject of the study for each school district;~~

~~(3)~~ the total dollar amount of any exemptions granted before May 31, 1993, within a reinvestment zone under agreements authorized by Chapter 312, Tax Code;

(3) ~~(4)~~ subject to Subsection (e), the total dollar amount of any captured appraised value of property that:

(A) is within a reinvestment zone created on or before May 31, 1999, or is proposed to be included within the boundaries of a reinvestment zone as the boundaries of the zone and the proposed portion of tax increment paid into the tax increment fund by a school district are described in a written notification provided by the municipality or the board of directors of the zone to the governing bodies of the other taxing units in the manner provided by former Section 311.003(e), Tax Code, before May 31, 1999, and within the boundaries of the zone as those boundaries existed on September 1, 1999, including subsequent improvements to the property regardless of when made;

(B) generates taxes paid into a tax increment fund created under Chapter 311, Tax Code, under a reinvestment zone financing plan approved under Section 311.011(d), Tax Code, on or before September 1, 1999; and

(C) is eligible for tax increment financing under Chapter 311, Tax Code;

(4) [~~(5)~~] the total dollar amount of any captured appraised value of property that:

(A) is within a reinvestment zone:

(i) created on or before December 31, 2008, by a municipality with a population of less than 18,000; and

(ii) the project plan for which includes the alteration, remodeling, repair, or reconstruction of a structure that is included on the National Register of Historic Places and requires that a portion of the tax increment of the zone be used for the improvement or construction of related facilities or for affordable housing;

(B) generates school district taxes that are paid into a tax increment fund created under Chapter 311, Tax Code; and

(C) is eligible for tax increment financing under Chapter 311, Tax Code;

(5) [~~(6)~~] the total dollar amount of any exemptions granted under Section 11.251 or 11.253, Tax Code;

(6) [~~(7)~~] the difference between the comptroller's estimate of the market value and the productivity value of land that qualifies for appraisal on the basis of its productive capacity, except that the productivity value estimated by the comptroller may not exceed the fair market value of the land;

(7) [~~(8)~~] the portion of the appraised value of residence homesteads of individuals who receive a tax limitation under Section 11.26, Tax Code, on which school district taxes are not imposed in the year that is the subject of the study, calculated as if the residence homesteads were appraised at the full value required by law;

(8) [~~(9)~~] a portion of the market value of property not otherwise fully taxable by the district at market value because of:

(A) action required by statute or the constitution of this state, other than Section 11.311, Tax Code, that, if the tax rate adopted by the district is applied to it, produces an amount equal to the difference between the tax that the district would have imposed on the property if the property were fully taxable at

market value and the tax that the district is actually authorized to impose on the property, if this subsection does not otherwise require that portion to be deducted; or

(B) action taken by the district under Subchapter B or C, Chapter 313, Tax Code, before the expiration of the subchapter;

(9) [~~(10)~~] the market value of all tangible personal property, other than manufactured homes, owned by a family or individual and not held or used for the production of income;

(10) [~~(11)~~] the appraised value of property the collection of delinquent taxes on which is deferred under Section 33.06, Tax Code;

(11) [~~(12)~~] the portion of the appraised value of property the collection of delinquent taxes on which is deferred under Section 33.065, Tax Code; and

(12) [~~(13)~~] the amount by which the market value of a residence homestead to which Section 23.23, Tax Code, applies exceeds the appraised value of that property as calculated under that section.

(e) The total dollar amount deducted in each year as required by Subsection (d)(3) [~~(d)(4)~~] in a reinvestment zone created after January 1, 1999, may not exceed the captured appraised value estimated for that year as required by Section 311.011(c)(8), Tax Code, in the reinvestment zone financing plan approved under Section 311.011(d), Tax Code, before September 1, 1999. The number of years for which the total dollar amount may be deducted under Subsection (d)(3) [~~(d)(4)~~] shall for any zone, including those created on or before January 1, 1999, be limited to the duration of the zone as specified as required by Section 311.011(c)(9), Tax Code, in the reinvestment zone financing plan approved under Section 311.011(d), Tax Code, before September 1, 1999. The total dollar amount deducted under Subsection (d)(3) [~~(d)(4)~~] for any zone, including those created on or before January 1, 1999, may not be increased by any reinvestment zone financing plan amendments that occur after August 31, 1999. The total dollar amount deducted under Subsection (d)(3) [~~(d)(4)~~] for any zone, including those created on or before January 1, 1999, may not be increased by a change made after August 31, 1999, in the portion of the tax increment retained by the school district.

(e-1) This subsection applies only to a reinvestment zone created by a municipality that has a population of 70,000 or less and is located in a county in which all or part of a military installation is located. Notwithstanding Subsection (e), if on or after January 1, 2017, the municipality adopts an ordinance designating a termination date for the zone that is later than the termination date designated in the ordinance creating the zone, the number of years for which the total dollar amount may be deducted under Subsection (d)(3) [~~(d)(4)~~] is limited to the duration of the zone as determined under Section 311.017, Tax Code.

(i) If the comptroller determines in the study that the market value of property in a school district as determined by the appraisal district that appraises property for the school district, less the total of the amounts and values listed in Subsection (d) as determined by that appraisal district, is valid, the comptroller, in determining the taxable value of property in the school district under Subsection (d), shall for purposes of Subsection (d)(12) [~~(d)(13)~~] subtract from the market

value as determined by the appraisal district of residence homesteads to which Section 23.23, Tax Code, applies the amount by which that amount exceeds the appraised value of those properties as calculated by the appraisal district under Section 23.23, Tax Code. If the comptroller determines in the study that the market value of property in a school district as determined by the appraisal district that appraises property for the school district, less the total of the amounts and values listed in Subsection (d) as determined by that appraisal district, is not valid, the comptroller, in determining the taxable value of property in the school district under Subsection (d), shall for purposes of Subsection (d)(12) [~~(d)(13)~~] subtract from the market value as estimated by the comptroller of residence homesteads to which Section 23.23, Tax Code, applies the amount by which that amount exceeds the appraised value of those properties as calculated by the appraisal district under Section 23.23, Tax Code.

(m) Subsection (d)(8) [~~(d)(9)~~] does not apply to property that was the subject of an application under Subchapter B or C, Chapter 313, Tax Code, made after May 1, 2009, that the comptroller recommended should be disapproved.

SECTION _____. Section 311.011(h), Tax Code, is amended to read as follows:

(h) Unless specifically provided otherwise in the plan, all amounts contained in the project plan or reinvestment zone financing plan, including amounts of expenditures relating to project costs and amounts relating to participation by taxing units, are considered estimates and do not act as a limitation on the described items, but the amounts contained in the project plan or reinvestment zone financing plan may not vary materially from the estimates. This subsection may not be construed to increase the amount of any reduction under Section 403.302(d)(3) [~~403.302(d)(4)~~], Government Code, in the total taxable value of the property in a school district that participates in the zone as computed under Section 403.302(d) of that code.

SECTION _____. Section 403.302, Government Code, as amended by this Act, applies only to an annual school district property value study conducted for a tax year that begins on or after January 1, 2018.

(2) On page 20, line 22, strike "and".

(3) On page 20, line 23, strike the period and substitute "; and".

(4) On page 20, between lines 23 and 24, add the following appropriately numbered subdivision and renumber the subdivisions accordingly:

(_____) Section 42.2522.

(Ashby, Cook, Giddings, Howard, and K. King now present)

Representative Huberty moved to table Amendment No. 36.

The motion to table prevailed.

CSHB 21 - REMARKS

REPRESENTATIVE SHEFFIELD: Chairman Huberty, you've got a good bill here. You put in untold hours on it. It helps 25 out of 27 of my school districts. One of my school districts is an original Chapter 41 school district, Glen Rose

ISD, where Comanche Peak Nuclear Power Plant is located. If this bill passes, they pointed out to me they'll lose \$5.5 million very quickly. Are you aware of any other school districts with a financial impact this large?

REPRESENTATIVE HUBERTY: Dr. Sheffield, no. Unfortunately, Glen Rose ISD was a district that suffered the largest impact of any bill under **CSHB 21**. We looked for a lot of different ways, but based on their tax structure and the way that they fund their education, they suffered the largest loss.

SHEFFIELD: Besides the hardship grant, does **CSHB 21** offer any other form of financial relief for districts such as Glen Rose that suffer such a financial loss?

HUBERTY: No, we didn't, and we wanted to make sure that we wanted to avoid creating another ASATR. We created the hardship grant, so they're able to participate in that, but there's not an extension on the ASATR from that perspective.

SHEFFIELD: Glen Rose ISD M&O is \$0.86. As the bill is written, they'll receive 86 percent of the hardship grant. The question is how can they access more of that, sir?

HUBERTY: Glen Rose, their taxable M&O rate is \$0.86. Comparatively, districts like Crosby ISD or Humble ISD that are at a \$1.17 have gone to their voters and asked for an increase. The mechanism the legislature provided for the local level is for them to go back to their voters and ask for that increase. We know that's difficult. As a former board member that's been on a board that's actually gone to their community and done that, I understand the concerns about that. It's up to the voters how they move forward with that, but that would be the mechanism in place for them.

SHEFFIELD: I want to thank you for the work you and your staff have done with my office staff on this, and I appreciate your help in trying to find equitable funding and fair for all districts.

(Kacal now present)

(Kacal in the chair)

REMARKS ORDERED PRINTED

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

The motion prevailed.

(Phelan now present)

Amendment No. 37

Representative Minjarez offered the following amendment to **CSHB 21**:
Floor Packet Page No. 62

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

SECTION _____. Chapter 34, Education Code, is amended by adding Section 34.0071 to read as follows:

Sec. 34.0071. PUBLIC SCHOOL TRANSPORTATION SYSTEM REPORTS. (a) A school district that operates a public school transportation system shall provide annual reports to the agency that contain information regarding transportation system costs and student ridership comparable to the information required to be provided during the 2016-2017 school year in connection with the transportation allotment provided under former Section 42.155.

(b) The commissioner may adopt rules implementing this section.

Amendment No. 38

Representative Giddings offered the following amendment to Amendment No. 37:

Amend Amendment No. 37 by Minjarez to **CSHB 21** by adding the following appropriately numbered item to the amendment and renumbering subsequent items accordingly:

() Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. To ensure the maximum use of formula funding, in the event that the Dallas County Schools is eliminated, then all school buses, vehicles, and bus service centers shall be transferred to participating component school districts in proportionate shares equal to the proportion that the membership in each district bears to total membership in the county as of September 1, 2017, at no cost to the districts.

Amendment No. 38 was adopted.

Representative Huberty moved to table Amendment No. 37, as amended.

The motion to table prevailed.

(Hunter now present)

Amendment No. 39

Representatives Springer and Landgraf offered the following amendment to **CSHB 21**:

Floor Packet Page No. 49

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

SECTION _____. Subchapter E, Chapter 42, Education Code, is amended by adding Section 42.25162 to read as follows:

Sec. 42.25162. ADDITIONAL STATE AID FOR DISTRICTS THAT ARE ONLY DISTRICT IN COUNTY. Notwithstanding any other provision of this title, if a school district that received additional state aid under Section 42.2516 for the 2016-2017 school year is the only school district located and operating in a county, the commissioner shall provide the district with

additional state aid in the amount the district would have been provided under former Section 42.2516, as that section existed on January 1, 2017. A district receiving additional state aid under this section is not eligible to receive a grant under Subchapter H.

Amendment No. 40

Representatives Isaac, Krause, Simmons, Biedermann, Hefner, Zedler, Laubenberg, Leach, Capriglione, Landgraf, Keough, Rinaldi, Sanford, Shaheen, González, Shine, and Stickland offered the following amendment to Amendment No. 39:

Amend Amendment No. 39 to **CSHB 21** by adding the following appropriately numbered items to the amendment to read as follows:

() Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0225 to read as follows:

Sec. 39.0225. STATE FUNDING CONTINGENT OF ADMINISTRATION OF CERTAIN ASSESSMENT INSTRUMENTS. To be eligible to receive formula funding under this title, a school district must administer the assessment instruments required under Section 39.023 or an additional alternative assessment instrument authorized under Section 39.040.

SECTION _____. Section 39.023(a), Education Code, as effective September 1, 2017, is amended to read as follows:

(a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, ~~writing,~~ mathematics, ~~social studies,~~ and science. Except as provided by Subsection (a-2), all students, other than students assessed under Subsection (b) or (l) or exempted under Section 39.027, shall be assessed in:

(1) mathematics, annually in grades three through seven without the aid of technology and in grade eight with the aid of technology on any assessment instrument that includes algebra;

(2) reading, annually in grades three through eight; and

(3) ~~writing, including spelling and grammar, in grades four and seven;~~

~~[(4) social studies, in grade eight;~~

~~[(5) science, in grades five and eight]; and~~

~~[(6) any other subject and grade required by federal law].~~

SECTION _____. Section 39.023(c), Education Code, is amended to read as follows:

(c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in reading, mathematics, and science only as necessary to comply with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) to be administered only as necessary to meet the minimum requirements of that Act ~~[Algebra I, biology, English I, English II, and United States history. The Algebra I end-of-course assessment instrument must be administered with the aid of technology. The English I and English II end-of-course assessment instruments must each assess essential knowledge and skills in both reading and writing in the same assessment instrument and must provide a single score].~~ A school district

shall comply with State Board of Education rules regarding administration of the assessment instruments adopted under ~~listed in~~ this subsection. If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. The State Board of Education shall administer the assessment instruments. ~~The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).~~

SECTION _____. Section 39.023(c-3), Education Code, as effective September 1, 2017, is amended to read as follows:

(c-3) The State Board of Education, with input from school districts, shall adopt ~~In adopting~~ a schedule for the administration of assessment instruments under this section that minimizes the disruption of classroom instruction ~~the State Board of Education shall require:~~

~~(1) assessment instruments administered under Subsection (a) to be administered on a schedule so that the first assessment instrument is administered at least two weeks later than the date on which the first assessment instrument was administered under Subsection (a) during the 2006-2007 school year; and~~

~~(2) the spring administration of end-of-course assessment instruments under Subsection (c) to occur in each school district not earlier than the first full week in May, except that the spring administration of the end-of-course assessment instruments in English I and English II must be permitted to occur at an earlier date].~~

SECTION _____. Section 39.023, Education Code, is amended by adding Subsection (q) to read as follows:

(q) Notwithstanding any provision of this section or other law, if changes made to the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) reduce the number or frequency of assessment instruments required to be administered to students, the State Board of Education shall adopt rules reducing the number or frequency of assessment instruments administered to students under state law, and the commissioner shall ensure that students are not assessed in subject areas or in grades that are no longer required to meet the minimum requirements of that Act.

SECTION _____. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.040 to read as follows:

Sec. 39.040. ALTERNATIVE ASSESSMENT INSTRUMENTS. (a) The commissioner by rule shall adopt procedures to identify nationally recognized, norm-referenced assessment instruments as additional alternative assessment instruments that may be used to evaluate student achievement for purposes of complying with accountability requirements under this chapter.

(b) Additional alternative assessment instruments identified as provided by Subsection (a) may be used:

(1) for grades three through eight, provided that the commissioner obtains any necessary waiver from the application of any conflicting federal law or regulation as provided by Subsection (d); and

(2) for secondary-level courses.

(c) The procedures adopted to identify all additional alternative assessment instruments under Subsection (a) must be consistent with the federal procedures required by the Every Student Succeeds Act (20 U.S.C. Section 6311) for state approval of nationally recognized high school academic assessment instruments that are available for local selection, including requiring each additional alternative assessment instrument identified to be aligned with the essential knowledge and skills for the appropriate grade level in the subject assessed.

(d) For purposes of using additional alternative assessment instruments in grades three through eight, the commissioner shall seek a waiver from the application of any conflicting federal law or regulation as a result of the use of multiple assessment instruments for assessing students in the same grade.

SECTION _____. Section 39.203(c), Education Code, is amended to read as follows:

(c) In addition to the distinction designations described by Subsections (a) and (b), a campus that satisfies the criteria developed under Section 39.204 shall be awarded a distinction designation by the commissioner for outstanding performance in academic achievement in reading [~~English language arts~~], mathematics, or science [~~or social studies~~].

SECTION _____. Not later than September 1, 2018, the commissioner of education shall:

(1) adopt rules regarding alternative assessment instruments as required by Section 39.040, Education Code, as added by this Act; and

(2) request from the United States Department of Education a waiver from the application of any conflicting federal law or regulation as required by Section 39.040(d), Education Code, as added by this Act, or a written notification that a waiver is not required.

Renumber subsequent SECTIONS of the bill accordingly.

On page 20, between lines 16 and 17, insert the following appropriately numbered subdivision in SECTION 24:

Section 39.02301;

Renumber subsequent subdivisions of SECTION 24 accordingly.

Representative Springer moved to table Amendment No. 40.

(S. Davis and Geren now present)

The motion to table was lost by (Record 312): 38 Yeas, 105 Nays, 3 Present, not voting.

Yeas — Alonzo; Anderson, C.; Bailes; Bernal; Button; Clardy; Cosper; Darby; Davis, S.; Davis, Y.; Dukes; Dutton; Flynn; Gooden; Guerra; Holland; Huberty; Johnson, E.; King, K.; Koop; Lambert; Larson; Longoria; Paddie; Perez; Price; Reynolds; Roberts; Schofield; Schubert; Shaheen; Sheffield; Shine; Springer; Stucky; Thierry; Thompson, S.; VanDeaver.

Nays — Allen; Anchia; Anderson, R.; Arévalo; Ashby; Bell; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Cain; Capriglione; Coleman; Collier; Cortez; Craddock; Cyrier; Dale; Dean; Deshotel;

Elkins; Faircloth; Fallon; Farrar; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; González; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Howard; Hunter; Isaac; Israel; Johnson, J.; Keough; King, P.; King, T.; Klick; Krause; Kuempel; Landgraf; Lang; Laubenberg; Leach; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Phelan; Pickett; Raney; Raymond; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Simmons; Smithee; Stephenson; Stickland; Swanson; Thompson, E.; Tinderholt; Turner; Uresti; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent — Alvarado; Canales; Giddings; Phillips.

STATEMENTS OF VOTE

When Record No. 312 was taken, I was shown voting yes. I intended to vote no.

C. Anderson

When Record No. 312 was taken, I was shown voting yes. I intended to vote no.

Bailes

When Record No. 312 was taken, I was shown voting yes. I intended to vote no.

Clardy

When Record No. 312 was taken, I was shown voting yes. I intended to vote no.

S. Davis

When Record No. 312 was taken, I was shown voting yes. I intended to vote no.

Guerra

When Record No. 312 was taken, I was shown voting no. I intended to vote yes.

Oliverson

When Record No. 312 was taken, my vote failed to register. I would have voted no.

Phillips

When Record No. 312 was taken, I was shown voting yes. I intended to vote no.

Price

When Record No. 312 was taken, I was shown voting yes. I intended to vote no.

Shaheen

When Record No. 312 was taken, I was shown voting yes. I intended to vote no.

Shine

When Record No. 312 was taken, I was shown voting yes. I intended to vote no.

Springer

When Record No. 312 was taken, I was shown voting yes. I intended to vote no.

Stucky

When Record No. 312 was taken, I was shown voting no. I intended to vote yes.

Wilson

(Speaker in the chair)

Amendment No. 40 was adopted.

Amendment No. 39, as amended, was withdrawn by (Record 313): 117 Yeas, 26 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Koop; Kuempel; Lambert; Landgraf; Larson; Longoria; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Shine; Smithee; Springer; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Bell; Biedermann; Cain; Dale; Fallon; Goldman; Hefner; Isaac; Keough; Klick; Krause; Lang; Laubenberg; Leach; Paul; Rinaldi; Sanford; Schaefer; Shaheen; Simmons; Stephenson; Stickland; Swanson; Tinderholt; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Bohac; Guerra; Guillen; Hunter; Lozano; Schofield.

STATEMENTS OF VOTE

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

Bohac

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

Guerra

When Record No. 313 was taken, my vote failed to register. I would have voted no.

Guillen

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

Hunter

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

Lozano

Amendment No. 41

Representatives Meyer, Bohac, Rinaldi, and Landgraf offered the following amendment to **CSHB 21**:

Floor Packet Page No. 41

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

SECTION _____. Subchapter D, Chapter 41, Education Code, is amended by adding Section 41.0932 to read as follows:

Sec. 41.0932. LIMITATION ON TOTAL COST. (a) Notwithstanding any other provision of this chapter, a school district that executes an agreement to purchase all attendance credits necessary to reduce the district's wealth per student to the equalized wealth level:

(1) is entitled to retain maintenance and operations tax revenue sufficient to pay the district's average maintenance and operations costs per student in average daily attendance, as determined under Subsection (b) and adjusted for inflation; and

(2) may not be required to pay a total amount for attendance credits that would reduce the district's retained maintenance and operations tax revenue below the amount described by Subdivision (1).

(b) For purposes of Subsection (a)(1), the commissioner shall determine a school district's average maintenance and operations costs per student in average daily attendance based on the district's maintenance and operations expenditures

per student in average daily attendance for the preceding three school years. The commissioner shall adjust a district's average costs to reflect inflation in a manner determined appropriate by the commissioner.

(c) A determination by the commissioner under this section is final and may not be appealed.

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

Representative Huberty moved to table Amendment No. 41.

The motion to table prevailed.

CSHB 21, as amended, was passed to engrossment by (Record 314): 134 Yeas, 16 Nays, 0 Present, not voting.

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

Nays — Biedermann; Cain; Frank; Isaac; Keough; Klick; Krause; Lang; Meyer; Rinaldi; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; Zedler.

HB 265 ON SECOND READING
(by Hernandez, Flynn, and Faircloth)

HB 265, A bill to be entitled An Act relating to the composition of the board of trustees of the Employees Retirement System of Texas.

HB 265 was passed to engrossment.

HB 264 ON SECOND READING
(by Hernandez)

HB 264, A bill to be entitled An Act relating to public outreach materials to foster awareness of certain public school curriculum requirements.

HB 264 was passed to engrossment.

HB 152 ON SECOND READING
(by Dutton)

HB 152, A bill to be entitled An Act relating to the restoration of certain rights to a criminal defendant.

Representative Dutton moved to postpone consideration of **HB 152** until 1 p.m. tomorrow.

The motion prevailed.

**HB 2263 ON SECOND READING
(by Gooden)**

HB 2263, A bill to be entitled An Act relating to continued monitoring of certain public school campuses that have been assigned a campus intervention team.

HB 2263 was passed to engrossment by (Record 315): 117 Yeas, 28 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Koop; Kuempel; Lambert; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Bell; Biedermann; Bohac; Cain; Cyrier; Dale; Fallon; Hefner; Isaac; Keough; Krause; Landgraf; Lang; Leach; Metcalf; Phillips; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Stickland; Swanson; Tinderholt; White; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Burrows; Elkins; Gonzales; Klick.

STATEMENT OF VOTE

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

Gonzales

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
RULES SUSPENDED**

On motion of Representative D. Bonnen and by unanimous consent, the Committee on Local and Consent Calendars was granted permission to add the local, consent, and resolutions calendar set for 9 a.m. Friday, April 21 to the end of the local, consent, and resolutions calendar set for 9 a.m. tomorrow.

HB 357 ON SECOND READING
(by Huberty, Bernal, and Lucio)

HB 357, A bill to be entitled An Act relating to the eligibility of the children of certain first responders for free prekindergarten programs in public schools.

HB 357 was passed to engrossment by (Record 316): 136 Yeas, 12 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; 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; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Lang; Larson; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Fallon; Keough; Krause; Leach; Murr; Rinaldi; Schaefer; Shaheen; Stickland; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent — Laubenberg.

FIVE-DAY POSTING RULE SUSPENDED

Representative Springer moved to suspend the five-day posting rule to allow the Committee on County Affairs to consider **HB 3428** and **HB 3470** at 10:30 a.m. or upon final adjournment/recess tomorrow in E2.026.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

County Affairs, 10:30 a.m. or upon final adjournment/recess tomorrow, E2.026, for a public hearing, to consider **HB 3428**, **HB 3470**, and the previously posted agenda.

County Affairs, upon recess today, 3W.15, for a formal meeting, to consider pending business.

Corrections, upon recess today, 1W.14, for a formal meeting, to consider pending business.

CONSTITUTIONAL RULE SUSPENDED

Representative Hunter moved to suspend the constitutional rule requiring bills to be read on three several days and to place second reading bills on their third readings and final passage tomorrow.

The motion prevailed by (Record 317): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; 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; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; 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; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Burkett; Cosper; Holland; Lambert; Stucky; Turner.

STATEMENT OF VOTE

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

Stucky

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Huberty in the chair)

RECESS

Representative S. Thompson moved that the house recess until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 8:11 p.m., recessed until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 4330 (By Geren), Relating to the creation and operations of a health care provider participation program by the Tarrant County Hospital District.

To County Affairs.

HCR 127 (By Raymond), Urging the United States Congress to conduct a cost-benefit analysis regarding the risks of climate change and appropriate measures to address them.

To Select State and Federal Power and Responsibility.

HCR 128 (By Turner), Urging Congress to bar investments in Russia until investigations into Russian interference with U.S. elections have been completed.

To Select State and Federal Power and Responsibility.

SB 2 to Ways and Means.

SB 24 to State Affairs.

SB 945 to Ways and Means.

SB 968 to Higher Education.

SB 1009 to Natural Resources.

SB 1033 to Higher Education.

SB 1051 to Public Education.

SB 1107 to Public Health.

SB 1138 to Homeland Security and Public Safety.

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, April 19, 2017

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 REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 1

Senate Conferees: Nelson - Chair/Hinojosa/Huffman/Kolkhorst/Schwertner

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, April 19, 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 PASSED THE FOLLOWING MEASURES:

SB 208

West

Relating to the regulation of metal recycling entities; providing an administrative penalty; creating a criminal offense.

SB 226

Taylor, Van

Relating to the procedure for action on certain applications for an amendment to a water right.

SB 289

Taylor, Van

Relating to the preparation of government growth impact statements for rules proposed by state agencies.

SB 317

Nichols

Relating to the continuation and functions of the Executive Council of Physical Therapy and Occupational Therapy Examiners, the Texas Board of Physical Therapy Examiners, and the Texas Board of Occupational Therapy Examiners; authorizing a fee.

SB 445 Burton
Relating to the authorization and reporting of expenditures for lobbying activities by certain political subdivisions and other public entities.

SB 451 Hancock
Relating to regulation of short-term rentals and short-term rental marketplaces by municipalities and counties.

SB 489 Lucio
Relating to recommendations regarding instruction in public schools to prevent the use of e-cigarettes.

SB 563 Hancock
Relating to the definition of commercial property insurance for purposes of certain provisions governing insurance rates and policy forms.

SB 588 Lucio
Relating to information regarding private employers who have veteran's employment preference policies.

SB 655 Bettencourt
Relating to certain notice of the extent of a municipality or its extraterritorial jurisdiction.

SB 671 Campbell
Relating to the public high school graduation credit requirements for a language other than English.

SB 677 Miles
Relating to the creation of a task force to identify opportunities for academic credit and industry recognition for inmates of the Texas Department of Criminal Justice.

SB 697 Buckingham
Relating to health benefit coverage for prescription drug synchronization.

SB 832 Estes
Relating to the authority of certain municipalities to pledge revenue from the municipal hotel occupancy tax for the payment of obligations related to hotel projects.

SB 840 Zaffirini
Relating to certain images captured by an unmanned aircraft.

SB 894 Buckingham
Relating to the Health and Human Services Commission's strategy for managing audit resources, including procedures for auditing and collecting payments from Medicaid managed care organizations.

SB 977 Schwertner
Relating to the use of state money for high-speed rail operated by a private entity.

SB 979 Schwertner
Relating to the disposition of real property intended for high-speed rail projects.

SB 1198 Zaffirini

Relating to the conversion of the Hays Caldwell Public Utility Agency to the Alliance Regional Water Authority; providing authority to issue bonds; granting the power of eminent domain; providing authority to impose fees.

SB 1327 Seliger

Relating to the authority of a district engineer for the Texas Department of Transportation to temporarily lower speed limits.

SB 1345 Watson

Relating to the exemption from ad valorem taxation of property owned by a charitable organization and used to provide tax return preparation and other financial services without regard to the beneficiaries' ability to pay.

SB 1408 Huffines

Relating to the carrying of a handgun by certain first responders and volunteer emergency services personnel.

SB 1430 Perry

Relating to a requirement that the Texas Commission on Environmental Quality provide an expedited procedure for acting on certain applications for an amendment to a water right by certain applicants that use desalinated seawater.

SB 1923 Schwertner

Relating to infrastructure funding for state hospital facilities and other state facilities, including the creation of the state hospital fund.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, April 19, 2017 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 224 Watson

Relating to the sunset review date for the Cancer Prevention and Research Institute of Texas and the time for awarding cancer research and prevention grants.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, April 19, 2017 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 74 Stephenson SPONSOR: Kolkhorst
Paying tribute to the sacrifice of U.S. Navy Seaman Johnnie David Hutchins during World War II and honoring his family.

HCR 76 Stephenson SPONSOR: Kolkhorst
Paying tribute to the life of U.S. Army Master Sergeant Roy Perez Benavidez.

SB 253 Taylor, Van
Relating to investment prohibitions and divestment requirements for certain investments of public money.

SB 277 Campbell
Relating to the eligibility of certain property for certain ad valorem tax incentives relating to wind-powered energy devices.

SB 314 Schwertner
Relating to the continuation and functions of the Texas Optometry Board; authorizing a reduction in fees.

SB 455 Zaffirini
Relating to the operations of the Employment-First Task Force.

SB 587 Campbell
Relating to the ability of certain students to enroll full-time in courses provided through the state virtual school network.

SB 640 Taylor, Van
Relating to equal opportunity for access by home-schooled students to University Interscholastic League sponsored activities; authorizing a fee.

SB 735 Hancock
Relating to periodic rate adjustment by and to certain transactions involving electric utilities.

SB 797 Perry
Relating to the authority of certain municipalities to pledge certain tax revenue for the payment of obligations related to hotel projects.

SB 838 Zaffirini
Relating to certain images captured by an unmanned aircraft.

SB 878 Hancock
Relating to named driver policy disclosure requirements.

SB 933 Schwertner

Relating to the licensing of, the executive commissioner of the Health and Human Services Commission's duties with respect to, and the administrative penalties for home and community support services agencies.

SB 1012 Creighton

Relating to notification by an insurer of certain disciplinary actions imposed on the insurer for a violation of the insurance laws of another state.

SB 1049 Uresti

Relating to safety requirements of assisted living facilities.

SB 1215 Hughes

Relating to responsibility for the consequences of defects in the plans, specifications, or related documents for the construction or repair of an improvement to real property.

SB 1246 Rodríguez

Relating to the salary of a bailiff in El Paso County.

SB 1248 Buckingham

Relating to municipal regulation of manufactured home communities.

SB 1286 Bettencourt

Relating to the system for protesting or appealing certain ad valorem tax determinations.

SB 1465 Taylor, Larry

Relating to the authority of certain ex officio members of the board of directors of a tax increment financing reinvestment zone to elect not to serve on the board.

SB 1483 Taylor, Larry

Relating to the creation of the Technology Lending Program to provide grants to school districts and open-enrollment charter schools.

SB 1710 Zaffirini

Relating to applications for the complete restoration of a ward's capacity or modification of a guardianship.

SB 1748 Hinojosa

Relating to use of tax revenue by certain development corporations for job-related skills training.

SB 1805 Lucio

Relating to the multiuse training and operations center facility.

SCR 1 Buckingham

Calling on Congress to repeal the Patient Protection and Affordable Care Act.

SCR 35 Estes

Urging Congress to reimburse the State of Texas for bearing the financial burden of the federal government's responsibility to secure the Texas-Mexico international border.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 18

Agriculture and Livestock - **HB 3013**

Business and Industry - **HB 577, HB 919, HB 1983, HB 1989, HB 1990, HB 2326, HB 2546, HB 2650**

County Affairs - **HB 418**

Criminal Jurisprudence - **HB 1285, HB 1322, HB 2089**

Energy Resources - **HB 1481, HB 1571, HB 2488, HB 2588, HB 2638**

Environmental Regulation - **HB 2771**

House Administration - **HB 3647**

Human Services - **HB 740, HB 1549**

Insurance - **HB 3220**

Investments and Financial Services - **HB 2821, HB 3233, HB 3367**

Judiciary and Civil Jurisprudence - **HB 2422**

Licensing and Administrative Procedures - **HB 446, HB 2344, HB 3125**

Natural Resources - **HB 1648, HB 1921, HB 2215, HB 2740**

Public Education - **HB 2649**

Urban Affairs - **HB 925**

Ways and Means - **HB 804, HB 2925**

ENGROSSED

April 18 - HB 269, HB 491, HB 777, HB 1090, HB 1116, HB 1270, HB 1526, HB 2253, HB 3451

RECOMMENDATIONS FILED WITH THE SPEAKER

April 18 - HB 1921, HB 3071, HB 3126, HB 3185, HB 3225, HB 3605, HB 3677