

HOUSE JOURNAL

EIGHTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-SEVENTH DAY — MONDAY, APRIL 24, 2023

The house met at 1:27 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 420).

Present — Mr. Speaker(C); Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Herrero; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Absent, Excused — Hinojosa; Smithee.

Absent — González, M.

The invocation was offered by the Reverend Jakob N. Hurlimann, chaplain, as follows:

God of love, you are patient and ever-merciful to us, stirring within our hearts a remorse for our sins that returns us to you. May we live in the joy of your life welling up within us, turning away from our former ways and choosing to live in newness of life. Father, grant a lively faith to all here, that they may keep an awareness of you always before their eyes in all that they do. Drape your mantle of protection over them from all the snares of the enemy. We ask this through Christ our Lord. Amen.

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

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of illness:

Hinojosa on motion of J.E. Johnson.

Smithee on motion of Darby.

CAPITOL PHYSICIAN

The chair presented Dr. Rebecca Campos of El Paso as the "Doctor for the Day."

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

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

COMMITTEE MEETING ANNOUNCEMENTS

At 1:34 p.m., the following committee meetings were announced:

County Affairs, upon adjournment today, Desk 37, for a formal meeting, to consider pending, referred, and committee business.

Judiciary and Civil Jurisprudence, upon adjournment today, Desk 21, for a formal meeting, to consider pending, referred, and committee business.

Licensing and Administrative Procedures, upon adjournment today, Desk 125, for a formal meeting, to consider pending, referred, and committee business.

Transportation, upon adjournment today, 1W.14, for a formal meeting, to consider pending, referred, and committee business.

Criminal Jurisprudence, Subcommittee on Criminal Procedure, upon adjournment today, Desk 58, for a formal meeting, to consider committee business.

HR 1195 - ADOPTED (by Thimesch)

Representative Thimesch moved to suspend all necessary rules to take up and consider at this time **HR 1195**.

The motion prevailed.

The following resolution was laid before the house:

HR 1195, In memory of Lewisville firefighter and paramedic Landun Wayne Charles.

HR 1195 was unanimously adopted by a rising vote.

On motion of Representative Bumgarner, the names of all the members of the house were added to **HR 1195** as signers thereof.

HR 989 - INTRODUCTION OF GUESTS

The chair recognized Representative Longoria who introduced Leslie Flores and Erica Molina.

(M. González now present)

FIVE-DAY POSTING RULE SUSPENDED

Representative T. King moved to suspend the five-day posting rule to allow the Committee on Natural Resources to consider **HB 5406** and **HB 5395** at 8 a.m. tomorrow in E2.010.

The motion prevailed.

Representative Canales moved to suspend the five-day posting rule to allow the Committee on Transportation to consider **HB 4255** and **HB 3787** at 10:30 a.m. or upon final adjournment or recess or during bill referral, if permission is granted, Wednesday, April 26 in E2.036.

The motion prevailed.

Representative Moody moved to suspend the five-day posting rule to allow the Committee on Criminal Jurisprudence to consider **HJR 172** at 10:30 a.m. or upon final adjournment or recess or during bill referral, if permission is granted, tomorrow in E2.016.

The motion prevailed.

Representative Metcalf moved to suspend the five-day posting rule to allow the Committee on House Administration to consider **HB 3633**, **HR 1073**, and **HR 1074** at 9:30 a.m. Thursday, April 27 in E2.010.

The motion prevailed.

HB 19 - RECOMMITTED

Representative Leach moved to recommit **HB 19** to the Committee on Judiciary and Civil Jurisprudence.

The motion prevailed.

SB 30 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Bonnen, the house granted the request of the senate for the appointment of a Conference Committee on **SB 30**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 30**: Bonnen, chair; M. González, Jetton, VanDeaver, and Walle.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 2473 ON THIRD READING
(by Bucy, Capriglione, Rose, Klick, Lujan, et al.)**

HB 2473, A bill to be entitled An Act relating to improvements to the Texas Information and Referral Network.

HB 2473 was passed by (Record 421): 118 Yeas, 27 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hernandez; Herrero; Howard; Hull; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Ordaz; Orr; Ortega; Patterson; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Stucky; Talarico; Thierry; Thimesch; Thompson, E.; Thompson, S.; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Cain; Clardy; Gates; Harrison; Hayes; Hefner; Holland; Isaac; Leach; Leo-Wilson; Metcalf; Oliverson; Paul; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Spiller; Swanson; Tepper; Tinderholt; Toth; Troxclair; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hinojosa; Smithee.

Absent — Dorazio; Schatzline.

STATEMENTS OF VOTE

When Record No. 421 was taken, I was shown voting yes. I intended to vote no.

C. Bell

When Record No. 421 was taken, I was shown voting yes. I intended to vote no.

K. Bell

When Record No. 421 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 421 was taken, I was in the house but away from my desk. I would have voted no.

Dorazio

When Record No. 421 was taken, I was shown voting yes. I intended to vote no.

Rogers

When Record No. 421 was taken, I was in the house but away from my desk. I would have voted no.

Schatzline

When Record No. 421 was taken, I was shown voting yes. I intended to vote no.

Stucky

When Record No. 421 was taken, I was shown voting yes. I intended to vote no.

E. Thompson

POSTPONED BUSINESS

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

CSSB 1017 ON SECOND READING

(Landgraf, Darby, Manuel, Thimesch, Button, et al. - House Sponsors)

CSSB 1017, A bill to be entitled An Act relating to the authority of a political subdivision to regulate an energy source or engine.

CSSB 1017 was considered in lieu of **HB 2374**.

A record vote was requested by Representative Isaac.

CSSB 1017 was read second time and was passed to third reading by (Record 422): 102 Yeas, 42 Nays, 1 Present, not voting.

Yeas — Allison; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cook; Cortez; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Herrero; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez Fischer; Metcalf; Meyer; Moody; Morales, E.; Morrison; Muñoz; Murr; Noble; Oliverson; Ordaz; Orr; Patterson; Paul; Plesa; Price; Raney; Raymond; Rogers; Schaefer;

Schatzline; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Tepper; Thierry; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Allen; Anchía; Bernal; Bhojani; Bryant; Bucy; Cole; Collier; Davis; Dutton; Flores; Gámez; González, J.; González, M.; Goodwin; Hernandez; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Lalani; Longoria; Martinez; Meza; Morales, C.; Neave Criado; Ortega; Perez; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thompson, S.; Turner; Vo; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hinojosa; Smithee.

Absent — Anderson; Morales Shaw; Walle.

STATEMENTS OF VOTE

When Record No. 422 was taken, I was shown voting yes. I intended to vote no.

Gervin-Hawkins

When Record No. 422 was taken, I was shown voting no. I intended to vote yes.

Martinez

When Record No. 422 was taken, my vote failed to register. I would have voted no.

Morales Shaw

When Record No. 422 was taken, I was shown voting yes. I intended to vote no.

Plesa

When Record No. 422 was taken, I was shown voting no. I intended to vote yes.

Romero

When Record No. 422 was taken, I was shown voting yes. I intended to vote no.

Thierry

HB 2374 - LAID ON THE TABLE SUBJECT TO CALL

Representative Landgraf moved to lay **HB 2374** on the table subject to call.

The motion prevailed.

HB 1516 ON SECOND READING

(by Wilson, et al.)

HB 1516, A bill to be entitled An Act relating to the use of unmanned aircraft by the Texas military forces.

HB 1516 was read second time on April 17 and was postponed until 10 a.m. today.

Representative Wilson moved to postpone consideration of **HB 1516** until 10 a.m. tomorrow.

The motion prevailed.

HB 1955 ON SECOND READING
(by Buckley, et al.)

HB 1955, A bill to be entitled An Act relating to establishing residency for purposes of admission into public schools.

HB 1955 was read second time on April 12, postponed until April 18, and was again postponed until 10 a.m. today.

Representative Buckley moved to postpone consideration of **HB 1955** until 10 a.m. tomorrow.

The motion prevailed.

HB 1159 ON SECOND READING
(by Anderson, Plesa, Flores, and Hull)

HB 1159, A bill to be entitled An Act relating to county and municipal housing authority pet policies.

HB 1159 was read second time on April 18 and was postponed until 10 a.m. today.

Representative Anderson moved to postpone consideration of **HB 1159** until 10 a.m. tomorrow.

The motion prevailed.

HB 3607 ON SECOND READING
(by Cole)

HB 3607, A bill to be entitled An Act relating to the processing of United States passport applications by a district court clerk; authorizing fees.

HB 3607 was read second time on April 20 and was postponed until 1 p.m. today.

Representative Cole moved to postpone consideration of **HB 3607** until 10 a.m. Thursday, April 27.

The motion prevailed.

MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING

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

CSHB 3 ON SECOND READING**(by Burrows, T. King, Moody, K. King, Bonnen, et al.)**

CSHB 3, A bill to be entitled An Act relating to the development of, implementation of, and funding for public school safety and security requirements.

CSHB 3 - REMARKS

REPRESENTATIVE BURROWS: The Uvalde school shooting stole precious children and teachers from their families and made it clear that the State of Texas must make fundamental changes to the way we protect our school communities. Setting aside the ongoing discussion of the real-time response from law enforcement, it is clear that we must not only beef up on-campus security staffing but also establish statewide standards for the security measures campuses must deploy. We must boost coordination between schools and local law enforcement and fund these improvements so that schools are not alone in these efforts to protect themselves. We partnered with the TEA, Texas School Safety Center, and other school safety experts in creating **CSHB 3** to address some of these issues.

It is worth pointing out that **CSHB 3** is a part of a larger package of bills to address some of these concerns. When one takes stock of the school shootings that have occurred around Texas and across the country, the obvious, inescapable common denominator is the presence of a homicidal criminal who makes the deranged decision to take innocent lives. We can never lose sight of the culpability of these violent perpetrators, regardless of their life's circumstances. While they may not always signal it in advance, it is clear they intend to do harm, so we cannot gloss over the worst-case scenarios when planning to prevent their actions. Studies of those incidents reveal other common factors related to the lack of effective barriers to their evil intent. These typically take the form of failures in the physical and procedural security measures at each of the affected schools. If first responders are dealing with the distance-inducing delay or unfamiliarity with the facility when they arrive, the human factors stack rapidly to extend the duration of the shooting events and drive up the related loss of life. Even during the recent school shooting in Nashville, in which local police were rightfully lauded for their swift and effective response, the time frame from first response to the neutralization of the shooter ran 15 minutes. When a shooter decides to rampage, the full-time presence of a well-trained armed security officer can help save precious minutes and lives. That is why **CSHB 3** requires an armed security guard on the campus of every public and open-enrollment charter school in the state. Let me also point out that both the public and private sectors choose to have armed guards to protect places such as airports, universities, banks, malls, sporting events, and even this Texas Capitol.

To boost collaboration between school staff and local law enforcement, the legislation also requires school district leadership to meet regularly with their law enforcement counterparts to discuss emergency preparedness and action plans. This heightened level of familiarity is intended to shorten the lines of communication and improve awareness of school layouts to reduce confusion in the midst of a crisis. When it comes to the physical security of an individual

campus, the law also sets out reasonable standards for schools to maintain, as well as a timeline for implementation of a system of intruder detection audits to ensure compliance.

Schools deserve the right tools to protect themselves and the best technology available. By dedicating a portion of the \$1.6 billion set aside for school safety in the house supplemental appropriation, Texas will be supporting schools with these needed investments. I'm especially proud of the accountability that flows from the bill's audit program, which is intended to ensure that responsible parties must do more than just check the boxes with regard to their security plans. The audits will ensure they actually walk the walk to overcome the tendency for false senses of security to take hold when security plans and measures are put in place. As in everything else, we don't get what we expect; we get what we inspect. While the resulting bill is neither perfect nor totally complete, these collaborative, accountability-driven efforts can drive the sort of team approach that is vital to turning the tide on this senseless violence. At the end of the day, teachers, students, and their families deserve safe classrooms, and school administrators need the support of the state in cooperation from law enforcement to make those school classrooms a reality.

REPRESENTATIVE GOODWIN: Thank you. I appreciate you bringing up a bill that significantly addresses school safety. I think it's critically important that we address school safety. I do appreciate some parts of the bill, but I do have some concerns with some. I like the fact that we're looking at the safety of our buildings, such as vestibules where people have to enter, audits, security plans—those are all good things. What I'm concerned about and what I have a question about is that there could possibly be more guns on our school campuses. How are we going to make sure that those people who are armed on school campuses are making them safer, not making them more dangerous? You brought up Nashville, and in that situation, I believe they had armed school employees, did they not?

BURROWS: Is the question about Nashville? I'm not familiar with Nashville. What I can tell you this bill does is give the school districts a variety of options to choose from, not just one. Especially in some of the rural communities, some of our school districts are not going to find a full-time law enforcement officer to be able to do this and so we utilize the Guardianship Marshall Program in order to fulfill this requirement. I can tell you, talking to parents, grandparents, educators, and even classroom teachers from Uvalde, that having somebody there as a security guard is a sense of safety and is really something that can be more safe.

GOODWIN: And I agree. I agree that in some cases, having somebody on the campus who's armed and trained could be helpful. I guess, again, my concern is how much training and what guardrails do we have to make sure that they are making schools safer?

BURROWS: The biggest concern that I heard from a lot of our school districts was when we have to get this program started to make sure we can get enough people involved to meet the requirement. We want to give the local jurisdictions the maximum amount of flexibility. I think most of the school jurisdictions may

far exceed the standards we put in here. We're going to allow them that flexibility to do that. But when you have counties, such as mine—some have populations of 500 people and it's way out from everywhere else, it is going to be hard to find the highly trained person that you are talking about. So to meet the requirement, we're giving our local districts flexibility. In an ideal world, Representative, I would have the highest standard out there. But I don't know that they can achieve and find that person that's available.

GOODWIN: I think I understand, because I think that school districts and counties vary quite a lot by size and just the makeup of the school districts, so I like that there's flexibility. However, I'm just curious if you're aware of, even some of the rural districts, the instances where school personnel have left guns untended in bathrooms, on buses, et cetera?

BURROWS: Well, they shouldn't have done that. We heard the report about the one instance where that did happen. We all agree that should not happen. I hope school districts will continue to train to make sure that doesn't occur, and the flexibility in here allows the school district to continue to remind whoever is fulfilling this armed security guard requirement to do whatever they want to do.

GOODWIN: You said they shouldn't have left their gun untended, and I agree with that. But there are some precautions that we could take, such as a trigger lock, so that the only person that can shoot an armed personnel's gun is that particular armed personnel. So I have an amendment that I'm going to bring about trigger locks—are you familiar with trigger locks?

BURROWS: Right now, we'll see when we get to your amendment. What I'm going to probably tell you is that I want to make sure that our schools have the most flexibility. When this bill was heard in committee, nobody brought up some of these ideas. Nobody brought forth whether or not this is a standard, and I think that our school districts would want to chime in on whether or not they wanted to have these extra requirements or not, to provide them flexibility. You may have some really well intentioned amendments when we get to those. Maybe the schools should implement them, but unless our schools have an opportunity to weigh in on what you're proposing, I don't think this is the time or place to be dealing with that.

GOODWIN: I just have a couple more questions. Currently, many of our municipal police departments are short-staffed. I think in my district in particular, AISD, their preference would be to have school resource officers as opposed to having armed teachers. How are we going to fill those positions? How are we going to have a school resource officer on every single campus when we can't fill our law enforcement peace officer positions already?

BURROWS: Well, AISD did not come to the committee hearings to raise any of these concerns. I have not heard from them, I do not know what it is. But we are putting \$1.6 billion into school safety this session—\$1.6 billion. They will have tools to continue to basically expand and meet this the way they need to meet it. Part of the problem, Representative, is what we saw that happened in Uvalde—there was an ISD police force. The problem was they all hung out at the

high school and never actually spent more than 15 minutes at the other campuses. What this bill is really trying to do is say, "Look, you can't just protect the one high school, you need to have school resource officers or armed security at these elementary schools where these attacks are taking place as well."

GOODWIN: You spoke a lot about flexibility and giving districts the ability to do what works for them. Again, I think that flexibility might be to say our district, AISD, has a school resource officer program. That would be what they believe is adequate in Austin, so they should be given the flexibility to use their program. Your bill will specify that they have to have one armed personnel on every single campus. Is that correct?

BURROWS: I worked on this language and this idea with the School Safety Center, who is the think tank on this, and with the TEA, the commissioner in charge of this, and with outside safety consultants, and they said, "Look, you're going to need to mandate this for a lot of different reasons." They did ask me to put this language in there. It is very important, and I think most Texans would agree.

REPRESENTATIVE BRYANT: Mr. Burrows, I wanted to draw your attention to your allocation of funds on page 15 of the bill, Section 14, where you allocate \$10 for each ADA—that is average daily attendance—plus one dollar for each student for every \$50 by which the district's maximum basic allotment is increased. Without trying to decipher that for everyone, when we do the math on that, it appears that your bill allocates about \$300 million. Is that accurate?

BURROWS: That is accurate today. Let me make sure you know what's going to happen. Representative Moody, who has been a passionate person on this issue, is going to offer an amendment to take that number to \$100 and I'm going to accept it. So we're going to make sure we make a sizable investment in school safety. You're right on what the fiscal note is and what the bill currently says, but I want you to know we're going to take that number to 100.

BRYANT: Well, \$100 will bring it up to \$1.6 billion which was the goal that I was hoping we would stick with, so that's going to be a good amendment.

Amendment No. 1

Representative Burrows offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee printing) as follows:

(1) On page 6, line 17, between "employee" and "who", insert "or a person with whom the district contracts".

(2) On page 6, line 21, strike "the employee's" and substitute "his or her".

(3) On page 6, between lines 24 and 25, insert the following appropriately lettered subsection:

() A local law enforcement agency must apply the same policies, procedures, and fee structures to each memorandum of understanding entered into by the law enforcement agency with a school district for the provision of a school resource officer to act as an armed security officer in accordance with this section.

(4) On page 19, line 15, between the underlined semicolon and "and", insert the following appropriately numbered subdivision and renumber subsequent subdivisions accordingly:

() the person who serves the function of superintendent, or that person's designee, in each open-enrollment charter school located in the county;

AMENDMENT NO. 1 - REMARKS

REPRESENTATIVE BURROWS: This is an amendment to make sure that charter schools are a part of this. It makes sure the superintendents and designees are going to be part of the annual school safety meetings that are conducted by the sheriff, and makes sure that the personnel who are contracted by districts are allowed to complete the same training and be armed on campus. It ensures that public school districts and charter districts are treated fairly by law enforcement agencies if they enter into agreements to provide the SROs.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Ramos offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 6, line 15, insert "or" immediately following the underlined semicolon.

(2) On page 6, line 16, strike "; or" and substitute ":'".

(3) On page 6, strike lines 17 through 24.

AMENDMENT NO. 2 - REMARKS

REPRESENTATIVE RAMOS: My amendment is an attempt to fix the problems of guns in classrooms. We don't want those guns in our classrooms. Teachers themselves do not want to be armed. We know that. In fact, an AFT poll said 77 percent of union members are against being armed and confronting a shooter. We should be taking into consideration how our teachers, parents, and students feel about staff being armed before mandating this across the state. Expecting a teacher to confront and neutralize an active shooter is unrealistic and, frankly, absurd. Putting a teacher in a position to possibly have to shoot their own student—it's just incredible that we're even having this conversation today. This would significantly affect teacher retention, of course, and recruitment—which we know now we're already facing a current major shortage in this state.

Make no mistake, this will be a matter not of if, but when a student gets a hold of a teacher's gun. Just a few months ago a third grader attending Rising Star Elementary here in Texas found a firearm left by the superintendent in a bathroom stall. Even with the training required in **CSHB 3**, there will be deadly mistakes. This is an embarrassingly low allotment per campus, and with the combined shortage of local security officers, many schools will be forced to arm teachers to be in compliance with **CSHB 3**'s armed security officer requirement.

What I'm asking is that we remove the provision and substitute period, which is not giving these teachers—or forcing our teachers to carry arms in the classroom. My daughter is a teacher. Members, I want you all to know the psychological impact that we're forcing upon our educators is alarming. Our educators and our students deserve better than this.

REPRESENTATIVE BURROWS: This is a false narrative that this bill arms teachers. I have heard this being perpetuated and it is absolutely false. It is political, and it is disrespectful to the things that we know—

REPRESENTATIVE MOODY: Mr. Burrows, I know that we've spoken very little outside of the report that was published in the wake of the tragedy in Uvalde. But I'd like to ask you, because I think it's important for this conversation. I want to be as respectful as possible to those conversations we had, but can you share with the body what we heard from the teachers that were in the hallway that day when that horrific tragedy took place?

BURROWS: Thank you. We asked almost everybody in the Uvalde community what message they would like us to bring back to Austin. There were some consistent themes, and there was a lot of disparate ideas. Some of the messages we had from the classroom teachers were that they wanted to be able to have a security officer, or be armed, or have protection. They had just come off the heels of this, and they were facing the start of a new school year at this time. They were in shock and in horror at the idea of how they were going to go back into that classroom and feel safe and secure. And while our committee was not investigating policy, they certainly had a bunch of ideas. This bill and the things that we're talking about, having a security guard to protect them or allowing them to protect themselves, which is not what this bill does, were things that we did hear from several of the teachers who were across the halls, who had bullets come into their classrooms, and asked that we take the message back to Austin. Representative Moody, I appreciate you asking me that question so I could share that with this body. I think it's very important, and it's very consistent with what I hear from parents, educators, and people of my community and other communities.

REPRESENTATIVE MORALES SHAW: I'm glad that you were able to meet with the families of Uvalde. That was a horrific, unnecessary event that happened and were you aware—this is not in your bill, but were you aware that the biggest request those families had was to raise the age to 21?

BURROWS: I'm going to tell you that's not the focus of this bill. Representative Moody and I, as we went through and did our report, we talked about different buckets of ideas. There's not a solution, there's a bunch of different solutions. Whether we're talking about social media, whether we're talking about mental health availability, or whether we're talking about school hardening, all of these things have to work together. What you're talking about is a different set of requests. What Representative Moody just asked about was the teachers we met in the hallway who talked about going back into the school the next year and they did ask for some ability to have somebody protecting and defending that.

MORALES SHAW: Yes, that's true. I hope that when that bill does come forward, that you'll support it because that was a main request from Uvalde. Thank you for the measures.

RAMOS: Page 6 of the bill—I know he said it's a false narrative arming teachers, but specifically on page 6 what, in addition to allowing a peace officer, a resource officer, a commissioned peace officer, or a school marshal on a campus with a gun, it also says a school district employee. Now, who works at a school? Who would be considered a school district employee? A teacher, okay. So yes, in fact, it can and very well may, in many of your schools in your communities, arm teachers. That is the truth. If you read the letter law of this bill on page 6, it specifically does allow that to happen. What Chair Burrows said is not true. Now, when we talk about teachers, it's common for us to reference all educators as teachers, but we also know we have librarians. We have housekeepers. We have janitorial staff. We have cafeteria workers. Any of those individuals that fit under the purview of what these requirements are can essentially carry a gun on campus. The truth is we must protect our children, we must protect our educators, and we must protect our educators. The way to stop this insanity is not by putting more guns on campuses but by passing sensible gun laws, and this law, this bill, is not sensible.

REPRESENTATIVE BRYANT: Ms. Ramos, I'm looking at the bill, and some question was raised about whether you were characterizing it correctly, but I see it very plainly stated here that there are five options in this bill for the kind of person it has to be located in a school that could be armed: a school district peace officer, a school resource officer, a commissioned peace officer, and a school marshal. In addition, number five is a catch-all provision that says a school district employee—and it goes on to say here that an employee who has completed school safety training and carries a handgun, so forth. That could be anybody, couldn't it?

RAMOS: Absolutely, it could be anybody, including your child's first grade teacher and incidentally, Representative Bryant, this bill also punishes a superintendant if there's not somebody armed on the campuses. So yes, if we don't have enough staff—some of our rural schools are short-staffed—what do you think they're going to do if a principal has to drive a school bus? The principal is going to say, "Hey teacher, you have to carry a gun."

BRYANT: What would your amendment do?

RAMOS: What my amendment would do is not allow teachers to carry guns. Make it final that the teachers are not going to be able to carry guns.

BRYANT: So you would still have in this bill a district peace officer, a school resource official, a commissioned peace officer, or a school marshal. Is that correct?

RAMOS: Yes, sir. You still have other options for the school to be able to do what Mr. Burrows would like to happen.

BRYANT: Thank you. You have a good amendment.

REPRESENTATIVE REYNOLDS: I read your amendment, and I appreciate the conversation. If I'm understanding your amendment correctly, you're trying to clarify that we're not going to put teachers in the position to carry arms in schools. Is that correct?

RAMOS: That's correct, sir.

REYNOLDS: I want to thank you for this amendment. I've heard from a lot of classroom teachers that said this is a terrible idea. That they want to focus on educating children. Have you heard that?

RAMOS: Yes, sir.

REYNOLDS: The last thing that they want to do is have that kind of responsibility, correct?

RAMOS: Yes, that is absolutely correct.

REYNOLDS: We both agree that we want to have our school safe, correct?

RAMOS: Yes, sir.

REYNOLDS: Our children should be able to have an environment where they feel safe to learn and not have to worry about potential shootings, correct?

RAMOS: Yes, sir.

REYNOLDS: One of the things that you are seeking to do is to make sure that we don't have an unintended consequence from this Burrows bill, correct?

RAMOS: That is correct, sir.

REYNOLDS: In fact, you raised a study from AFT that shows that over 70 percent of teachers don't believe this is a good idea, correct?

RAMOS: Correct.

REYNOLDS: Representative Ramos, I think you have a great amendment. I think we should focus on some commonsense gun reform legislation, including red flag laws and raising the age, but certainly not arming teachers, correct?

RAMOS: Yes, sir.

REYNOLDS: Thank you. I support it.

REPRESENTATIVE RAYMOND: I appreciate what you are trying to do, but I also appreciate what the authors of the bill are trying to do. Having been raised in a town of 1,900 people, the folks in the bill that would qualify would have to go through the 80-hour training program. My question is, are you familiar with the 80-hour training program they would have to go through?

RAMOS: It varies for each individual, but they do have to have some capacity of training.

RAYMOND: Well, it's an 80-hour training. It's something we've passed here in the legislature, and so I just want to be clear that this isn't just someone off the street. It's an 80-hour training and it's very intense. The reality is that folks who

go through that training are going to be better qualified in some instances than, probably, some other resource officers. I just wanted to ask you if you were familiar with what they've got to go through to prepare for—

RAMOS: Thank you for that question, Mr. Raymond. What I am very familiar with is that our police officers receive more than 80 hours of training and even then their accuracy rate is not 100 percent. So if our police officers, whose sole job is to protect and serve, do carry an armed weapon every day, they sign up for that every day, and we know that our police officers do not have a 100 percent accuracy rate when they discharge their weapon, how the heck would we expect a teacher—school employee who has what you say 80 hours—how do we expect them to be accurate when there are children running around and young individuals who are scared and in fear for their lives? If we are going to compare apples to apples, police officers are not adequately prepared for what they're trained to do every day. How the heck would we expect a school employee to be better than that?

RAYMOND: Are you also aware that in the legislation, a school board has to approve them? Are you aware of that?

RAMOS: Yes, sir.

RAYMOND: I pray, but I believe that every school board in the state, today, holds the safety of their children, their teachers, and the folks that have to work in these schools as one of their highest, if not the highest, priority. I absolutely believe that. I pray that it's true, but I believe it. I really do think the school boards are going to take this even more seriously than they ever have before. I think it's important that that's in the legislation. I just want to make sure that you were aware of that and how intense and how involved that 80-hour training is. Again, I don't remember. I think you said you grew up in Dallas—it's very different when you grow up in a town of 1,900 people or a rural town to find folks that you can put in these positions. I hope you give that some consideration. I know you've got this amendment, and I'm not going to support your amendment, but I wanted to make sure that you had some of this information as we discuss it.

RAMOS: I agree that school boards get elected, or we put them there, because they care, we assume, for the children that they are educating in their school district. Except we are removing school boards across this state, so it's kind of a moot point. The point to what my amendment is, when we look at school employees and teachers, it's an overly simplistic view when we think that a teacher or an educator is only there with books in their hands and only talking about curriculum. Many times, our educators all over this country, or the parent of that child, is going through some emotional distress that day. Are the nurses for that child, who may have gotten injured on the playground or got injured talking to somebody else—the teachers that we know, as I mentioned to you all, my daughter is a teacher. Her students come to her with many, many life challenges that a 12-year-old can feel is the end of the world. My daughter is more than just a science teacher. Our educators are more than educators. They are

many times the only person that this child has to speak to. When the educator is, in addition to that, carrying a weapon, how do we expect our children to go to the educators—the people that they are supposed to feel safe with—to confide in them about their own challenges when that individual is carrying a weapon?

A record vote was requested by Representative Ramos.

Amendment No. 2 failed of adoption by (Record 423): 59 Yeas, 85 Nays, 1 Present, not voting.

Yeas — Allen; Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Morales, C.; Morales, E.; Morales Shaw; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; Dorazio; Frank; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; King, T.; Kitzman; Klick; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Moody; Morrison; Muñoz; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Raymond; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hinojosa; Smithee.

Absent — DeAyala; Frazier; Kuempel.

STATEMENTS OF VOTE

When Record No. 423 was taken, I was in the house but away from my desk. I would have voted no.

DeAyala

When Record No. 423 was taken, I was in the house but away from my desk. I would have voted no.

Frazier

When Record No. 423 was taken, I was in the house but away from my desk. I would have voted no.

Kuempel

When Record No. 423 was taken, I was shown voting yes. I intended to vote no.

Longoria

When Record No. 423 was taken, I was shown voting no. I intended to vote yes.

Muñoz

Amendment No. 3

Representative Goodwin offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) on page 6 by striking lines 21 through 24 and substituting the following:

(B) in accordance with written regulations or written authorization of the district under Section 46.03(a)(1)(A), Penal Code, either:

(i) carries a handgun on the employee's person while on school premises; or

(ii) possesses the handgun on the physical premises of the school in a locked and secured safe or other locked and secured location.

AMENDMENT NO. 3 - REMARKS

REPRESENTATIVE GOODWIN: It's been mentioned that there have been guns that have been left untended in schools by school personnel. This amendment would allow for a gun to be kept in a gun safe. Safe storage is so important and can save lives. I think it's critical that we include this flexibility. The author of the bill said that his bill provides flexibility for school districts. This is one piece of flexibility that they do not currently have in the bill. It simply allows for the gun being carried by the employee to be stored, when necessary, in a gun safe so that a student can't pick it up and accidentally discharge that gun.

REPRESENTATIVE BURROWS: I'm going to oppose this amendment. This bill was filed, it was heard in Youth Health and Safety, and nobody brought this concern to my attention. This is the first time I've seen the amendment. I think our school districts should have the opportunity to visit about it and not write this part of the deal on the floor. So with that, I'm going to oppose.

GOODWIN: This amendment reduces the risks of handguns being left where kids can get a hold of them and harm themselves or others. A third of youth suicides and unintentional deaths can be prevented by the safe storage of guns. Having safe storage just makes sense.

Amendment No. 3 failed of adoption.

Amendment No. 4

Representative Tinderholt offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) on page 6, between lines 15 and 16, by inserting the following appropriately numbered subdivision and renumbering subsequent subdivisions accordingly:

() an individual who holds a level 3 license issued under Chapter 1702, Occupations Code;

AMENDMENT NO. 4 - REMARKS

REPRESENTATIVE TINDERHOLT: This amendment adds an individual who holds a level three Texas private security bureau license. I believe it's acceptable to the author.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Goodwin offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 6, line 20, between the underlined semicolon and "and", insert the following:

(B) carries a handgun that has been inspected by a qualified handgun instructor and determined by the instructor to be safe and functioning correctly;

(C) has demonstrated proficiency in the care and cleaning of the handgun described by Paragraph (B);

(D) has completed a course of fire at least equivalent to the course of fire required to demonstrate handgun proficiency for purposes of obtaining a license to carry a handgun under Section 411.188, Government Code, with a score of at least 80 percent;

(2) On page 6, line 21, strike "(B) carries a handgun" and substitute "(E) carries the handgun described by Paragraph (B)".

AMENDMENT NO. 5 - REMARKS

REPRESENTATIVE GOODWIN: This amendment deals with firearms shooting proficiency. Through this bill, we are going to allow more armed personnel in our schools. That's just a fact. It calls for somebody who's armed to be on every school campus. Now, members, don't you want to be sure that the person who is carrying a gun on your child's school campus is proficient at shooting that gun? Our jailers have to go through proficiency testing. Wouldn't we expect that of the people carrying guns in our children's schools?

The minimum annual firearms proficiency requirement includes an external inspection by the proficiency officer, range officer, firearms instructor, or gunsmith to determine the safety and functioning of the weapons; a proficiency demonstration in the care and cleaning of the weapons used; and a course of fire that meets or exceeds the minimum standards. The minimum standards for the annual firearms proficiency course of fire for handguns shall be a minimum of 50 rounds fired at ranges from point-blank to at least 15 yards with at least 20 rounds at or beyond 7 yards, including at least one timed reload. As part of the requirements, the minimum passing percentage on the shooting test for our jailers is 70 percent. My amendment would have the minimum passing percentage be at least 80 percent for officers in our schools.

REPRESENTATIVE BURROWS: Just to be very clear, your school district can require this and far beyond this if they feel that's in their best interest. We have a very diverse state with very different school districts and the school board is going to get to determine what the qualifications are going to be that exceed what's in the statute so this would be unnecessary. Let's allow our local school board members to figure out if this is the right standard or something much, much greater. And with that, I will respectfully oppose the amendment.

GOODWIN: Members, we're talking about school safety here. We want to make sure no one is getting hurt on our school campuses. If we're going to have armed guards, armed peace officers, or armed teachers, then we should, at least, all of us, want to make sure that they are proficient at handling and shooting a gun. Imagine the chaos of a school shooting. You need somebody who has had that practice and training and who has been tested to make sure they are proficient at shooting.

A record vote was requested by Representative Wu.

Amendment No. 5 failed of adoption by (Record 424): 59 Yeas, 87 Nays, 1 Present, not voting.

Yeas — Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Raymond; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hinojosa; Smithee.

Absent — Thierry.

Amendment No. 6

Representative Moody offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report), on page 6, between lines 24 and 25, by inserting the following:

(c) Subject to Subsection (d), a security officer described by Subsection (a) may not perform the routine law enforcement duties of a peace officer, including making arrests, unless the duty is performed in response to an emergency that poses a threat of death or serious bodily injury to a student, school district employee, or other individual at the district campus.

(d) Subsection (c) does not apply to a commissioned peace officer who is assigned law enforcement duties that are included in campus and district documents describing the role of peace officers in the district as required by Section 37.081(d) but who is also fulfilling the role of armed security officer at the district under this section.

AMENDMENT NO. 6 - REMARKS

REPRESENTATIVE MOODY: We've done a great deal of work in this chamber to end the school-to-prison pipeline. While I do believe school security is paramount and important, what we do not want to do is increase general police authority on a campus. If we're doing true security, then security is there when there is a threat of serious bodily injury or death—something that's imminent. We want to restrict folks, other than those who are doing this under a dual role, from exercising what you and I would think of as general police investigatory authority. That's not the role they're there to serve. We want to make sure we don't reopen the school-to-prison pipeline.

REPRESENTATIVE MORALES SHAW: We filed the same amendment, and I just wanted to—I heard most of what you said, but I wanted to make sure that the body knew and was clear on your amendment. Your amendment is limiting the role that these on-campus armed security officers, or whoever they might be, to the role of protecting the school from an assailant, from an assault, or from some sort of outside threat?

MOODY: That's correct. For the purposes of implementing a bill like this, we want to provide the actual security that we're asking for. If those officers on a down day are making arrests or are looking at things that are outside of the scope of their authority, then we're going to have unintended consequences from placing these individuals on campuses. I think that's something that the bill author is well aware of. We've been talking about it since the bill was filed. School security is an important component, but we do not want to open back the door that we have tried to close recently in legislative sessions that would continue to filter young folks into the criminal justice system. If security is the goal, then this amendment makes sure that people stay on task.

MORALES SHAW: So just to say that in another way, I think what I hear you saying is that these armed security personnel that are on school campuses can't use their role to discipline the students at the school?

MOODY: What we've said is that we're not going to allow them to perform routine law enforcement duties of a peace officer, so that would be included. The only exception to that is if you've got a peace officer on duty that's serving in a dual role. That's an authority that exists today. My intent is not to disrupt authority that exists today, but to ensure that none of the new folks that could be doing this, pursuant to the terms of the bill, would have some sort of expanded presence and authority outside of the scope of what we intend to do with the bill.

MORALES SHAW: Just to be clear, this bill doesn't create the dual role?

MOODY: No, it doesn't create the dual role. It's saying if they're serving in both of those roles.

MORALES SHAW: Okay, thank you.

Amendment No. 6 was adopted.

Amendment No. 7

Representative Goodwin offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) on page 6, between lines 24 and 25, by inserting the following appropriately lettered subsection:

() A security officer described by Subsection (a) who carries a handgun may only carry a handgun that is equipped with a trigger lock that allows only that security officer to discharge the handgun.

AMENDMENT NO. 7 - REMARKS

REPRESENTATIVE GOODWIN: I know that we all care about safety, right? I know that we want to make sure that any armed personnel in our schools—that their gun is not going to be used by somebody else. That's what this amendment is about. There are trigger locks of all different sorts. Trigger locks that have combination codes and that have biometrics that mean that only the person who owns that gun can shoot that gun. My amendment would just say that any gun on a school campus has to have a trigger lock.

The reason I brought this is because in Texas alone, we have had the following incidents where guns have been left untended: at Ingram Middle School in Ingram, Texas, a school resource officer left a firearm untended in the bathroom, where it was found by a student. That was in January 2020. At Pleasant Grove Independent School District in Texarkana, Texas, a school district employee's firearm fell out of its holster onto a school bus seat. The firearm was later found by a student. That was in December 2019. At Whitney Middle School in Whitney, Texas, a teacher left her gun unattended in a teacher's work room. The teacher served as a school guardian and was authorized to have the gun on campus. That was in October 2019. At Whitney High School in Whitney, Texas, a vice principal left her gun untended in a restroom on campus. The vice principal served as a school guardian and was authorized to have a gun on campus. That was in August 2019. At a school in High Island, Texas, a school superintendent left a loaded gun in a school van, which was found by a student when the van was used during an athletic event. At Horn High School in Mesquite, Texas, a Mesquite police officer assigned to a high school unintentionally discharged his

handgun while inspecting it. At Concordia Lutheran High School in Tomball, Texas, a teacher brought a handgun to school and made threatening statements about his colleagues in 2020. At Kirbyville High School in Kirbyville, Texas, a principal resigned, walked out to his truck in the school's parking lot, and shot himself in the head. Members, I'm very concerned about guns in schools, if you hadn't noticed. This is one small thing that we can do to make sure that if a gun is left untended and found by a student, it can't be shot by that student.

REPRESENTATIVE BURROWS: I have absolutely no problem with trigger locks. However, I don't know their availability. I would allow each different school district to make those decisions. This is absolutely unnecessary, and, quite honestly, this is a very serious school safety bill, and it is not necessary.

GOODWIN: Members, school districts could make the decision on what type of trigger lock to use. This is just making sure that we're very thoughtful about what we're allowing on our school properties. We're here today fighting to keep our schools safe and my amendment takes the incidents that I listed into consideration. It adds just another step of security.

Amendment No. 7 failed of adoption.

Amendment No. 8

Representative Talarico offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

- (1) On page 8, line 2, strike "and".
- (2) On page 8, between lines 2 and 3, insert the following appropriately numbered subdivision and renumber subsequent subdivisions accordingly:

() evidence-based strategies to create positive and safe school environments, including:

- (A) family engagement programs;
- (B) employee trainings on multi-tiered systems of support for academic and behavioral success;
- (C) efforts to respond to chronic absenteeism;
- (D) trauma-informed practices as defined in Section 38.036; and
- (E) opportunities for community feedback on the implementation of the measures required by this subdivision; and

AMENDMENT NO. 8 - REMARKS

REPRESENTATIVE TALARICO: This bill has a lot of reactive strategies for school safety, some of which are necessary. My amendment would add some proactive preventative measures to ensure school safety including family engagement plans and trauma informed practices that are already defined in code. I believe it's acceptable to the author.

Amendment No. 8 was adopted.

Amendment No. 9

Representative Flores offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) on page 12, lines 3 through 9, by striking added Subsection 37.1085(d) and relettering any subsequent subsections of Section 37.1085, Education Code, accordingly.

AMENDMENT NO. 9 - REMARKS

REPRESENTATIVE FLORES: I have an amendment that would amend **CSHB 3** on page 12, lines 3 through 9, by striking the added Subsection 37.1085(d) and relettering any subsequent sections of 37.1085, Education Code, accordingly. This would prohibit a school district found out of compliance of school safety mandates from receiving funds through any state administered grant program other than the funding earmarked for school safety.

Amendment No. 9 was adopted.

Amendment No. 10

Representative Goodwin offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 14, line 2, by striking "a conservator" and substituting "an agency monitor ~~[a conservator]~~".

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

SECTION _____. The heading to Section 37.1082, Education Code, is amended to read as follows:

Sec. 37.1082. MULTHAZARD EMERGENCY OPERATIONS PLAN NONCOMPLIANCE; APPOINTMENT OF AGENCY MONITOR, CONSERVATOR, OR BOARD OF MANAGERS.

SECTION _____. Sections 37.1082(a) and (b), Education Code, are amended to read as follows:

(a) If the agency receives notice from the Texas School Safety Center of a school district's failure to submit a multihazard emergency operations plan, the commissioner may appoint an agency monitor ~~[a conservator]~~ for the district under Chapter 39A. The agency monitor ~~[conservator]~~ may participate in and report to the agency on the district's adoption, implementation, and submission of ~~[order the district to adopt, implement, and submit]~~ a multihazard emergency operations plan.

(b) If a district fails to comply with an agency monitor's requests regarding the district's adoption, implementation, and submission of ~~[a conservator's order to adopt, implement, and submit]~~ a multihazard emergency operations plan within the time frame imposed by the commissioner, the commissioner may appoint a conservator or board of managers under Chapter 39A to oversee the operations of the district.

AMENDMENT NO. 10 - REMARKS

REPRESENTATIVE GOODWIN: This just says that if the district isn't doing everything it needs to do with their school safety plans currently in the bill, it says that it could have a conservator over the district. My amendment simply says that it would be a monitor as opposed to a conservator. We are going through this right now with AISD and special education—monitor is the first step, next is conservator. We are just asking that we take that first step and let the district make the improvements that are necessary, as opposed to jumping to step two.

REPRESENTATIVE BURROWS: I am just now taking a look at this. This bill was highly worked on by several different groups. I think, for that reason, something like this would need to have a hearing to make sure we know exactly what it does and what the implications are. I respectfully oppose.

GOODWIN: We are jumping to step two when a school district hasn't met the requirements of TEA. I believe it would make more sense to go to step one, which is to have a monitor who is there to support the district and to help the district get into compliance, as opposed to the more punitive conservatorship.

REPRESENTATIVE BRYANT: If the bill passes as written, what does it say with regard to conservatorships in our school districts?

GOODWIN: So the conservator is able to make decisions for the school district, whereas a monitor is more like giving advice to the school district. It's just an extra step toward perhaps a school district being taken over by TEA.

BRYANT: The bill would allow that to take place under what condition?

GOODWIN: If the school district is not meeting the safety plans that are sufficient—I would have to get the bill language in front of me, I apologize.

BRYANT: But it doesn't relate to academic performance. Is that correct?

GOODWIN: That's correct, it's all about safety.

BRYANT: Only with regard to the interpretation of whether or not they are in compliance with this bill, is that correct?

GOODWIN: I believe so. I think if, for example, they did a surprise inspection and went to a school, and maybe the SRO was not at the school at that moment, then that might even be cause for them to insert that conservatorship.

BRYANT: And you would instead, for this purpose, install a monitor?

GOODWIN: Right. I think that a monitor would be more appropriate. That monitor can give advice to the school district and help support them to make sure that they are keeping all the campuses as safe as possible without jumping to the next step.

A record vote was requested.

Amendment No. 10 failed of adoption by (Record 425): 58 Yeas, 85 Nays, 1 Present, not voting.

Yeas — Allen; Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Turner; Vo; Walle; Wu.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hinojosa; Smithee.

Absent — Lujan; Thierry; Thompson, S.; Zwiener.

STATEMENT OF VOTE

When Record No. 425 was taken, I was in the house but away from my desk. I would have voted yes.

Zwiener

Amendment No. 11

Representative Dutton offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 14, line 11, strike "Section 37.221" and substitute "Sections 37.221 and 37.222".

(2) On page 14, between lines 21 and 22, insert the following:

Sec. 37.222. RESOURCES ON SAFE FIREARM STORAGE. (a) The center, in collaboration with the Department of Public Safety, shall provide to each school district and open-enrollment charter school information and other resources regarding the safe storage of firearms for distribution by the district or school under Subsection (b), including information on:

(1) the offense under Section 46.13, Penal Code; and

(2) ways in which parents and guardians can effectively prevent children from accessing firearms.

(b) Each school district and open-enrollment charter school shall provide the information and other resources described under Subsection (a) to the parent or guardian of each student enrolled in the district or school.

AMENDMENT NO. 11 - REMARKS

REPRESENTATIVE DUTTON: This amendment directs DPS, in partnership with the School Safety Center, to distribute resources and information on safe firearm storage to parents. Some schools, members, currently do this. What this amendment is doing is just simply directing that DPS, in concert with the School Safety Center, will continue to do it for all schools. I believe it's acceptable to the author.

Amendment No. 11 was adopted.

Amendment No. 12

Representative Moody offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee printing) as follows:

On page 15, line 18, strike "\$10" and substitute "\$100".

AMENDMENT NO. 12 - REMARKS

REPRESENTATIVE MOODY: Mr. Burrows made reference to increasing the funding in the student safety allotment as a part of this bill via an amendment. That is this amendment. Moving from \$10 to \$100. That is simply and straightforward to what it does. It is acceptable to the author.

Amendment No. 12 was adopted.

Amendment No. 13

Representatives Capriglione, Buckley, Hefner, Jetton, Canales, Goldman, Oliverson, Lozano, VanDeaver, and Metcalf offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee printing) as follows:

(1) On page 15, lines 12 and 13, strike "Subsections (b-1) and (b-2)" and substitute "Subsection (a-1)".

(2) On page 15, line 14, strike "A" and substitute "Subject to Subsection (a-1), a".

(3) Strike page 17 line 18, through page 18 line 5, and substitute the following:

(a-1) A school district may not receive an allotment under Subsection (a) unless the district enters into an agreement with the Department of Information Resources, the agency, and the Texas School Safety Center to participate in the statewide school safety cooperative contract program developed under Section 37.119 for the purchase of designated technologies.

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

SECTION _____. Subchapter D, Chapter 37, Education Code, is amended by adding Section 37.119 to read as follows:

Sec. 37.119. STATEWIDE SCHOOL SAFETY COOPERATIVE CONTRACT PROGRAM FOR DESIGNATED TECHNOLOGIES; GRANTS. (a) The Department of Information Resources, in consultation with the agency and the Texas School Safety Center, shall develop a statewide school safety cooperative contract program under which the department:

(1) designates certain school safety technologies that a school district or open-enrollment charter school participating in the program may procure only under a designated statewide school safety cooperative contract approved under this section; and

(2) approves statewide school safety cooperative contracts with vendors to provide each technology designated under Subdivision (1).

(b) In designating technologies for purposes of this section, the Department of Information Resources:

(1) shall include school security solutions technologies that consist primarily of software applications and are typically sold on a recurring basis by a vendor of that technology, including:

(A) software-based access control solutions;

(B) software-based emergency mass notification solutions;

(C) video management or monitoring services;

(D) video-analytic firearm detection and alerting systems; and

(E) automated emergency response solutions; and

(2) may not designate:

(A) physical security threat assessments;

(B) hardware products, including security cameras that are sold as a one-time, fixed-cost product;

(C) physical security hardening products, including fencing, ballistic glass, door reinforcements, and similar products;

(D) radios and other general communication devices; or

(E) enhanced mapping products that are sold as a one-time cost product with a minimal recurring annual fee.

(c) Before approving and entering into a statewide school safety cooperative contract with a vendor to provide a designated technology under this section, the Department of Information Resources, in consultation with the agency and the Texas School Safety Center, shall:

(1) ensure the technology contracted for meets the required specifications under Subsection (d);

(2) consider the purchase price of that technology compared to the price provided by other vendors or for similar technologies; and

(3) consider any other relevant factors.

(d) In selecting a vendor of a designated technology for a statewide school safety cooperative contract, the Department of Information Resources shall:

(1) ensure that the technology provided by that vendor:

(A) is capable of being fully integrated into a statewide system for which the vendor provides continuous uptime remote monitoring and auditing functionality;

(B) is developed in the United States without the use of any third-party or open-source data;

(C) is compliant with any applicable requirements under the National Defense Authorization Act (10 U.S.C. Section 2679); and

(D) if the technology uses software, has an application programming interface that is accessible to enable integration with other software; and

(2) to the extent possible, prioritize technologies:

(A) designated as qualified technology under the federal SAFETY Act (6 U.S.C. Section 441 et seq.); and

(B) provided by a vendor that:

(i) is financially stable;

(ii) has demonstrated capability and responsibility through a sustained history of successful deployments of the technology at schools; and

(iii) is able to provide reliable maintenance and support.

(e) A school district or open-enrollment charter school that enters an agreement to participate in the statewide school safety cooperative contract program under this section may not purchase a technology designated under this section except under the applicable approved cooperative contract.

(f) From funds appropriated for the purpose, the agency shall provide to school districts and open-enrollment charter schools that participate in the statewide school safety cooperative contract program grants for the purchase of designated technologies under an applicable approved cooperative contract.

(g) The Department of Information Resources and the commissioner may adopt rules as necessary to implement this section.

AMENDMENT NO. 13 - REMARKS

REPRESENTATIVE CAPRIGLIONE: This amendment broadens the vendors qualified for the school safety grants. It also changes methods by which these contracts are awarded while also providing the requirement that school districts enter into these requirements and prescribes eligible goods and services.

Amendment No. 14

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

Amend Amendment No. 13 by Capriglione to **CSHB 3** (house committee printing) as follows:

On pages 3 and 4, strike Subsection (d).

AMENDMENT NO. 14 - REMARKS

REPRESENTATIVE DUTTON: This is a good amendment, but I'm withdrawing it.

Amendment No. 14 was withdrawn.

AMENDMENT NO. 13 - REMARKS

REPRESENTATIVE CAPRIGLIONE: This amendment improves the requirements for school districts and the contracts that they enter into.

Amendment No. 13 was adopted.

Amendment No. 15

Representative Martinez Fischer offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 18, line 9 strike "with a total population of less than 350,000".

(2) On page 18, between lines 20 and 21, insert the following appropriately lettered subsections and reletter subsequent subsections accordingly:

() The sheriff of a county in which more than one school district or open-enrollment charter school is located is only required to hold one semiannual meeting described by Subsection (a); however districts and schools located within the same county may adopt different school safety policies.

AMENDMENT NO. 15 - REMARKS

REPRESENTATIVE MARTINEZ FISCHER: This is an amendment that deals with semiannual school safety meetings. What this amendment does is it takes away the population bracket and makes it mandatory for everybody. It puts a proviso in that if you're in a county with multiple school districts, you just have to have one meeting even though you might have different school safety plans. I believe that it is acceptable to the author.

Amendment No. 15 was adopted.

Amendment No. 16

Representative Dutton offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 37.081, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a) The board of trustees of any school district may employ or contract with security personnel, enter into a memorandum of understanding with a local law enforcement agency or a county or municipality that is the employing political subdivision of commissioned peace officers for the provision of school resource officers, and commission peace officers to carry out this subchapter. ~~[If a board of trustees authorizes a person employed as security personnel to carry a weapon, the person must be a commissioned peace officer.]~~ The jurisdiction of a peace officer, a school resource officer, or security personnel under this section shall be determined by the board of trustees and may include all territory in the boundaries of the school district and all property outside the boundaries of the district that is owned, leased, or rented by or otherwise under the control of the school district and the board of trustees that employ the peace officer or security personnel or that enter into a memorandum of understanding for the provision of a school resource officer.

(a-1) A memorandum of understanding for the provision of school resource officers entered into under Subsection (a) must:

(1) be in the form of an interlocal contract under Chapter 791, Government Code; and

(2) use a proportionate cost allocation methodology to address any costs or fees incurred by the school district or the local law enforcement agency, county, or municipality, as applicable.

(a-2) The cost allocation methodology used under Subsection (a-1)(2) may allow a local law enforcement agency, county, or municipality, as applicable, to recoup direct costs incurred as a result of the contract but may not allow the agency, county, or municipality to profit under the contract.

(a-3) A school district, local law enforcement agency, county, or municipality that enters into a memorandum of understanding under Subsection (a) may seek funding from federal, state, and private sources to support the cost of providing school resource officers under this section.

SECTION _____. The change in law made by this Act to Section 37.081, Education Code, applies only to a memorandum of understanding under that section that is entered into on or after September 1, 2023.

AMENDMENT NO. 16 - REMARKS

REPRESENTATIVE DUTTON: This amendment allows public schools to enter into an interlocal agreement and removes the requirement that employed security must be peace officers in order to allow schools to hire armed security guards.

Amendment No. 17

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

Amend Amendment No. 16 by Dutton to **CSHB 3** on page 1, line 12, between the comma and "and commission", by inserting "contract with a security services contractor licensed under Chapter 1702, Occupations Code, for the provision of a level two or three commissioned security officer, as defined by Section 1702.002, Occupations Code,"

AMENDMENT NO. 17 - REMARKS

REPRESENTATIVE TINDERHOLT: This is just like the last one, where they are already doing it and can contract with security companies.

REPRESENTATIVE GERVIN-HAWKINS: Representative, you just put in an amendment that now states that school districts have to have security that's certified under Chapter 1702?

TINDERHOLT: No, what this does is it allows them to also, as an option if they can't afford police officers, they can contract with a certified security company. It doesn't mandate anything.

GERVIN-HAWKINS: It's an option.

TINDERHOLT: Correct.

Amendment No. 17 was adopted.

Amendment No. 16, as amended, was adopted.

Amendment No. 18

Representative Toth offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 37.115, Education Code, is amended by adding Subsections (j-1) and (j-2) to read as follows:

(j-1) Materials and information provided to or produced by a team during a threat assessment of a student under this section must be maintained in the student's school record until the student's 24th birthday.

(j-2) If a person destroys material or information described by Subsection (j-1) before the period of maintenance required under that subsection has expired, the board of trustees of a school district may not renew the person's employment contract with the school district.

AMENDMENT NO. 18 - REMARKS

REPRESENTATIVE TOTH: This simply states that referrals that are written up by teachers are not allowed to be destroyed. It's acceptable to the author.

Amendment No. 18 was adopted.

Amendment No. 19

Representative Ramos offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 38.0101, Education Code, is amended to read as follows:

Sec. 38.0101. ~~[AUTHORITY TO EMPLOY OR CONTRACT WITH]~~ NONPHYSICIAN MENTAL HEALTH PROFESSIONAL. (a) A school district shall ~~[may]~~ employ or contract with at least one ~~[or more]~~ nonphysician mental health professional ~~[professionals]~~ for each armed security officer, as described by Section 37.0814, on each campus.

(b) A nonphysician mental health professional providing services under this section shall implement a comprehensive mental health program for the campuses the professional serves. The professional must spend at least 80 percent of the professional's total work time on providing direct or indirect mental health services to district students. The commissioner shall adopt rules as necessary to administer this subsection.

(c) In this section, "nonphysician mental health professional" means:

(1) a psychologist licensed to practice in this state and designated as a health-service provider;

(2) a registered nurse with a master's or doctoral degree in psychiatric nursing;

(3) a licensed clinical social worker;

(4) a professional counselor licensed to practice in this state; or

(5) a marriage and family therapist licensed to practice in this state.

AMENDMENT NO. 19 - REMARKS

REPRESENTATIVE RAMOS: This amendment requires at least one non-physician mental health professional for every two district campuses for the benefit of teachers and personnel. We often hear partisan politicians say, "Well, it's a mental health issue." However, this bill does nothing to address mental health. What my amendment does is it provides for a psychologist to be available to every two district campuses for the benefit of teachers and personnel.

Increases in the number of guns in schools creates a hostile work environment for teachers and educators. Therefore, we should account for additional mental health support for our school district personnel. According to a Texas AFT survey, 77 percent of Texas school employees do not want to be armed or expected to intercept a gunman. This can lead to decreased retention, again exacerbating the teacher shortage in Texas. Texas school employees support comprehensive background checks, red flag warnings, raising the minimum age, and beefing up secure storage laws, but there is no favorable data to support that teachers actually have the support that they need to address the psychological impact of having to address these issues on a daily basis. Providing increased mental health support for teachers and educators is necessary if we insist on creating greater emotional strain on the educational workplace with the increased presence of firearms. These are educators—they are not receiving combat pay, which is what we're asking them to do, to be ready for combat in their daily lives as they're educating our students. What I'm simply asking for is that we provide resources for these educators and support their mental health.

(Kuempel in the chair)

Amendment No. 19 - Point of Order

Representative Cain raised a point of order against further consideration of Amendment No. 19 under Rule 11, Section 2, of the House Rules. The speaker sustained the point of order, announcing his decision to the house as follows:

Mr. Cain raises a point of order against further consideration of the Ramos Amendment (Amendment No. 19) under Rule 11, Section 2, on the grounds that the amendment is not germane.

The amendment would establish a school district hiring quota for mental health professionals based on the number of armed security officers authorized to be hired under the bill. The duties of the mental health professionals required to be hired under the amendment are not limited to the provision of the student services authorized by the bill as introduced, reported, or amended. See 75 H. Jour. 1147 (1997). Thus, the amendment is not germane.

Accordingly, the point of order is well-taken and sustained.

The ruling precluded further consideration of Amendment No. 19.

Amendment No. 20

Representative Ramos offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 46.13(e), Penal Code, is amended to read as follows:

(e) An offense under this section is:

(1) a Class A misdemeanor if the child discharges the firearm and causes death or serious bodily injury to himself or another person; and

(2) a third degree felony if the child engages in conduct with the firearm that contains the elements of an offense under Section 46.03(a)(1).

SECTION _____. The change in law made by this Act to Section 46.13(e), Penal Code, applies only to an offense committed on or after September 1, 2023. An offense committed before September 1, 2023, 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. For purposes of this section, an offense was committed before September 1, 2023, if any element of the offense occurred before that date.

AMENDMENT NO. 20 - REMARKS

REPRESENTATIVE RAMOS: My amendment is about parental accountability. This amendment holds an adult accountable for a minor who takes a gun to a school campus. Adult parents are guardians of a child to be the first line of defense in making sure their child does not have access to a firearm and does not bring a gun to school. Parents need to play a more active role in preventing kids from accessing their guns and endangering the lives of other children on a school campus. Parents and guardians need to be held liable for their potentially deadly failures. This amendment creates a third degree felony for negligently allowing a minor to access a firearm if the child then brings the weapon to school.

REPRESENTATIVE BURROWS: This is an absolutely un-germane amendment. Rather than wasting the body's time by calling it, I'm asking you to just vote the amendment down so we can get on with passing this very good school safety bill.

RAMOS: Yes, please vote. Please vote for my amendment. Once again, the current offense when there is negligence on the parents' part is a Class A misdemeanor if the child discharges the firearm and causes death or serious bodily injury to himself or another person. That is not sufficient punishment for negligent parents who allow their children to carry firearms.

A record vote was requested.

Amendment No. 20 failed of adoption by (Record 426): 56 Yeas, 84 Nays, 2 Present, not voting.

Yeas — Allen; Anchía; Bernal; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Lalani; Longoria;

Lopez, R.; Manuel; Martinez; Martinez Fischer; Moody; Morales, C.; Morales, E.; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; King, T.; Kitzman; Klick; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

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

Absent, Excused — Hinojosa; Smithee.

Absent — Bhojani; Bowers; Meza; Morales Shaw; Muñoz; Thompson, S.

STATEMENTS OF VOTE

When Record No. 426 was taken, I was in the house but away from my desk. I would have voted yes.

Bhojani

When Record No. 426 was taken, I was in the house but away from my desk. I would have voted yes.

Bowers

When Record No. 426 was taken, my vote failed to register. I would have voted yes.

Morales Shaw

When Record No. 426 was taken, my vote failed to register. I would have voted yes.

Muñoz

Amendment No. 21

Representative J.D. Johnson offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 15, lines 12-13, strike "(b-1) and (b-2)" and substitute "(b-1), (b-2), and (e)" to read as follows:

(2) On page 18, between lines 5 and 6, insert the following:

(e) Notwithstanding any other law, a school district may use funds allocated under this section to provide training to an armed security officer employed by the district in accordance with Section 37.0814 to prepare the officer to provide instruction to students in the district on personal safety and related subjects.

AMENDMENT NO. 21 - REMARKS

REPRESENTATIVE J.D. JOHNSON: Members, real quick on this amendment—while we're getting officers in the classrooms and we all have anxiety about putting more guns in classrooms, I think this amendment will allow districts to have officers trained in the area of working with children, not just simply walking around being in an adversarial relationship, but actually being an ally. Having officers trained through programs such as the G.R.E.A.T. program, the D.A.R.E. program, and so forth and so on gives officers more training and certainly allows officers to teach children about bullying, vaping, drugs, and so forth and so on. I think this amendment is acceptable to the author, but I think this is an opportunity for us to have more officers being trained and working with children as opposed to patrolling schools simply with a gun. Again, I think this is acceptable to the author, and I appreciate it.

Amendment No. 21 was adopted.

CSHB 3 - REMARKS

REPRESENTATIVE MOODY: I'd just like to say a few words in support of **CSHB 3**. When we investigated the Robb Elementary shooting, our committee determined that multiple systemic failures are what made it possible. This bill is a response to one of those failures. It's not a complete solution, and we have other bills that respond to other failure points—some of which I have authored myself. Multiple systemic failures require multiple systemic solutions. So I want to be very clear that I don't think one bill, or even multiple bills on one topic, solves this problem. But the physical security of the schools and the infrastructure where our teachers and students spend their days is a very real and very pressing part of it. If we don't address it this session, that's a failure for our kids, that's lives at risk, and that's unacceptable.

I'm also very sensitive to the importance of not making our schools fortresses and not allowing the police involvement in schools that we've pushed back against in this body, for many sessions now, to creep back in under the guise of security. I think this bill is a tailored solution that avoids those pitfalls while giving our schools the tools they need to significantly improve security. I appreciate the work and leadership of Mr. Burrows and all that he has poured into this issue and the commitment Speaker Phelan has made by placing this as a top house priority. I'd ask that you join me in supporting **CSHB 3**.

REPRESENTATIVE GOODWIN: **CSHB 3** is a school safety bill. I am thankful that we are having a debate on the floor about school safety. Our kids and their parents deserve to have peace of mind knowing they are sending their kids to a safe place to learn and grow.

Hand in hand with this conversation is a conversation about gun safety. How can we ensure safety in our schools? Is it by having armed guards or armed teachers in our schools or is it by beefing up gun safety regulations? I wish we were also having a debate today about raising the age to purchase a semiautomatic rifle. The Uvalde families and those who share their concern are wondering why their elected leaders aren't bringing this one very important bill

to the floor. It isn't just the NRA or their money that keeps us from having debates on the floor of the house or senate. It's that the majority of voters don't show up to vote in primary elections. Until we have the majority of Texans who support sensible gun safety legislation voting for candidates in primary elections, not just in general elections, we won't be able to change gun laws in Texas. Instead, we will resort to adding vestibules and armed guards to our schools, because that's what you do when you know there will be another school shooting in Texas.

REPRESENTATIVE BURROWS: I want to start by thanking Speaker Phelan for making this a house priority, my joint author, Representative Moody, and the authors on this bill, and everybody who will support this bill today. This is not an either/or choice. There are a lot of things that we need to be doing to try to make our schools safer. This clearly advances the ball. This is very important. I hope you'll join me in supporting **CSHB 3**.

REPRESENTATIVE J. JONES: Under **CSHB 3** in the dollar allotment, would the bill allow schools and school districts to purchase technology that can detect guns and alert law enforcement or lock down the school?

BURROWS: Absolutely.

A record vote was requested.

CSHB 3, as amended, was passed to engrossment by (Record 427): 122 Yeas, 19 Nays, 2 Present, not voting.

Yeas — Allison; Anchía; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, M.; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Herrero; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Kitzman; Klick; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Moody; Morales, E.; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Orr; Patterson; Paul; Perez; Price; Raney; Raymond; Rogers; Romero; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Wilson; Zwiener.

Nays — Allen; Bhojani; Bowers; Cole; González, J.; Goodwin; Johnson, A.; Jones, J.; Jones, V.; Morales, C.; Morales Shaw; Ordaz; Ortega; Plesa; Ramos; Rose; Rosenthal; Walle; Wu.

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

Absent, Excused — Hinojosa; Smithee.

Absent — Bernal; Davis; Meza; Reynolds; Thompson, S.

STATEMENTS OF VOTE

When Record No. 427 was taken, I was shown voting yes. I intended to vote no.

Collier

When Record No. 427 was taken, I was shown voting yes. I intended to vote no.

Lalani

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 10).

(C.J. Harris in the chair)

REMARKS ORDERED PRINTED

Representative Canales moved to print all remarks on **CSHB 3**.

The motion prevailed.

CSHB 13 ON SECOND READING

(by K. King, Burrows, T. King, M. González, Buckley, et al.)

CSHB 13, A bill to be entitled An Act relating to training, preparedness, and funding for school safety and emergencies in public schools.

CSHB 13 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE M. GONZÁLEZ: First and foremost, I want to appreciate all your hard work on this very important bill. I'm very proud to be a joint author of this bill. I just want to have the membership understand how important some of the things that you have done in this bill are to the legislature. Currently, the school safety allotment—and you talked about this in your layout, but I think it's important for members to understand—can be used by school districts for a range of activities, including security needs, as well as mental health support like hiring a school counselor, correct?

REPRESENTATIVE K. KING: That is correct.

M. GONZÁLEZ: I see that in Section 6 of your bill, you strike out the long list of allowable uses—we always talk about how the code is getting too long—and it just simply states, "to improve school safety and security," allowing for some local control. Correct?

K. KING: That is correct. We strike out the long list in Section 48.115, Education Code.

M. GONZÁLEZ: And in making this change to create a simpler statute—which we all appreciate— isn't it true that the school safety allotment funds can be used by local school districts to fit their safety and security needs, including mental health strategies?

K. KING: Yes, that is correct, that is one of the main goals of **CSHB 13**.

M. GONZÁLEZ: And I know you know this because you've been working really hard on this bill, but the school districts that have used a portion of the current school safety allotment funds to promote positive school environments and student mental well-being. Schools have used these funds to hire counselors, social workers, and to implement suicide and bullying prevention programs, among other uses. So you agree that we don't want school districts to be confused about allowable uses for the school safety allotment and want schools to know that these funds can continue to be used to promote positive school environments and student well-being?

K. KING: I agree. Those and other uses that would improve safety in schools should be allowable for the school safety allotment.

M. GONZÁLEZ: Thank you, Chairman King. I appreciate all your hard work.

REMARKS ORDERED PRINTED

Representative M. González moved to print remarks between Representative K. King and Representative M. González on **CSHB 13**.

The motion prevailed.

Amendment No. 1

Representative K. King offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee printing) as follows:

(1) On page 2, line 1, strike "GUARDIAN TRAINING" and substitute "SENTINEL PROGRAM, TRAINING".

(2) On page 2, line 11, between "(b)" and "The", insert the following:

A school district or open-enrollment charter school may establish a school sentinel program in accordance with this section for the purposes of school safety and security on school premises.

(3) Strike "guardian" and substitute "sentinel" in each of the following places it appears:

(A) On page 2, line 2;

(B) On page 2, line 13;

(C) On page 2, line 14;

(D) On page 2, line 18; and

(E) On page 3, line 2.

(4) Strike page 7, lines 6 through 10, and substitute the following:

(c-2) Subsection (c-1) does not apply to the provision of behavioral health services or programming.

(5) Strike page 7, lines 11 through 26, and renumber subsequent SECTIONS of the bill and cross-references to those SECTIONS accordingly.

(6) Strike page 11, lines 3 and 4, and substitute the following:

(b) Section 48.115, Education Code, as amended by this Act, takes effect September 1, 2023.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Lozano offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee report) as follows:

(1) On page 1, line 7, strike "A" and substitute "Except as otherwise provided by this section, a".

(2) On page 1, between lines 13 and 14, insert the following appropriately lettered subsection and reletter subsequent subsections and references to those subsections accordingly:

() A school district may not require a district employee who has previously completed mental health first aid training offered by a local mental health authority under Section 1001.203, Health and Safety Code, to complete the training required by this section.

(3) On page 1, line 15, between "the" and "amount", insert "sum of the".

(4) On page 1, line 16, between "fees" and "in", insert "and the product of each employee's hourly salary multiplied by the number of hours that employee spent completing the training".

(5) On page 1, line 19, between "fees" and the underlined period, insert "and to compensate the employee for the time spent completing the training required by this section".

(6) On page 1, between lines 19 and 20, insert the following appropriately lettered subsection and reletter subsequent subsections accordingly:

() The State Board for Educator Certification shall propose rules allowing an educator to receive credit toward the educator's continuing education requirements under Section 21.054(g) for the educator's participation in mental health first aid training under this section.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Tinderholt offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee report) as follows:

(1) On page 2, between lines 17 and 18, insert the following appropriately lettered subsection and reletter subsequent subsections accordingly:

() A school district or open-enrollment charter school that authorizes the presence of a school guardian under this section shall:

(1) designate a marking or uniform that identifies to a law enforcement agency that the person is a school guardian;

(2) require each school guardian to wear a marking or uniform described by Subdivision (1) while providing school guardian services at the district or school in the manner provided under Subsection (a); and

(3) maintain information regarding the marking or uniform designated under Subdivision (1) as confidential except that the district or school shall disclose the information to an appropriate law enforcement agency in accordance with Section 37.108(g).

(2) On page 4, between lines 10 and 11, insert the following appropriately numbered subdivision and renumber subsequent subdivisions accordingly:

() information regarding the identity of the school guardian authorized under Section 37.08121 at each district campus and the marking or uniform worn by the school guardian or other manner in which a law enforcement agency may confidentially identify the school guardian;

Amendment No. 3 was adopted.

Amendment No. 4

Representative S. Thompson offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee printing) on page 6, line 27, between "equipment" and "a", by inserting "including video surveillance equipment for use as provided by Section 29.022,".

Amendment No. 4 was adopted.

Amendment No. 5

Representative Martinez Fischer offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee report) by striking "year" and substituting "biennium" in both of the following places:

- (1) On page 8, line 12; and
- (2) On page 8, line 15.

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Martinez Fischer offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee report) by striking "\$250" each time it appears (page 9, lines 20, 22, and 25) and substituting "\$500".

Amendment No. 6 was adopted.

Amendment No. 7

Representative C. Morales offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 37.0812(a), Education Code, is amended to read as follows:

(a) A school district peace officer or school resource officer shall complete an active shooter response training program approved by the Texas Commission on Law Enforcement at least once in each four-year period.

Amendment No. 7 was adopted.

Amendment No. 8

Representative Bailes offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 38.022, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A school district may require a person who enters property under the district's control ~~[a district campus]~~ to display the person's driver's license, ~~[or]~~ another form of identification containing the person's photograph issued by a governmental entity, or, if applicable, the person's district employee or student identification card. The person must provide the identification on request.

(a-1) A school district may eject a person from district property if:

(1) the person refuses or fails to provide on request identification described by Subsection (a); and

(2) it reasonably appears that the person has no legitimate reason to be on district property.

Amendment No. 8 was adopted.

Amendment No. 9

Representatives Wilson, Bailes, Price, Hull, S. Thompson, C.E. Harris, Gerdes, Anderson, Hayes, Swanson, Buckley, Allen, Capriglione, Meyer, Landgraf, Turner, E. Thompson, C. Morales, Slaton, Schatzline, Paul, Manuel, Isaac, Martinez Fischer, Walle, Spiller, Burns, Longoria, Thimesch, Hefner, Lambert, Goldman, Raymond, Guerra, Neave Criado, Frank, Hunter, Perez, Orr, Holland, Leach, Bumgarner, Smith, VanDeaver, Klick, Schofield, J. Lopez, Garcia, Slawson, Rose, K. King, Flores, Frazier, Ashby, Murr, Morrison, Cole, Howard, Zwiener, Meza, Kitzman, Vasut, Raney, Bowers, Stucky, Toth, Tinderholt, Noble, Guillen, Martinez, Muñoz, Bucy, Campos, Hernandez, E. Morales, Lozano, Harless, Leo-Wilson, A. Johnson, Lujan, Cook, J. Jones, Dean, Ortega, Goodwin, Herrero, Burrows, Clardy, Bryant, Kacal, Oliverson, Harrison, R. Lopez, Patterson, Talarico, Jetton, Tepper, Plesa, Kuempel, Schaefer, C. Bell, Rogers, Gámez, and C.J. Harris offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 29, Education Code, is amended by adding Section 29.9074 to read as follows:

Sec. 29.9074. FENTANYL POISONING AWARENESS WEEK. (a) To educate students about the dangers posed by the drug fentanyl and the risks of fentanyl poisoning, including overdose, the governor shall designate a week to be known as Fentanyl Poisoning Awareness Week in public schools.

(b) Fentanyl Poisoning Awareness Week may include age-appropriate instruction, including instruction on the prevention of the abuse of and addiction to fentanyl, as determined by each school district.

SECTION _____. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.040 to read as follows:

Sec. 38.040. FENTANYL ABUSE PREVENTION AND DRUG POISONING AWARENESS EDUCATION. (a) Each school district shall annually provide research-based instruction related to fentanyl abuse prevention and drug poisoning awareness to students in grades 6 through 12.

(b) The instruction required by this section must include:

- (1) suicide prevention;
- (2) prevention of the abuse of and addiction to fentanyl;
- (3) awareness of local school and community resources and any processes involved in accessing those resources; and
- (4) health education that includes information about substance use and abuse, including youth substance use and abuse.

(c) The instruction required by this section may be provided by an entity or an employee or agent of an entity that is:

- (1) a public or private institution of higher education;
- (2) a library;
- (3) a community service organization;
- (4) a religious organization;
- (5) a local public health agency; or
- (6) an organization employing mental health professionals.

SECTION _____. Section 38.351, Education Code, is amended by adding Subsection (g-1) to read as follows:

(g-1) A school district may satisfy a requirement to implement a program in the area of substance abuse prevention and intervention by providing instruction related to youth substance use and abuse education under Section 38.040.

Amendment No. 9 was adopted.

Amendment No. 10

Representatives Zwiener, Talarico, and Wilson offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 38, Education Code, is amended by adding Sections 38.046 and 38.047 to read as follows:

Sec. 38.046. FENTANYL CONTAMINATION TRAINING PROGRAM FOR SCHOOL PERSONNEL. (a) The agency, in cooperation with The University of Texas Health Science Center at San Antonio, shall develop:

- (1) an evidence-based training program on the dangers of fentanyl contamination for school district and open-enrollment charter school employees;
- and

(2) a professional development training program on providing the training developed under Subdivision (1).

(b) The agency shall distribute training materials for the training program developed under this section to each regional education service center.

Sec. 38.047. FENTANYL CONTAMINATION GRANT PROGRAM. (a) The agency shall establish a grant program to provide funding to school districts and open-enrollment charter schools for community and school outreach programs on the dangers of fentanyl contamination.

(b) The commissioner may adopt rules as necessary to administer the grant program established under this section.

Amendment No. 10 was adopted.

Amendment No. 11

Representative Morales Shaw offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.089 to read as follows:

Sec. 37.089. ROLE OF PERSONS CARRYING A FIREARM ON SCHOOL GROUNDS. (a) Subject to Subsection (b), a person permitted to carry a firearm on the campus of a school district may not perform the routine law enforcement duties of a peace officer, including making arrests, unless the duty is performed in response to an emergency that poses a threat of death or serious bodily injury to a student, school district employee, or other individual at the district campus.

(b) Subsection (a) does not apply to a commissioned peace officer who is assigned law enforcement duties that are included in campus and district documents describing the role of peace officers in the district as required by Section 37.081(d).

Amendment No. 11 was adopted.

CSHB 13, as amended, was passed to engrossment.

SB 838 ON SECOND READING

(Thierry, Buckley, T. King, et al. - House Sponsors)

SB 838, A bill to be entitled An Act relating to school districts and open-enrollment charter schools providing silent panic alert technology in classrooms.

SB 838 was considered in lieu of **HB 669**.

SB 838 was passed to third reading.

HB 669 - LAID ON THE TABLE SUBJECT TO CALL

Representative Thierry moved to lay **HB 669** on the table subject to call.

The motion prevailed.

**CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
SECOND READING**

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

**CSHJR 170 ON SECOND READING
(by K. King)**

CSHJR 170, A joint resolution proposing a constitutional amendment creating the state school safety fund to provide financial support for projects that enhance the safety of public schools in this state.

CSHJR 170 was adopted by (Record 428): 131 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, K.; Bernal; Bhojani; Bonnen; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddock; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, M.; Guerra; Guillen; Harless; Harris, C.E.; Hayes; Hefner; Hernandez; Herrero; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Ortega; Patterson; Paul; Perez; Price; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wu; Zwiener.

Nays — González, J.; Goodwin; Harrison; Jones, J.; Meza; Plesa; Ramos; Toth; Wilson.

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

Absent, Excused — Hinojosa; Smithee.

Absent — Bell, C.; Bowers; Bryant; Orr; Schofield; Talarico.

STATEMENTS OF VOTE

When Record No. 428 was taken, I was in the house but away from my desk. I would have voted yes.

Bowers

When Record No. 428 was taken, my vote failed to register. I would have voted yes.

Bryant

When Record No. 428 was taken, I was shown voting no. I intended to vote yes.

Toth

When Record No. 428 was taken, I was shown voting no. I intended to vote yes.

Wilson

CSHJR 150 ON SECOND READING
(by Noble, Thierry, Klick, and Raymond)

CSHJR 150, A joint resolution proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of a portion of the market value of a property that is the primary residence of an adult who has an intellectual or developmental disability and who must be related to the owner or trustee of the property within a certain degree by consanguinity.

(Speaker in the chair)

CSHJR 150 was adopted by (Record 429): 142 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Herrero; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Wiener.

Nays — Slaton; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hinojosa; Smithee.

Absent — Davis; González, M.; Klick.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 4434 ON SECOND READING
(by Kuempel)**

CSHB 4434, A bill to be entitled An Act relating to the Texas First Early High School Completion Program and the Texas First Scholarship Program.

CSHB 4434 was passed to engrossment.

**CSHB 114 ON SECOND READING
(by E. Thompson)**

CSHB 114, A bill to be entitled An Act relating to the possession, use, or delivery of marihuana or e-cigarettes on or near public school property or at certain school events.

CSHB 114 was passed to engrossment.

**CSHB 2455 ON SECOND READING
(by T. King, et al.)**

CSHB 2455, A bill to be entitled An Act relating to an annual occupational medical examination for fire fighters.

Amendment No. 1

Representative T. King offered the following amendment to **CSHB 2455**:

Amend **CSHB 2455** (house committee report) as follows:

(1) On page 1, lines 17 and 19, strike "evaluation" and substitute "examination".

(2) On page 1, line 21, strike "fluid" and substitute "blood".

(3) On page 1, between lines 21 and 22, insert the following subdivision and renumber subsequent subdivisions appropriately:

(2) a urine test;

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

(f) A fire department is not required to offer an annual occupational medical examination under this section if the fire department submits an annual medical examination plan to the Texas Commission on Fire Protection by February 1 of each year. The plan must be endorsed by a physician and be in substantial compliance with standards developed by the National Fire Protection Association. The commission shall adopt rules to implement this subsection.

(5) On page 2, line 11, strike "June 1, 2024" and substitute "January 1, 2025".

(6) On page 2, lines 12 and 13, strike "Section 180.010(e)" and substitute "Sections 180.010(e) and (f)".

(7) On page 2, line 16, strike "July 1, 2024" and substitute "February 1, 2025".

Amendment No. 1 was adopted.

CSHB 2455, as amended, was passed to engrossment.

CSHB 44 ON SECOND READING**(by Swanson, Klick, Slawson, Hefner, Morales Shaw, et al.)**

CSHB 44, A bill to be entitled An Act relating to provider discrimination against a Medicaid recipient or child health plan program enrollee based on immunization status.

CSHB 44 - REMARKS

REPRESENTATIVE SWANSON: **CSHB 44** is a bipartisan bill to ensure access for care for our most vulnerable Texans. This bill ensures that Medicaid recipients and children enrolled in the CHIP program are not turned away from care based solely on immunization, while still providing flexibility for doctors to make responsible medical decisions. This bill is about access to medical care for low-income children and disabled adults who need it the most.

REPRESENTATIVE A. JOHNSON: I wanted to visit with you about this bill. Your bill as it addresses individuals that provide care, it recognizes that many of these providers are providing Medicaid services to other children, correct?

SWANSON: Correct.

A. JOHNSON: In this circumstance, if somebody violates this policy, is it targeted towards the individual physician? Or would the entire group be held responsible for the decision of one other doctor?

SWANSON: That would be the one doctor. And there would, of course, be due process in that situation.

A. JOHNSON: May I ask where the due process section of that decision comes in this bill?

SWANSON: We've been discussing—many of us—we made an amendment that helped the hospital association to be fine with the bill, and many others, by adding the word "solely." So at that point, if somebody made an accusation that some doctor wouldn't take them, then it would all go to a review board. It would have to be proven, of course.

A. JOHNSON: Okay, two different points. Solely—and I appreciate that amendment where it says, "solely based on the enrollees refusal or failure to obtain a vaccine or immunization for a particular infectious or communicable disease." So if I have another reason, given that if I am a hospital entity that does oncology and has a number of other immunocompromised individuals in that facility, then I could deny access to somebody who refuses to get immunized?

SWANSON: You could not deny them access at all. There's lots of situations. We talked to the hospital association and others. They can fully make it where they get treated in two different rooms. Any person who's sick these days, they have them wait out in the car and do testing. We have definitely allowed for any compromises or adjustments that need to be made by doctors. We want these children, who are most vulnerable children, to be able to have access to care. It's so important.

A. JOHNSON: I understand we want these children to get access to care. I'm talking about the issue of it says, "you may not refuse solely based." So my question is—and I saw you look at Dr. Oliverson and I know we had this discussion in Public Health, so I'm hoping that we can get on the record the discussion we had in Public Health and what you talked about on your amendment. If somebody comes to me and I'm providing care and they refuse to get vaccinated, do I as the physician have the right to refuse them coming in if I am equally thinking about the other kids in my practice that I need to protect because they're immunocompromised? So if they're not vaccinated and I'm coupling that with the fact that I need to protect my other vulnerable population that I'm serving, that would not meet your definition of "solely," correct?

SWANSON: I think you're misinterpreting that. If they have not received immunizations, they still would need to be cared for. They could just decide to see them on Tuesday, see them in another room, have them wait in the car to be tested. Any child though, whether they're immunized or not, they're all seen in these doctors' offices, all in the hospitals. They treat everyone, but they make adjustments. These days, if any child is running a fever or even adults often, they have to wait in the car and a nurse comes out in full PPE and runs a COVID test and a strep test and a flu test. All that is done and no one ever goes inside. They're already separated.

A. JOHNSON: You and I have talked about that. I mentioned to you, from my private physician, if somebody suspects that they have COVID they will say, "Hey, meet me on the top floor of the parking garage. There's a side entrance, there's a side place to meet." And somebody who is potentially contagious is never having to interact with the rest of the hospital system and they have been able to create that. I agreed with you. I thought that was a great policy. What I'm talking about is that group that does not have the capability because they don't control the parking garage, they don't have a separate entrance. Can the physician make the determination that they can refuse service to the unvaccinated if they are contemplating the rest of their immunocompromised population that may be in the same physical space?

SWANSON: As long as it is not based solely on their immunization status.

A. JOHNSON: I want to make sure we're clarifying and that we're getting on the record what you've talked about in your intent on that. So if somebody refuses service solely because of their immunization status, that would violate your rule? But if the physician has any other reason, meaning I have a practice with immunocompromised individuals, I have people that are over the age of 65 who are at risk, I have any other consideration, I'm worried about medical malpractice, I'm worried about any other consideration that is legitimate, then your law does not apply, is that correct?

SWANSON: It seems like you're taking this and twisting it a separate way and I want to make sure that I'm not just agreeing with what's being said. I want to make it clear that they cannot refuse service. These are low-income children. They're also people with disabilities. They're our most medically fragile. Most of

our medically fragile children that we spend so much money on and say we care so much about, most of them are not on the perfect, up-to-date immunization schedule. It is wrong if we allow doctors to just refuse them as patients.

A. JOHNSON: Clearly, if someone is coming in to get their vaccinations, they're not vaccinated and they're going to treat them. I think what we're talking about—and I want to make sure we're clear on—is we're not talking about the child, disabled child, we're often talking about the parent who is not getting the child vaccinated, because the kid can't consent, correct?

SWANSON: Correct, absolutely.

A. JOHNSON: So it's really the parent that is deciding, "I don't want to vaccinate my child, but my child broke their arm and I want them to get treatment from you at this point," correct?

SWANSON: The parent does make the decision.

A. JOHNSON: And in that circumstance, the physician has the ability to make a decision based on their private medical practice and can make their determination of who they want to see and who they don't want to see, correct?

SWANSON: I believe you're misinterpreting the bill, from what you're saying. Absolutely they could not refuse these children and disabled people service. They may make any adjustment they feel is necessary in order to protect everyone, but doctors and hospitals see sick patients all the time. The likelihood—

A. JOHNSON: We're not talking about emergency care, we're talking about a doctor-patient relationship. And what I just heard you say is that private physicians in the State of Texas do not have the ability to choose their patients if their parent refuses to get them vaccinated. Your law would require me as a private physician to take them on as a patient and you would protect them as some kind of class that can't be denied service by a private business.

SWANSON: If they are accepting Medicaid funds, they're taking our money. And yes, we can establish rules and we can protect our most vulnerable citizens.

A. JOHNSON: So you're saying this only applies to physicians who take Medicaid money?

SWANSON: Medicaid and CHIP, yes.

A. JOHNSON: So any physician in the State of Texas who is willing to take Medicaid or CHIP and provide to the least kids is now is being mandated by you to see the unvaccinated?

SWANSON: Many of these doctors have expressed that they want to take these children, and yet they are part of medical groups that set the rules for them. They are denied that choice already because the medical groups they're members of are saying, "You may not take a child who's not exactly up-to-date on this schedule." Many, many parents choose a delayed schedule. Or perhaps an older child had a terrible reaction and they may not want to get that child a second and a third booster. They also may believe in a delayed schedule for all of their children.

They may feel like if one child had a problem with a particular vaccine, they may not want that younger sibling to take it, or they may wait until they're three or five-years-old.

A. JOHNSON: And we've talked about that. We talked about it in Public Health. You may have an allergic reaction from some family members, you may have a parent making a decision, and you would hope in that circumstance that you are making a decision collectively with the physician in a mutually beneficial relationship to treat. As I mentioned to you in doing indigent defense work, if I have a client that I'm appointed to and that client refuses to follow my recommendations and won't follow my legal advice, I have the ability to say, "Hey, maybe this is not the relationship for us. Maybe you need to go find another lawyer that you trust and would take their legal advice." That's fair, correct, for me in private practice?

SWANSON: That is an entirely different matter. The situation you have is we're hearing from so many parents who have to travel sometimes up to 100 miles in order to find a pediatrician that will see their child.

A. JOHNSON: How is me, as a private attorney, not having to accept the liability for a client that refuses to follow my legal advice any different from a medical doctor being able to deny treating a patient who refuses to follow their medical advice?

SWANSON: Health care is a necessity and we've gotten to a point that people cannot find pediatricians for their children. It's very, very sad.

A. JOHNSON: If you agree with that, that health care is a necessity, then why put this ultimate punishment of "shall" in here? It's denying all the other kids and their parents that want medical treatment by refusing to pay Medicaid services and effectively reducing the number of pediatricians who are available because you're now going to cut them out of the program. So effectively, you're going to reduce the number of disabled and uninsured kids who can get access to services in Texas with this bill?

SWANSON: I respectfully disagree. You and I have lots of different discussions and have had them on this bill, since you're on the committee. One thing I really like is that this a bipartisan bill. One of the joint authors is a democrat, two of the co-authors are democrats. I've had many, many people come and tell me what a very, very difficult time they are finding getting primary care—a pediatrician for their children. I see Facebook groups where they're desperately saying—it's a real problem in the greater Houston area and the doctors are telling me, "I'm not given any choice whatsoever, and I want to see these patients."

A. JOHNSON: Why can they not see them now?

SWANSON: Because the doctor groups they're part of are dictating that they cannot take them.

A. JOHNSON: So if you go to doctor groups, then I ask you, does this apply to the individual or to the group? And you said there's due process in here. And your joint author behind me, Ms. Penny Morales Shaw says she's going to talk to

you about it. I don't want to get crossways in y'all's discussion, but I'm still not understanding where the due process claim is. You say if there is one physician in the group that refuses, then you're going to exclude all physicians out of Medicaid?

SWANSON: We have not said that we would exclude all of them.

A. JOHNSON: Great. Will you put an amendment in your bill that says this is applicable to an individual physician and not the whole group? I appreciate you accepting an amendment on that and I'll ask them to draft it so that this does not apply to a full entity or group or hospital and only applies to an individual physician. Is that accurate?

SWANSON: I would need to read that. I feel like at this time the bill stands on its own. It's been reviewed by the hospital association. They're fine with it. We worked with many, many people on this and we amended it to make them happy and we feel like at this time it's an excellent bill.

A. JOHNSON: My constituency does not agree that it's an excellent bill, just to clarify.

SWANSON: It's duly noted that your district is a medical center.

A. JOHNSON: The entire medical center, and I'm not aware that they believe this is an excellent bill. Since you and I are having a rational disagreement on this, would you be open to an amendment that changes your "shall" language, that does not allow for this kind of discussion, to "may" so that the board can make a decision on a case-by-case basis, absent of a hard line of "shall"?

SWANSON: I appreciate the offer, but the bill has been well reviewed by many people and it already provides all the protections you're talking about. I would have to respectfully decline that amendment.

A. JOHNSON: And I respectfully disagree with the analysis that it provides the protections for the medical community that I'm advocating on behalf of, and the kids who will be at a loss, if you cancel Medicaid for a number of providers when they're already having trouble finding physicians that can provide them treatment.

SWANSON: It does not do that, but I do appreciate your input. Thank you.

REPRESENTATIVE MORALES SHAW: Representative Swanson, I'm up here to dispel some of the concerns. Some of them are related to what Representative Johnson was talking about. I just want to clarify that the intent of this bill is not to knock doctors off of Medicaid.

SWANSON: Absolutely not.

MORALES SHAW: And the bill recognizes that there are limited doctors that currently provide Medicaid and it's made concessions with that recognition.

SWANSON: Absolutely.

MORALES SHAW: The bill was—I'm looking at the committee substitute and I think that's what Representative Johnson was referring to, so I do have that in front of me. It currently has built-in due process because it has a requirement of "solely," so therefore it can't be an array. If the doctor—and I think this is what Representative Johnson was trying to get across—if the doctor has reasonable cause then this bill makes concession for that. Is that correct?

SWANSON: Absolutely.

MORALES SHAW: Okay. And it's up to HHSC to establish those due process measures when they make their rules and guidelines pursuant to this new bill. Is that correct?

SWANSON: Yes, that is correct.

MORALES SHAW: Okay. Thank you for the clarification.

REPRESENTATIVE OLIVERSON: I wanted to help clear this up with you. My understanding of your bill and the way that it works, is essentially that a physician seeing Medicaid patients would not be able to deny a person medical care at that clinic solely based on their immunization status. Is that your understanding?

SWANSON: That is correct, yes.

OLIVERSON: Okay. Are you aware that oftentimes children go to the doctor's office when they're sick?

SWANSON: Yes, I think that's generally the main reason they go.

OLIVERSON: Many times those children may have a communicable disease which could be spread to an immunocompromised child, but we don't necessarily make those children not go to the doctor's office, right?

SWANSON: Of course, absolutely.

OLIVERSON: I understand the argument that's being made, but the problem with the argument is that it's already the case that in many pediatricians' offices you have both sick and well children being seen at the same time, not all of whom are immune to whatever sickness is present in the office at that time because it could be something like the flu or strep throat, or a wide variety of conditions. Right?

SWANSON: Yes, for sure.

OLIVERSON: But what your bill is saying is that a physician—based solely on the fact that a person had not completed their current vaccination schedule and on no other reason—they couldn't be denied access to the clinic, right?

SWANSON: Right.

OLIVERSON: What you're not saying is that if a person who is not vaccinated, basically, comes to the clinic with a fever and a rash and signs and symptoms of a vaccine preventable, communicable disease, that physician has every right to say, "It's not a good day for me to see you, I have my cancer clinic today. Can I see you this afternoon or maybe tomorrow morning." Right? You're not saying that?

SWANSON: Absolutely, and this was thoroughly discussed with the stakeholders that came in. And this will surely reassure them, so they are okay with this bill.

OLIVERSON: Is it your contention that a child that is totally asymptomatic and doesn't have any signs or symptoms of an infectious condition because they are unvaccinated, poses an imminent threat to the children around them?

SWANSON: No.

Amendment No. 1

Representative A. Johnson offered the following amendment to **CSHB 44**:

Amend **CSHB 44** (house committee report) on page 1 as follows:

(1) Strike lines 7 and 8 and substitute the following:

Sec. 531.02119. DISCRIMINATION BASED ON COVID-19 VACCINATION OR IMMUNIZATION STATUS PROHIBITED. (a) In this section, "COVID-19" means the 2019 novel coronavirus disease and any variants of the disease.

(b) A provider who participates in Medicaid or

(2) On lines 15 and 16, strike "a particular infectious or communicable disease" and substitute "COVID-19".

(3) On line 17, strike "(b)" and substitute "(c)".

(4) On line 22, strike "(c)" and substitute "(d)".

AMENDMENT NO. 1 - REMARKS

REPRESENTATIVE A. JOHNSON: Members, what this amendment recognizes is that the concern around lack of immunization would apply to COVID-19 as the coronavirus and not to all immunizations that may be necessary. Look, we can all look at our arms at a certain age and recognize that all of us, as kids, got vaccinations. Polio, measles, so many things that we take our children in to get vaccinated for. These are important parts of health care. These are important parts of our community and a healthy community to limit a public health crisis. What I don't want here is what we've talked about and what has been created as this concept of rejecting vaccinations or misinformation with regard to vaccinations. And so this would just say that what we're talking about here in this element of discrimination that she is bringing forward, or this element of refusal, is around the issue of COVID-19. I would ask for your favorable consideration of this amendment.

REPRESENTATIVE SWANSON: Okay. I'm going to respectfully oppose this amendment. This bill is to protect all of our vulnerable children, and we need to make sure that we take care of these low-income and vulnerable people. So I will urge you to vote no on this amendment.

A. JOHNSON: Look, vulnerable children are in an iron lung. I mean there are things that did not exist because science was believed and health care professionals were trusted. We are now getting into a stage and a time where folks believe that science is illogical and vaccines are not a healthy thing to do. We are going to pay a price for this as a community. So I'm asking you, please do not send a message from the State of Texas to encourage or tell parents, "Don't

take your baby in at two months, four months, and start getting their vaccinations." We are turning science on its head. And ask yourself, are you really taking this vote—are you really taking this vote because you believe that doctors and science have lost their mind and are asking us to do something illogical? Or are we ready as a chamber to restore and say, "Look, stop with the misinformation around science. Stop with the misinformation around vaccinations."

And I see some folks shaking their head and I would just ask, look at your arm. Do you have that mark where your parents took you in and got you vaccinated? Did you join the military? Because if you joined the military, you're probably like my nephew before he got sent over to Africa, they said you're going in to get a bunch of vaccinations. This is not normal. And the idea that we're going to deny the normal processes that so many of our parents and physicians before us got us into a position that we can live a long, healthy life. And the idea that you want to shut down an entire medical practice of people that are serving vulnerable kids under Medicaid under the guise of maybe not treating one child under Medicaid because their parents aren't getting them vaccinated. I don't know six-month-olds that are saying, "I don't really want that vaccine." It is their parents. And don't forget it is the parents—Jehovah's Witnesses—when their kid gets so sick that we, as the State of Texas, will take them to court through physicians to say, "We must give blood transfusions, we must now give medical intervention because your belief is getting to the point that the child under the age of 18—that we're saying we're going to protect—that your decisions as a parent are hurting their health and livelihood."

So same thing here. Please don't have us go back to iron lungs, measles, all the things that I've heard people say, "Those are gone and in the past." They're gone and in the past because we stay ahead on vaccines. Please vote for this amendment that says her bill, which would cut off practice for all Medicaid in the State of Texas to all kids because one parent comes in with their kid, only applies to the issue of a COVID-19 vaccine.

REPRESENTATIVE WU: You actually represent the medical district in Houston, correct?

A. JOHNSON: I am proud that our district has the medical center. Memorial Hermann, Methodist, Texas Children's, and so many of the physicians that were part of this vaccine development. So many of those people that walked in every day when people were sick with the disease that we didn't yet know how to treat and literally put their lives on the line to get us to the point that we could have vaccines. Sure there are side effects, but we could have vaccines so that we're not looking at freezer trucks anymore parked outside the medical center. Because science works.

WU: Obviously, you've heard quite a bit from your own constituents, many of whom are doctors and nurses and other workers in the medical field, correct?

A. JOHNSON: Absolutely. Pediatricians—pediatricians who have a practice and a waiting room filled with numerous children that need their care. Numerous children. And they are looking out for all of those kids. It's not that they don't

want to do this, it's the practicality. Do I have the physical practice where I can do what you're asking me to do, which is in my private business, to treat somebody over here when it might interrupt and disrupt the good health care of everybody else that's there to see me in the same day? That's the challenge. We talk about being good for business. Doctors are also in business. They have a private business, and we're telling them there are certain patients they have to treat, certain patients they can't treat, and some of this body is telling them how to practice medicine.

WU: Have the constituents who work in the medical field come to you to tell the herd immunity rate of the state is rapidly dropping?

A. JOHNSON: They haven't talked to me about that point, but I do know that herd immunity—where people get infected, plus the vaccination—puts you in a better position. So no matter how you cut it, whether you talk about getting vaccines or getting infected and getting vaccines, getting vaccinated makes you healthier in the long run for the community, for yourself, for everybody else.

WU: And in fact, that drop in herd immunity is causing real concerns about outbreaks of measles, of rubella, of many diseases we thought were either eliminated or completely under control. They're coming back.

A. JOHNSON: Absolutely. There are diseases, conditions, infections that were not something we had to worry about as a public health crisis that are now coming back, in part because we are seeing a higher rate of people not getting vaccinated. And we're seeing an onslaught of disinformation and misinformation around vaccination science.

WU: And in fact, if the herd immunity rate continues to drop—while we have currently seen small outbreaks of things like measles—if the herd immunity of the state continues to drop, we may see large outbreaks of deadly diseases, correct?

A. JOHNSON: Absolutely. It is a possibility because we are no longer following the advice of our medical professionals.

WU: And if we have a serious outbreak of something like measles, or whooping cough, or any other deadly diseases, a doctor could not say, "We're having an outbreak right now. I want to be able to control who we see and when." They would not be able to do that under this law?

A. JOHNSON: Under this provision, unless you all vote for this amendment that says this just applies to COVID-19—we're going to apply it to COVID-19, but we're not going to apply it to all of these other infectious diseases that we know need to continue to be vaccinated and treated.

WU: In fact this bill, without this provision, the only pressure release valve that this bill provides is for physicians to not accept Medicaid?

A. JOHNSON: Correct. So if you don't want to be subject to this law, you would just say, "Fine, I'm not going to treat Medicaid patients." And currently, we have the highest rate of uninsured kids in the nation, and we have a shortage of physicians who are taking Medicaid currently to provide care. So in essence, if

you want to avoid the government interference from this bill, you would say, "I'm no longer taking Medicaid. I'm no longer treating vulnerable kids." It would have the unintended consequence of what you say you're trying to do which is provide these kids treatment. Members, please vote for this amendment that limits this analysis just to COVID-19.

A record vote was requested.

Amendment No. 1 failed of adoption by (Record 430): 70 Yeas, 75 Nays, 1 Present, not voting.

Yeas — Allen; Anchía; Ashby; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Clardy; Cole; Collier; Cortez; Darby; Davis; Dean; Dutton; Flores; Gámez; García; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Holland; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Lambert; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Price; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman; Shine; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Canales; Capriglione; Cook; Craddick; Cunningham; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hull; Hunter; Isaac; Jetton; Kitzman; Klick; Kuempel; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Raney; Raymond; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hinojosa; Smithee.

Absent — Lalani; Morales Shaw.

STATEMENTS OF VOTE

When Record No. 430 was taken, I was shown voting yes. I intended to vote no.

Ashby

When Record No. 430 was taken, my vote failed to register. I would have voted yes.

Morales Shaw

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).

CSHB 44 - (consideration continued)**Amendment No. 2**

Representative Bucy offered the following amendment to **CSHB 44**:

Amend **CSHB 44** (house committee report) on page 1 as follows:

(1) On line 8, between "PROHIBITED" and the underlined period, insert "EXCEPTION".

(2) Between lines 21 and 22, insert the following appropriately lettered subsection and reletter subsequent subsections and references to those subsections accordingly:

() This section does not apply to a provider with a high number, as determined by commission rule, of patients who are newborn children.

AMENDMENT NO. 2 - REMARKS

REPRESENTATIVE BUCY: This amendment is meant to protect our most vulnerable children: newborns who are too young to get vaccinated themselves and rely on those around them to be vaccinated to protect them from infectious disease. This amendment gives physician offices the flexibility to craft public health protocols to protect patients in their practice if they have a high number of vulnerable newborns coming through the office.

Just to offer one example, measles is a highly infectious virus. If somebody with measles were to walk into this chamber or each of your offices, the virus would live in the air for two hours and could infect those not protected by vaccination. People with measles can spread the disease up to four days before showing any symptoms at all. Newborns, typically, don't get vaccinated against measles until they are 12 months old. If someone with the disease came into their physician's office, those newborns would be especially vulnerable to the infectious disease.

Physicians have an ethical obligation to protect all of their patients, everyone who comes to their office. We should give them the flexibility to protect newborns, the most vulnerable among us, if they have a high number of newborns in their practice at any given time.

If we don't pass this, then these newborns can be susceptible to these types of viruses before they are able to get these vaccinations. So I hope this is favorable to the author, and I hope you will vote for this amendment.

REPRESENTATIVE SWANSON: I'm going to respectfully oppose this amendment. This amendment would deny care to so many of our most vulnerable people. Forcing people, if they feel uncomfortable is—coercion is not consent. Keep in mind that even the vaccinated children who are up to date on some random schedule, that those children, they don't get MMR until 18 months so many of our vaccinated children are in the offices, in pediatrician's offices, and can get the—anyway, these kids are exposed all the time. And many times by vaccinated children, so we need to make sure that we have medical access for all.

BUCY: Members, it does the opposite. What we're talking about here is if we don't pass an amendment like this, then doctors that are taking care of newborns that cannot have some of these vaccinations before certain time frames will stop

taking care from government kids. The author says that this is about protecting the vulnerable. This is individuals that get their care through Medicaid and CHIP. Doctors will stop that, in some cases, if this bill passes without an amendment like this. Let's take care of those on Medicaid and CHIP. And with this amendment, especially, let's take care of newborns. I'm sure we all can agree on protecting newborns. I hope you will vote for this amendment.

A record vote was requested.

Amendment No. 2 failed of adoption by (Record 431): 63 Yeas, 83 Nays, 1 Present, not voting.

Yeas — Allen; Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Cole; Collier; Cortez; Darby; Davis; Dutton; Flores; Gámez; García; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Cook; Craddick; Cunningham; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hinojosa; Smithee.

Absent — Raymond.

Amendment No. 3

Representative Turner offered the following amendment to **CSHB 44**:

Amend **CSHB 44** (house committee report) on page 1 as follows:

(1) On line 8, between "PROHIBITED" and the underlined period, insert "EXCEPTION".

(2) Between lines 21 and 22, insert the following appropriately lettered subsection and reletter subsequent subsections and references to those subsections accordingly:

() This section does not apply to a provider with a high number, as determined by commission rule, of patients who are immunocompromised, including patients who are immunocompromised because of a disease or as a result of treatment for a disease, including:

(1) cancer;

- (2) sickle cell disease;
- (3) systemic lupus erythematosus;
- (4) Crohn's disease; and
- (5) other diseases as determined by the commission.

AMENDMENT NO. 3 - REMARKS

REPRESENTATIVE TURNER: Members, this amendment is meant to protect our community members who are immunocompromised from treatments to combat diseases such as cancer, sickle cell disease, or autoimmune diseases, such as lupus or Crohn's disease. The amendment allows physicians to implement public health protocols if they have a high number of immunocompromised patients that they see in their practice. While infectious diseases, such as measles or chickenpox, can be dangerous for anyone, people who are immunocompromised are at a very high risk of serious life-threatening complications from these diseases. Complications such as pneumonia and brain infection. Because these infections are extremely contagious via airborne transmission, significant spread of these infections has been documented in clinic and hospital waiting rooms in the past.

For example, measles is so contagious that if just one person has it up to 90 percent of the people close to that person—who are not immune, who are in a clinic or hospital waiting room—will become infected. Ninety percent. Nine out of 10 will become infected. Many people who are immunocompromised cannot receive measles or chickenpox vaccines, or they simply do not respond to the vaccines. Their only defense against these infections is by avoiding contact with people who have the infections and surrounding themselves with people who are immunized. Physicians need to be able to tailor their practice to optimize outcomes for their patients. That's what we ask doctors to do; that's what we ask our health care providers to do. Physicians have an ethical obligation to protect their patients from harm when patients come into their office, and therefore, physicians need the flexibility to protect immunocompromised individuals if they have a high number of immunocompromised patients that they see in their practice. I hope this will be acceptable.

REPRESENTATIVE SWANSON: I'm going to respectfully oppose this amendment. It's an unnecessary amendment that is already covered by the compromise that we worked out of the word "solely" in committee. Thank you. I ask you to vote no.

TURNER: Members, this issue is not addressed in this bill. Right now, in this bill, the physicians do not have any discretion, if they have a high number of immunocompromised patients, to set their own policy. That's not allowed in this bill. The amendment would give them that ability. So I'm asking you to trust the physicians that we entrust to care for our children, to care for our grandchildren, and see that they have the ability to set the proper protocols within their office and in their own businesses to protect the health and safety of the patients that they are entrusted to care for. I'd ask that you vote yes on this amendment.

A record vote was requested.

Amendment No. 3 failed of adoption by (Record 432): 63 Yeas, 83 Nays, 2 Present, not voting.

Yeas — Allen; Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Darby; Davis; Dutton; Flores; Gámez; Garcia; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

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

Absent, Excused — Hinojosa; Smithee.

CSHB 44 - POINT OF ORDER

Representative Bryant raised a point of order against further consideration of **CSHB 44** under Rule 4, Section 32(c)(2), of the House Rules. The speaker overruled the point of order, announcing his decision to the house as follows:

Mr. Bryant raises a point of order against further consideration of **CSHB 44** under Rule 4, Section 32(c)(2), on the grounds that the bill analysis is materially misleading.

The bill applies to "a provider who participates in Medicaid or the child health plan program, including" certain specified managed care providers. The bill analysis does not mention the specified providers. Mr. Bryant argues that this omission is materially misleading.

The substantive bill text consists of a single page and the analysis's complained-of omission of a subset of the larger class covered by the bill is neither substantially nor materially misleading. See 81 H. Jour. 4280 (2009).

Accordingly, the point of order is respectfully overruled.

Amendment No. 4

Representative A. Johnson offered the following amendment to **CSHB 44**:

Amend **CSHB 44** (house committee printing) on page 1, between lines 21 and 22, by inserting the following:

(b-1) Subsection (b) applies only to an individual physician who violates this section. The commission may not refuse to reimburse or disenroll an individual physician or other provider who did not violate this section, regardless of whether that physician or provider is a member of a provider group or medical organization with the physician who violated this section.

AMENDMENT NO. 4 - REMARKS

REPRESENTATIVE A. JOHNSON: What this amendment does is clarify the language in the discussion that Representative Swanson and I had about the application of this bill only applying to the individual physician. It does not apply to their group, their practice, or their hospital entity. So the application of this law would only apply to the individual physician who makes a determination.

Amendment No. 4 was adopted.

A record vote was requested.

CSHB 44, as amended, was passed to engrossment by (Record 433): 93 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Cook; Cortez; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Dutton; Frank; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Martinez Fischer; Metcalf; Meyer; Morales, E.; Morrison; Muñoz; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Raymond; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Allen; Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Cole; Collier; Davis; Flores; Gámez; Garcia; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Lalani; Manuel; Martinez; Meza; Moody; Morales, C.; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hinojosa; Smithee.

Absent — Frazier; Herrero; Morales Shaw.

STATEMENTS OF VOTE

When Record No. 433 was taken, I was in the house but away from my desk. I would have voted yes.

Frazier

When Record No. 433 was taken, I was in the house but away from my desk. I would have voted yes.

Herrero

When Record No. 433 was taken, I was shown voting yes. I intended to vote no.

Martinez Fischer

When Record No. 433 was taken, I was in the house but away from my desk. I would have voted yes.

Morales Shaw

HB 1996 ON SECOND READING

(by Hull, Oliverson, Cortez, Perez, C.E. Harris, et al.)

HB 1996, A bill to be entitled An Act relating to the regulation of group family leave insurance issued through an employer to pay for certain losses of income.

HB 1996 was passed to engrossment.

CSSB 222 ON SECOND READING

(Metcalf, Hull, et al. - House Sponsors)

CSSB 222, A bill to be entitled An Act relating to paid leave by certain state employees for the birth or adoption of a child.

CSSB 222 was considered in lieu of **HB 1580**.

Amendment No. 1

Representative Metcalf offered the following amendment to **CSSB 222**:

Amend **CSSB 222** (house committee printing) on page 2, line 2, between "Texas" and the underlined semicolon, by inserting "or is employed by a board, commission, department, or other agency in the executive branch of state government created by the constitution or a statute of this state, except for an institution of higher education as defined by Section 61.003, Education Code".

Amendment No. 1 was adopted.

CSSB 222, as amended, was passed to third reading.

HB 1580 - LAID ON THE TABLE SUBJECT TO CALL

Representative Metcalf moved to lay **HB 1580** on the table subject to call.

The motion prevailed.

CSHB 1391 ON SECOND READING

(by Schaefer, K. Bell, and Goldman)

CSHB 1391, A bill to be entitled An Act relating to the requirements to obtain a residential wireman license.

Amendment No. 1

Representatives Goodwin and Walle offered the following amendment to **CSHB 1391**:

Amend **CSHB 1391** (house committee printing) as follows:

(1) On page 1, strike lines 5-16.

(2) On page 2, strike lines 9-14 and substitute the following:

(b) The commission shall credit a person who successfully completes a sequence of courses in the electrical trade that are offered through a career and technology education program with 2,000 hours toward the number of hours of on-the-job training required to obtain a residential wireman license under Section 1305.157.

(3) Renumber the SECTIONS of the bill accordingly.

Amendment No. 1 failed of adoption.

A record vote was requested.

CSHB 1391 was passed to engrossment by (Record 434): 89 Yeas, 57 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Dutton; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morales, E.; Morrison; Murr; Noble; Orr; Patterson; Paul; Price; Raney; Raymond; Rogers; Romero; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Allen; Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Flores; Gámez; Garcia; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hernandez; Herrero; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Reynolds; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hinojosa; Smithee.

Absent — Oliverson.

STATEMENTS OF VOTE

When Record No. 434 was taken, I was shown voting no. I intended to vote yes.

Gervin-Hawkins

When Record No. 434 was taken, I was shown voting yes. I intended to vote no.

Guerra

CSHB 1575 ON SECOND READING
(by Hull, Harless, Slawson, Rose, and Frank)

CSHB 1575, A bill to be entitled An Act relating to improving health outcomes for pregnant women under Medicaid and certain other public benefits programs.

Amendment No. 1

Representative Hull offered the following amendment to **CSHB 1575**:

Amend **CSHB 1575** (house committee printing) on page 7, by striking lines 20 through 22 and substituting the following:

worker who provides case management services under the case management for children and pregnant women program under Section 531.653(4), Government Code.

Amendment No. 1 was adopted.

CSHB 1575, as amended, was passed to engrossment.

HB 1769 ON SECOND READING
(by Meyer)

HB 1769, A bill to be entitled An Act relating to the statute of limitations for certain offenses committed against children.

Amendment No. 1

Representative Meyer offered the following amendment to **HB 1769**:

Amend **HB 1769** (house committee report) as follows:

(1) On page 3, line 27, strike "or" and substitute "[~~or~~]".

(2) On page 4, line 2, immediately following the semicolon, insert the following:

or

(K) possession or promotion of child pornography under Section 43.26, Penal Code;

Amendment No. 1 was adopted.

HB 1769, as amended, was passed to engrossment.

CSHB 1859 ON SECOND READING
(by Schaefer, K. Bell, and Goldman)

CSHB 1859, A bill to be entitled An Act relating to the regulation of air conditioning and refrigeration contracting, including eligibility for an air conditioning and refrigeration technician registration or certification.

A record vote was requested.

CSHB 1859 was passed to engrossment by (Record 435): 94 Yeas, 52 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Garcia; Gates; Gerdes; Geren; Goldman; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morales, E.; Morrison; Muñoz; Murr; Noble; Oliverson; Ordaz; Orr; Patterson; Paul; Price; Raney; Raymond; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Allen; Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hernandez; Herrero; Howard; Johnson, A.; Johnson, J.E.; Jones, J.; Jones, V.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales Shaw; Neave Criado; Ortega; Perez; Plesa; Ramos; Reynolds; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hinojosa; Smithee.

Absent — Romero.

STATEMENTS OF VOTE

When Record No. 435 was taken, I was shown voting yes. I intended to vote no.

J.D. Johnson

When Record No. 435 was taken, I was shown voting yes. I intended to vote no.

Guerra

When Record No. 435 was taken, I was in the house but away from my desk. I would have voted yes.

Romero

HB 2237 ON SECOND READING (by S. Thompson, Price, Wu, and A. Johnson)

HB 2237, A bill to be entitled An Act relating to the establishment of the child first grant program.

A record vote was requested.

HB 2237 was passed to engrossment by (Record 436): 83 Yeas, 61 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bernal; Bhojani; Bowers; Bryant; Bucy; Burrows; Button; Campos; Canales; Cole; Collier; Cortez; Craddick; Darby; Davis; Dean; DeAyala; Dutton; Flores; Gámez; Garcia; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Herrero; Howard; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kuempel; Lalani; Longoria; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Shine; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Cain; Capriglione; Clardy; Cook; Dorazio; Frank; Frazier; Gates; Gerdes; Goldman; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Isaac; Kitzman; Klick; Lambert; Landgraf; Leach; Leo-Wilson; Metcalf; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

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

Absent, Excused — Hinojosa; Smithee.

Absent — Cunningham; Gervin-Hawkins.

STATEMENTS OF VOTE

When Record No. 436 was taken, I was shown voting yes. I intended to vote no.

DeAyala

When Record No. 436 was taken, I was in the house but away from my desk. I would have voted yes.

Gervin-Hawkins

HB 2504 ON SECOND READING **(by Button, Burns, Bucy, Clardy, and Howard)**

HB 2504, A bill to be entitled An Act relating to the award of scholarship money by the Texas State Board of Public Accountancy to certain accounting students.

HB 2504 was passed to engrossment.

HB 2629 ON SECOND READING **(by Rogers, Geren, Longoria, Klick, Stucky, et al.)**

HB 2629, A bill to be entitled An Act relating to the reporting of direct campaign expenditures by certain persons and political committees.

Amendment No. 1

Representative Rogers offered the following amendment to **HB 2629**:

Amend **HB 2629** (house committee report) on page 1, between lines 4 and 5, by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. This Act may be cited as the P.A.C. Transparency and Accountability Act.

Amendment No. 1 was adopted.

HB 2629, as amended, was passed to engrossment.

CSHB 2662 ON SECOND READING

(by Ashby, Anderson, Rose, Bailes, Clardy, et al.)

CSHB 2662, A bill to be entitled An Act relating to broadband development.

Representative Ashby moved to postpone consideration of **CSHB 2662** until 10 a.m. Monday, May 1.

The motion prevailed.

CSHB 2804 ON SECOND READING

(by Kuempel)

CSHB 2804, A bill to be entitled An Act relating to use of the name, image, or likeness of a student athlete participating in an intercollegiate athletic program at an institution of higher education.

Amendment No. 1

Representative Kuempel offered the following amendment to **CSHB 2804**:

Amend **CSHB 2804** (house committee printing) as follows:

(1) On page 1, line 7, strike "(l), (m), and (n)" and substitute "(g-2), (l), (m), (n), (o), and (p)".

(2) On page 2, line 14, strike "registration [~~attendance~~]" and substitute "accepting an offer of admission to attend [~~attendance at~~]".

(3) On page 3, line 14, between "(g-1)" and "An", insert the following:
The following activities do not constitute compensation provided by an institution to which this section applies under Subsection (g)(2)(B)(ii):

(1) an activity authorized under Subsection (m); or

(2) recognition by an institution to which this section applies of a third-party entity that compensates a student athlete for the use of the student athlete's name, image, or likeness, or the entity's donors, including the institution's provision of priority status or other items of de minimis value equivalent to status or items the institution provides to the institution's donors.

(g-2)

(4) On page 3, line 21, strike "the market average compensation for the use" and substitute "market rates".

(5) On page 4, lines 18-19, strike "or any employee of the institution" and substitute "or third-party entity acting on the institution's behalf, or employee of the institution or third-party entity".

(6) On page 4, line 20, strike "identify" and substitute "identify, create, facilitate,".

(7) On page 5, line 8, between "(n)" and "This", insert the following: A charitable organization exempt from taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code, may compensate a student athlete for the use of the student athlete's name, image, or likeness.

(o) An activity of a third-party entity that compensates a student athlete for the use of the student athlete's name, image, or likeness may not be construed as an act on behalf of an institution to which this section applies, provided that:

(1) the entity is a separate legal entity from the institution; and

(2) the institution does not own or control the entity.

(p)

Amendment No. 1 was adopted.

CSHB 2804, as amended, was passed to engrossment.

CSHB 2929 ON SECOND READING

(by Lozano)

CSHB 2929, A bill to be entitled An Act relating to continuing education and training requirements for classroom teachers and public school counselors.

CSHB 2929 was passed to engrossment.

HB 4005 ON SECOND READING

(by Raney, Lalani, Darby, et al.)

HB 4005, A bill to be entitled An Act relating to the establishment of the Texas Competency-Based Education Grant Program for certain students enrolled in competency-based baccalaureate degree programs and to formula funding and dropped and repeated course restrictions for students enrolled in those degree programs at public institutions of higher education.

HB 4005 was passed to engrossment.

CSHB 4101 ON SECOND READING

(by Shine)

CSHB 4101, A bill to be entitled An Act relating to the matters that may be the subject of limited binding arbitration to compel compliance with procedural requirements related to protests before appraisal review boards.

CSHB 4101 was passed to engrossment.

CSHB 3504 ON SECOND READING

(by Leach)

CSHB 3504, A bill to be entitled An Act relating to an application for emergency detention and procedures regarding court-ordered mental health services.

Amendment No. 1

Representative Leach offered the following amendment to **CSHB 3504**:

Amend **CSHB 3504** (house committee report) as follows:

(1) On page 1, strike lines 5 and 6 and substitute the following:

SECTION 1. Section 573.012, Health and Safety Code, is amended by amending Subsections (a), (e), and (h) and adding Subsections (h-2) to read as follows:

(2) On page 1, between lines 6 and 7, insert the following:

(a) Except as provided by Subsection (h), an applicant for emergency detention must present the application personally to a judge or magistrate. The judge or magistrate shall examine the application and may interview the applicant. Except as provided by Subsections ~~Subsection~~ (g) and (h), the judge of a court with probate jurisdiction by administrative order may provide that the application must be:

(1) presented personally to the court; or

(2) retained by court staff and presented to another judge or magistrate as soon as is practicable if the judge of the court is not available at the time the application is presented.

(e) A person apprehended under this section who is not physically located in a mental health facility at the time the warrant is issued under Subsection (h-1) shall be transported for a preliminary examination in accordance with Section 573.021 to:

(1) the nearest appropriate inpatient mental health facility; or

(2) a mental health facility deemed suitable by the local mental health authority, if an appropriate inpatient mental health facility is not available.

(3) On page 1, line 11, between "(2)" and "secure", insert "another".

(4) On page 1, between lines 21 and 22, insert the following:

(h-2) A facility may detain a person who is physically located in the facility to perform a preliminary examination in accordance with Section 573.021 if:

(1) a judge or magistrate transmits a warrant to the facility under Subsection (h-1) for the detention of the person; and

(2) the person is not under an order under this chapter or Chapter 574.

(5) On page 5, line 7, strike "on [to challenge]" and substitute "to support or challenge".

(6) On page 5, lines 11 and 12, strike "(c) and adding Subsection (d)" and substitute "adding Subsection (a-1)".

(7) On page 5, lines 20 and 21, strike "of fact that no probable cause exists" and substitute "stating the specific facts forming the basis for the determination by the magistrate or associate judge that no probable cause exists".

(8) Strike page 5, line 22, through page 6, line 11, and substitute the following:

(a-1) If the magistrate or associate judge after the hearing under Section 574.025 denies the motion for protective custody on any fact or conclusion of law other than a finding that no probable cause exists to believe that the proposed

patient presents a substantial risk of serious harm to the proposed patient or others, the order must include the findings of fact or conclusions of law on which the denial is based.

(9) On page 6, line 14, between "Subchapter I" and the underlined comma, insert "and without regard to the proposed patient's physical presence at the hearing".

(10) Strike page 6, line 27, through page 7, line 2, and substitute the following:

SECTION 11. Section 574.033(a), Health and Safety Code, is amended to read as follows:

(11) On page 7, strike lines 10 and 11.

(12) Strike SECTION 12 of the bill (page 7, lines 12-26).

(13) Strike page 7, line 27, through page 8, line 5, and substitute the following:

SECTION 12. The changes in law made by this Act to Chapter 573, Health and Safety Code, apply to an emergency detention that begins on or after the effective date of this Act. An emergency detention that begins before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

(14) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Section 571.003, Health and Safety Code, is amended by adding Subdivision (20-a) to read as follows:

(20-a) "Psychiatrist" means a physician who is:

(A) certified by the American Board of Psychiatry and Neurology;

(B) eligible for board certification as a psychiatrist; or

(C) enrolled in a board certification training program and is under the supervision of a psychiatrist who is board certified or eligible for certification.

SECTION _____. Section 573.001(a), Health and Safety Code, is amended to read as follows:

(a) A peace officer, without a warrant, may take a person into custody, regardless of the age or location of the person, if the officer:

(1) has reason to believe and does believe that:

(A) the person is a person with mental illness; and

(B) because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and

(2) believes that there is not sufficient time to obtain a warrant before taking the person into custody.

(15) Renumber the SECTIONS of the bill accordingly.

Amendment No. 2

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

Amend Amendment No. 1 by Leach to **CSHB 3504** as follows:

(1) On page 4, line 2, between "Neurology" and the underlined semicolon, insert "or the American Osteopathic Board of Neurology and Psychiatry".

(2) On page 4, line 5, strike "board certification" and substitute "graduate medical education".

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

CSHB 3504, as amended, was passed to engrossment.

CSHB 3640 ON SECOND READING
(by Noble, Raymond, Thierry, Klick, et al.)

CSHB 3640, A bill to be entitled An Act relating to an exemption from ad valorem taxation of a portion of the appraised value of a property other than a residence homestead that is the primary residence of an adult who has an intellectual or developmental disability and who must be related to the owner or trustee of the property within a certain degree by consanguinity.

CSHB 3640 was passed to engrossment.

HB 576 ON SECOND READING
(by Raymond)

HB 576, A bill to be entitled An Act relating to the confidentiality of certain autopsy records.

HB 576 was passed to engrossment.

HB 352 ON SECOND READING
(by J. González, Smith, Moody, Leach, Bowers, et al.)

HB 352, A bill to be entitled An Act relating to the representation of certain indigent applicants for a writ of habeas corpus.

HB 352 was passed to engrossment.

CSHB 115 ON SECOND READING
(by Ortega, Patterson, Harless, A. Johnson, Gámez, et al.)

CSHB 115, A bill to be entitled An Act relating to the offense of public consumption of alcoholic beverages during certain hours.

CSHB 115 was passed to engrossment.

HB 386 ON SECOND READING
(by J. González, Swanson, Bucy, Plesa, et al.)

HB 386, A bill to be entitled An Act relating to accommodating a voter unable to enter a polling place.

HB 386 was passed to engrossment.

HB 390 ON SECOND READING
(by Howard, Capriglione, Anchía, and Anderson)

HB 390, A bill to be entitled An Act relating to the Internet broadcast or audio recording of certain open meetings.

Amendment No. 1

Representative Howard offered the following amendment to **HB 390**:

Amend **HB 390** (house committee printing) as follows:

(1) On page 3, strike lines 9 and 10 and substitute the following:
a social media account associated with the governmental body:

(1) an audio recording of the open meeting; or

(2) a video and audio recording of the open meeting.

(2) On page 3, line 23, strike "audio".

Amendment No. 1 was adopted.

A record vote was requested.

HB 390, as amended, was passed to engrossment by (Record 437): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Herrero; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hinojosa; Smithee.

Absent — Dutton.

HB 609 ON SECOND READING
(by Vasut, et al.)

HB 609, A bill to be entitled An Act relating to the liability of a business owner or operator arising from the exposure of an individual to a pandemic disease.

A record vote was requested.

HB 609 was passed to engrossment by (Record 438): 98 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Campos; Capriglione; Clardy; Cook; Cortez; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Dutton; Frank; Frazier; Garcia; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Herrero; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, T.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morales, E.; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Patterson; Paul; Plesa; Price; Raney; Raymond; Rogers; Romero; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Vo; Wilson.

Nays — Allen; Anchía; Bernal; Bowers; Bryant; Bucy; Canales; Cole; Collier; Davis; Flores; Gámez; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales Shaw; Ortega; Perez; Ramos; Reynolds; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hinojosa; Smithee.

Absent — King, K.

STATEMENTS OF VOTE

When Record No. 438 was taken, I was in the house but away from my desk. I would have voted yes.

K. King

When Record No. 438 was taken, I was shown voting yes. I intended to vote no.

Neave Criado

When Record No. 438 was taken, I was shown voting yes. I intended to vote no.

Plesa

When Record No. 438 was taken, I was shown voting yes. I intended to vote no.

Vo

CSHB 711 ON SECOND READING (by Frank, Harless, Bonnen, and Talarico)

CSHB 711, A bill to be entitled An Act relating to certain contract provisions and conduct affecting health care provider networks.

A record vote was requested.

CSHB 711 was passed to engrossment by (Record 439): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Herrero; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Romero; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hinojosa; Smithee.

Absent — Rogers; Rose.

STATEMENTS OF VOTE

When Record No. 439 was taken, I was in the house but away from my desk. I would have voted yes.

Rogers

When Record No. 439 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

CSHB 790 ON SECOND READING

(by Patterson, Longoria, Frazier, Thimesch, and Isaac)

CSHB 790, A bill to be entitled An Act relating to the processes for and the adjudication and payment of certain claims under the workers' compensation system.

Amendment No. 1

Representative Patterson offered the following amendment to **CSHB 790**:

Amend **CSHB 790** (house committee report) as follows:

- (1) On page 1, line 18, strike "may" and substitute "shall".
- (2) On page 1, line 23, between "carrier" and "a", insert "and the division".
- (3) On page 2, line 26, strike "amending Subsection (a-1) and".

(4) On page 3, strike lines 1 through 5.

(5) On page 3, strike lines 10 through 18 and substitute the following:
provision of this title, an insurance carrier who does not contest the extent of an injury on or before the 60th day after the date the carrier receives the report described by Section 408.0042(c) waives its right to contest the extent of injury specifically claimed by the employee or reasonably reflected in the employee's medical records available to the carrier for review during that time period, if the employee is a custodial officer, a detention officer, an emergency medical technician, a firefighter, or a peace officer.

(6) On page 5, strike lines 15 through 20 and substitute the following:
videoconference on request of an injured employee who is a custodial officer, a detention officer, an emergency medical technician, a firefighter, or a peace officer.

(7) On page 6, lines 9 and 10, strike "on or before the 60th day after the carrier had reasonable notice of the specific injury claimed by the employee".

(8) On page 7, lines 1 and 2, strike "on or before the 60th day after the carrier had reasonable notice of the specific injury claimed by the employee".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Canales offered the following amendment to **CSHB 790**:

Amend **CSHB 790** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 401.026, Labor Code, is amended to read as follows:

Sec. 401.026. **APPLICABILITY TO CERTAIN EMERGENCY RESPONSE PERSONNEL.** For purposes of this subtitle, the travel of a firefighter, peace officer, or emergency medical personnel en route to an emergency call is considered to be in the course and scope of the firefighter's, peace officer's, or emergency medical personnel's employment.

Amendment No. 2 was adopted.

CSHB 790, as amended, was passed to engrossment.

HB 898 ON SECOND READING

(by Stucky, Frazier, Lujan, Spiller, Harless, et al.)

HB 898, A bill to be entitled An Act relating to the offense of passing certain vehicles on a highway; increasing a criminal penalty.

Amendment No. 1

Representative Stucky offered the following amendment to **HB 898**:

Amend **HB 898** (house committee report) on page 1, line 20, by striking "serious".

Amendment No. 1 was adopted.

HB 898, as amended, was passed to engrossment.

CSHB 1130 ON SECOND READING
(by Spiller)

CSHB 1130, A bill to be entitled An Act relating to a district or county attorney participating as counsel in certain proceedings.

CSHB 1130 was passed to engrossment.

HB 1207 ON SECOND READING
(by Guillen, et al.)

HB 1207, A bill to be entitled An Act relating to the statute of limitations for tampering with certain physical evidence.

HB 1207 was passed to engrossment.

HB 1221 ON SECOND READING
(by Metcalf)

HB 1221, A bill to be entitled An Act relating to authorizing the comptroller to release a reported owner's unclaimed property to the owner's crime victim in certain circumstances and payment by the Texas Department of Criminal Justice of certain amounts owed by an inmate.

HB 1221 was passed to engrossment.

CSHB 679 ON SECOND READING
(by K. Bell, C. Bell, E. Thompson, Lambert, and Romero)

CSHB 679, A bill to be entitled An Act relating to limitations on the use of workers' compensation insurance experience modifier values in soliciting and awarding public and private construction contracts.

Amendment No. 1

Representative K. Bell offered the following amendment to **CSHB 679**:

Amend **CSHB 679** (house committee printing) on page 3, line 16, by striking "cost".

Amendment No. 1 was adopted.

A record vote was requested.

CSHB 679, as amended, was passed to engrossment by (Record 440): 125 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bonnen; Bowers; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Capriglione; Clardy; Cole; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, M.; Goodwin; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hefner; Hernandez; Holland; Howard; Hull; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Lopez, J.; Lopez, R.; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.;

Morales Shaw; Morrison; Muñoz; Murr; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Bryant; Canales; Collier; Gámez; González, J.; Guerra; Harrison; Isaac; Leo-Wilson; Longoria; Lujan; Manuel; Neave Criado; Romero; Rose; Sherman; Slaton; Tinderholt; Toth.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hinojosa; Smithee.

Absent — Herrero; Jones, V.; Thompson, S.

STATEMENTS OF VOTE

When Record No. 440 was taken, I was in the house but away from my desk. I would have voted yes.

Herrero

When Record No. 440 was taken, I was shown voting no. I intended to vote yes.

Isaac

When Record No. 440 was taken, I was in the house but away from my desk. I would have voted yes.

V. Jones

When Record No. 440 was taken, I was shown voting no. I intended to vote yes.

Romero

When Record No. 440 was taken, I was shown voting yes. I intended to vote no.

Wilson

CSHB 637 ON SECOND READING (by Bailes, Rose, and C.J. Harris)

CSHB 637, A bill to be entitled An Act relating to the payment of permanency care assistance after a child's 18th birthday.

CSHB 637 was passed to engrossment.

HB 611 ON SECOND READING (by Capriglione)

HB 611, A bill to be entitled An Act relating to the creation of the criminal offense of unlawful disclosure of residence address or telephone number.

Amendment No. 1

Representative Capriglione offered the following amendment to **HB 611**:

Amend **HB 611** (house committee printing) by striking page 1, line 19, through page 2, line 10, and substituting the following:

(c) This section does not apply to a public servant who posted information described by Subsection (a) to a publicly accessible website in the performance of the public servant's duties as required by or in accordance with state or federal law.

Amendment No. 1 was adopted.

HB 611, as amended, was passed to engrossment.

HB 2121 ON SECOND READING
(by Paul and Raymond)

HB 2121, A bill to be entitled An Act relating to the form of a rendition statement or property report used to render property for ad valorem tax purposes.

HB 2121 was passed to engrossment.

HB 2664 ON SECOND READING
(by Teppar)

HB 2664, A bill to be entitled An Act relating to the disclosure of customer information by government-operated utilities.

Representative Teppar moved to postpone consideration of **HB 2664** until 9:30 a.m. tomorrow.

The motion prevailed.

CSHB 2681 ON SECOND READING
(by Frazier, Bumgarner, Kitzman, et al.)

CSHB 2681, A bill to be entitled An Act relating to the authority of a fire department to remove certain personal property from a roadway or right-of-way.

Representative Frazier moved to postpone consideration of **CSHB 2681** until 9:30 a.m. tomorrow.

The motion prevailed.

HB 3125 ON SECOND READING
(by Gámez)

HB 3125, A bill to be entitled An Act relating to the use of certain lighting equipment on authorized emergency vehicles.

Representative Gámez moved to postpone consideration of **HB 3125** until 9:30 a.m. tomorrow.

The motion prevailed.

HB 3189 ON SECOND READING**(by Garcia, Rose, Lozano, Shaheen, and A. Johnson)**

HB 3189, A bill to be entitled An Act relating to information provided to an individual identified as a potential relative or designated caregiver of a child in the conservatorship of the Department of Family and Protective Services.

HB 3189 was passed to engrossment.

REMARKS ORDERED PRINTED

Representative Vasut moved to print all remarks on **CSHB 44**.

The motion prevailed.

HB 625 - RECOMMITTED

Representative Oliverson moved to recommit **HB 625** to the Committee on Insurance.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List Nos. 2 and 3.)

ADJOURNMENT

Representative Geren moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 7:07 p.m., adjourned 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 5398 (By C.J. Harris), Relating to the creation of the West Lake Ranch Municipal Management District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes; granting a limited power of eminent domain.

To Urban Affairs.

HB 5399 (By Allison), Relating to the creation of the Jones Avenue Municipal Management District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Urban Affairs.

HB 5400 (By E. Morales), Relating to the creation of the Presidio International Port Authority District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Transportation.

HB 5401 (By Raymond), Relating to the creation of the Webb County Groundwater Conservation District; providing authority to impose fees.

To Natural Resources.

HB 5402 (By Flores), Relating to the creation of the Travis County Municipal Utility District No. 27; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Land and Resource Management.

HB 5403 (By E. Thompson), Relating to the creation of the Manvel Sports Facilities District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To County Affairs.

HB 5404 (By Wilson), Relating to the creation of the Williamson County Municipal Utility District No. 49; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Land and Resource Management.

HB 5405 (By Raymond), Relating to the conversion of the Legacy Water Control and Improvement District to the Legacy Municipal Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Natural Resources.

HB 5406 (By Rogers), Relating to the creation of the Cross Timbers Regional Utility Authority; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments and fees.

To Natural Resources.

SB 60 to Licensing and Administrative Procedures.

SB 435 to Homeland Security and Public Safety.

SB 664 to Public Health.

SB 820 to Business and Industry.

SB 861 to Insurance.

SB 1047 to Natural Resources.

SB 1170 to State Affairs.

SB 1232 to Appropriations.

SB 1469 to Human Services.

SB 1514 to Business and Industry.

SB 1732 to Transportation.

List No. 2

HCR 110 (By Burns), Designating October 5 as Texas Teachers' Day for a 10-year period ending in 2033.

To Public Education.

HR 1212 (By Goldman), Commemorating the 75th anniversary of the founding of the modern state of Israel.

To International Relations and Economic Development.

SB 13 to State Affairs.

SB 16 to Higher Education.

SB 26 to Public Health.

SB 62 to County Affairs.

SB 177 to Public Health.

SB 335 to Human Services.

SB 422 to Defense and Veterans' Affairs.

SB 506 to State Affairs.

SB 540 to Transportation.

SB 681 to Human Services.

SB 694 to Judiciary and Civil Jurisprudence.

SB 853 to State Affairs.

SB 930 to Judiciary and Civil Jurisprudence.

SB 956 to Human Services.

SB 1054 to Judiciary and Civil Jurisprudence.

SB 1060 to Insurance.

SB 1131 to Public Education.

SB 1140 to Insurance.

SB 1204 to State Affairs.

SB 1213 to Licensing and Administrative Procedures.

SB 1269 to Juvenile Justice and Family Issues.

SB 1403 to State Affairs.

SB 1429 to Higher Education.

SB 1464 to Business and Industry.

SB 1599 to Elections.

SB 1600 to Elections.

SB 1709 to State Affairs.

SB 1745 to Natural Resources.

SB 1751 to State Affairs.

SB 1893 to State Affairs.

SB 1911 to Elections.

SB 2482 to Public Education.

List No. 3

HR 1207 (By J. Jones), Commending Parker J. Nickerson for his service as a legislative aide in the office of State Representative Jolanda Jones.

To Resolutions Calendars.

HR 1208 (By Longoria), Honoring Eric Molina for his achievements in professional boxing.

To Resolutions Calendars.

HR 1210 (By Martinez), Honoring Commissioner Maria Del Pilar Garza for her years of service to the city of Alamo.

To Resolutions Calendars.

HR 1211 (By Martinez), Recognizing April 26, 2023, as the City of Alamo Day at the State Capitol.

To Resolutions Calendars.

HR 1213 (By Oliverson), Recognizing AADC Deficiency Awareness Day.

To Resolutions Calendars.

HR 1214 (By J. Jones), Congratulating Jo Ann Johnson on her retirement from the Houston Parks and Recreation Department.

To Resolutions Calendars.

HR 1215 (By E. Morales), Recognizing April 22, 2023, as Blackwell School Day at the State Capitol.

To Resolutions Calendars.

HR 1216 (By Rose), Recognizing April 26, 2023, as Balch Springs Day at the State Capitol.

To Resolutions Calendars.

HR 1218 (By Thimesch and Stucky), Congratulating Elijah Scheideman on being named the Communities In Schools of North Texas 2023 Elementary Student of the Year.

To Resolutions Calendars.

HR 1219 (By Lujan), Congratulating Dr. Saul Hinojosa on his retirement as superintendent of Somerset ISD.

To Resolutions Calendars.

HR 1220 (By Turner), Commemorating the 50th anniversary of The University of Texas at Arlington Faculty Senate.

To Resolutions Calendars.

HR 1221 (By Stucky), Congratulating Kora Shores on being named the Communities In Schools of North Texas 2023 Secondary Student of the Year.

To Resolutions Calendars.

HR 1222 (By Canales), Honoring Carlos Javier Jasso of Edinburg for his contributions to the Rio Grande Valley.

To Resolutions Calendars.

HR 1223 (By Herrero), Congratulating the Robstown High School girls' powerlifting team on winning the 2023 THSWPA 4A Division II state championship.

To Resolutions Calendars.

SIGNED BY THE SPEAKER

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

Senate List No. 10

SB 1016, SCR 40, SCR 41, SCR 43

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, April 24, 2023

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 876 Flores

Relating to the licensing and regulation of dog and cat breeders; expanding the applicability of an occupational license.

SB 893 Zaffirini

Relating to the correction of a certificate of public convenience and necessity for providing water or sewer utility service.

SB 1051 Hughes

Relating to a uniform coordination of benefits questionnaire for health benefit plans.

SB 1322 Menéndez

Relating to the purchase and sale of vintage distilled spirits by the holder of a package store permit or local distributor's permit.

SB 1467 Hancock

Relating to the disclosure of certain medical information by electronic means.

SB 1923 Springer

Relating to the right of the chief appraiser of an appraisal district, the appraisal district, or the appraisal review board of the appraisal district to bring certain claims in an appeal of an order of the appraisal review board.

SB 2294 Creighton

Relating to the Texas First Early High School Completion Program and the Texas First Scholarship Program.

SB 2315 Hughes

Relating to the creation of a task force to develop a plan for the consolidation of the functions of workforce development programs administered by the Texas Workforce Commission and social services programs administered by the Health and Human Services Commission.

SB 2407 Hancock

Relating to licensure and training requirements for school marshals.

SB 2592 Paxton

Relating to the Lavaca-Navidad River Authority, following the recommendations of the Sunset Advisory Commission; altering terms of the board of directors; specifying grounds for the removal of a member of the board of directors.

SJR 81 Birdwell

Proposing a constitutional amendment providing for the creation of the permanent technical institution infrastructure fund and the available workforce education fund to support the capital needs of career and technical education programs offered by the Texas State Technical College System.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 21

Agriculture and Livestock - **HB 276, HB 4616, HB 4644, SB 1523**

Criminal Jurisprudence - **HB 779, HB 1163, HB 2019, HB 2326, HB 2523, HB 2700, HB 3548, HB 4906**

Culture, Recreation, and Tourism - **HB 4264, HB 4539, HCR 39, HCR 103**

Defense and Veterans' Affairs - **HB 2503**

Elections - **HB 1632, HB 3372**

Environmental Regulation - **HB 3015**

Human Services - **SB 1325**

Insurance - **HB 118, HB 1234, HB 1754, HB 2065, HB 3194, HB 3821, HB 4367**

International Relations and Economic Development - **HB 2644**

Judiciary and Civil Jurisprudence - **HB 2139**

Juvenile Justice and Family Issues - **HB 2946**

Natural Resources - **HB 2373, HB 3165, HB 5025, HJR 138**

Pensions, Investments, and Financial Services - **HB 1766, HB 2087, HB 2400, HB 2746, HB 2807, HB 2837, HB 3097, HB 3252, HB 3275, HB 3395, HB 3670, HB 3813, HB 3852, HB 4082, HB 4306, HB 4540, HB 4853, SB 10**

Public Education - **HB 1605**

State Affairs - **HB 1828, HB 2549, HB 2555, HB 2848, HB 4287, HB 4510, SB 1017**

Transportation - **HB 718, HB 1939, HB 2678**

Urban Affairs - **HB 3136**

Ways and Means - **HB 2488, HB 3235, HB 3453, HB 3598, HB 4494, HB 5178**

Youth Health and Safety, Select - **HB 2111, HB 3648, SB 838**

ENGROSSED

April 21 - HB 12, HB 251, HB 467, HB 836, HB 837, HB 965, HB 1227, HB 1285, HB 1442, HB 1631, HB 1647, HB 1743, HB 1772, HB 1841, HB 1888, HB 1900, HB 2024, HB 2196, HB 2304, HB 2620, HB 2636, HB 2674, HB 2691, HB 2877, HB 3331, HB 4757, HB 4797

