

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — THIRD CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

SECOND DAY

(Continued)

(Thursday, October 12, 2023)

AFTER RECESS

The Senate met at 9:14 a.m. and was called to order by the President.

SENATE BILL 1 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **SB 1** at this time on its second reading:

SB 1, Relating to the establishment of an education savings account program.

The motion prevailed by the following vote: Yeas 18, Nays 13.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, Nichols, West, Whitmire, Zaffirini.

The bill was read second time.

AT EASE

The President at 1:36 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 1:57 p.m. called the Senate to order as In Legislative Session.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1** (senate committee report) in SECTION 2 of the bill, adding Subchapter J, Chapter 29, Education Code, as follows:

(1) In added Section 29.351 (page 1, line 49), add the following appropriately numbered subdivisions and renumber subsequent subdivisions accordingly:

() "Participating child" means a child enrolled in the program.

() "Participating parent" means a parent of a participating child.

(2) In added Section 29.351(7) (page 1, lines 52 through 53), strike "child or a parent of a child enrolled in the program" and substitute "participating child or a participating parent".

(3) Strike "parent of a child participating in the program" in the following places in which it appears and substitute "participating parent":

- (A) in added Section 29.356(f) (page 3, lines 52 through 53);
- (B) in added Section 29.357 (page 3, line 60);
- (C) in added Section 29.360(b) (page 5, lines 66 through 67);
- (D) in added Section 29.361(a) (page 6, lines 20 through 21);
- (E) in added Section 29.361(c) (page 6, line 29); and
- (F) in added Section 29.361(e) (page 6, lines 36-37).

(4) Strike "child participating in the program" in the following places in which it appears and substitute "participating child":

- (A) in added Section 29.358(b)(3)(A) (page 4, line 46);
- (B) in added Section 29.358(b)(3)(B) (page 4, line 58);
- (C) in added Section 29.358(b)(3)(C) (page 4, line 68);
- (D) in added Section 29.359(a) (page 5, line 29);
- (E) in added Section 29.360(a) (page 5, line 62);
- (F) in added Section 29.362(a) (page 6, line 45);
- (G) in added Section 29.362(f)(1) (page 7, lines 9 through 10);
- (H) in added Section 29.362(f)(2) (page 7, lines 15 through 16);
- (I) in added Section 29.362(f)(3) (page 7, line 18);
- (J) in added Section 29.365(a) (page 8, line 28);
- (K) in added Section 29.369(c) (page 9, line 39); and
- (L) in added Section 29.369(c)(2) (page 9, line 43).

(5) Strike "program participant" in the following places in which it appears and substitute "participating child":

- (A) in added Section 29.364(a) (page 7, line 69); and
- (B) in added Section 29.367(b) (page 8, line 59).

(6) Strike "program participant" in the following places in which it appears and substitute "participating parent":

- (A) in added Section 29.364(b) (page 8, line 4);
- (B) in added Section 29.364(c)(2) (page 8, lines 14-15); and
- (C) in added Section 29.364(d) (page 8, line 21).

(7) In added Section 29.360(d) (page 6, line 9), strike "program participant's" and substitute "participating child's".

(8) In added Section 29.360(e) (page 6, line 11), strike "program participants" and substitute "participating parents".

(9) In added Section 29.364(d) (page 8, line 23), strike "program participant's" and substitute "participating child's".

(10) In added Section 29.360(e)(1) (page 6, line 12), strike "participant's" and substitute "participating child's".

(11) In added Section 29.360(e)(3) (page 6, line 15), strike "the participant's".

(12) Strike "child's account" in the following places in which it appears and substitute "participating child's account":

- (A) in added Section 29.361(a) (page 6, line 23);

- (B) in added Section 29.361(b) (page 6, line 25);
- (C) in added Section 29.361(c) (page 6, line 31); and
- (D) in added Section 29.362(h) (page 7, lines 34 and 35).

(13) In added Section 29.362(g) (page 7, line 26), strike "program participant" and substitute "participating parent".

(14) In added Section 29.363(c)(3) (page 7, lines 66 through 67), strike "the parent of each child participating in the program" and substitute "each participating parent".

(15) In added Section 29.364(b) (page 8, line 7), strike "participant" and substitute "participating parent".

(16) In added Section 29.367(b) (page 8, line 59), strike "child's" and substitute "participating".

(17) In added Section 29.369(a) (page 9, line 18), strike "parent of a child participating or" and substitute "participating parent or parent of a child".

The amendment to **SB 1** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 1** (senate committee report) in SECTION 2 of the bill, adding Subchapter J, Chapter 29, Education Code, as follows:

(1) In added Section 29.358(b)(3), Education Code (page 4, lines 56 through 69), strike Paragraphs (B) and (C) and substitute the following:

(B) the tutor or therapist or each employee of the teaching service who intends to provide educational services to a participating child provides to the comptroller a national criminal history record information review completed by the tutor, therapist, or employee, as applicable, within a period established by comptroller rule; and

(C) the tutor or therapist or each employee of the teaching service who intends to provide educational services to a participating child is not:

(i) required to be discharged or refused to be hired by a school district under Section 22.085; or

(ii) included in the registry under Section 22.092; or

(2) In added Section 29.358(c), Education Code (page 5, lines 6 and 7), strike "and verify that the individual is not included in the registry under Section 22.092".

(3) In added Section 29.358(c), Education Code (page 5, line 8), strike "service" and substitute "employee".

(4) In added Section 29.358, Education Code (page 5, lines 17 through 21), strike Subsection (e), substitute the following appropriately lettered subsections, and reletter subsequent subsections accordingly:

() An education service provider or vendor of educational products must agree to:

(1) abide by the disbursement schedule under Section 29.360(c) and all other requirements of this subchapter;

(2) accept money from the program only for education-related expenses approved under Section 29.359;

(3) notify the comptroller not later than the 30th day after the date that the provider or vendor no longer meets the requirements of this section; and

(4) return any money received, including any interest or other additions received related to the money, in violation of this subchapter or other relevant law to the comptroller for deposit into the program fund.

() An education service provider or vendor of educational products that receives approval under this section may participate in the program until the earliest of the date on which the provider or vendor:

(1) no longer meets the requirements under this section; or

(2) violates this subchapter or other relevant law.

(5) In added Section 29.363(a)(1), Education Code (page 7, line 46), strike "a" and substitute "each".

(6) In added Section 29.363(a)(2), Education Code (page 7, lines 49 through 52), strike Paragraphs (A) and (B) and substitute the following:

(A) certified educational assistance organizations with Section 29.354 and other program requirements;

(B) program participants with Section 29.357 and other program requirements; and

(c) education service providers and vendors of educational products with Section 29.358 and other program requirements.

(7) In added Section 29.363(b), Education Code (page 7, line 54), between "participant" and "or", insert ", education service provider or vendor of educational products,".

(8) In added Section 29.363(c), Education Code (page 7, line 58), strike "including" and substitute "and".

(9) In added Section 29.363(c), Education Code (page 7, line 59), strike the underlined comma.

(10) In added Section 29.364(b), Education Code (page 8, line 7), strike "business".

(11) In added Section 29.364, Education Code (page 8, lines 17 through 25), strike Subsection (d), and substitute the following:

(d) The comptroller may recover money distributed under the program that was used for expenses not allowed under Section 29.359, for a child who was not eligible to participate in the program at the time of the expenditure, or from an education service provider or vendor of educational products that was not approved at the time of the expenditure. The money and any interest or other additions received related to the money may be recovered from the program participant or the education service provider or vendor of educational products that received the money in accordance with Subtitles A and B, Title 2, Tax Code, or as provided by other law if the participating child's account is suspended or closed under this section. The comptroller shall deposit money recovered under this subsection into the program fund.

(12) Strike added Section 29.366, Education Code (page 8, lines 36 through 43), and substitute the following:

Sec. 29.366. REFERRAL TO DISTRICT ATTORNEY. If the comptroller obtains evidence of fraudulent use of an account or money distributed under the program or any other violation of law by a certified educational assistance organization, education services provider or vendor of educational products, or program participant, the comptroller shall notify the appropriate local county or district attorney with jurisdiction over, as applicable:

- (1) the principal place of business of the organization or provider or vendor;
or
(2) the residence of the program participant.

The amendment to **SB 1** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 1** (senate committee report) in SECTION 2 of the bill, adding Subchapter J, Chapter 29, Education Code, as follows:

(1) In Section 29.354(b)(1) (page 2, line 15), between "perform" and "the", insert "one or more of".

(2) In Section 29.354(b)(3) (page 2, line 20), between "program" and the underlined comma, insert "in whole or in part".

(3) In Section 29.354(c) (page 2, line 33), between "administering" and the underlined colon, insert "in whole or in part".

(4) In Section 29.354 (page 2, between lines 41 and 42), insert the following appropriately lettered subsection:

() A certified educational assistance organization is not considered to be a provider of professional or consulting services under Chapter 2254, Government Code.

(5) In Section 29.356(a) (page 3, line 3), between "organization" and "to", insert "designated by the comptroller".

(6) In Section 29.356(b) (page 3, line 11), between "positions" and "by", insert "with eligible children".

(7) In Section 29.356(c) (page 3, line 27), immediately following "organization", insert "designated by the comptroller".

(8) In Section 29.356(d) (page 3, line 35), strike "A certified educational assistance organization" and substitute "Each certified educational assistance organization designated under Subsection (a)".

(9) In Section 29.356(e) (page 3, line 47), strike "A certified educational assistance organization" and substitute "Each certified educational assistance organization designated under Subsection (a)".

(10) In Section 29.356(f) (page 3, line 51), strike "A certified educational assistance organization" and substitute "The comptroller or a certified educational assistance organization designated under Subsection (a)".

(11) In Section 29.356 (page 3, between lines 58 and 59), insert the following appropriately lettered subsection:

() The agency shall provide to the comptroller the information necessary to make the determinations required under Subsection (b).

(12) In Section 29.362(a) (page 6, line 44), between "shall" and "make", insert "hold that money in trust for the benefit of children participating in the program and".

(13) Strike Sections 29.362(c), (d), and (e) (page 6, line 52 through page 7, line 6), substitute the following appropriately lettered subsection, and reletter subsequent subsections accordingly:

() Each quarter, each certified educational assistance organization shall submit to the comptroller a breakdown of the organization's costs of administering the program for the previous quarter and the comptroller shall disburse from money appropriated for the program to each certified educational assistance organization the amount necessary to cover the organization's costs of administering the program for that quarter. The total amount disbursed to all certified educational assistance organizations under this subsection for a state fiscal year may not exceed five percent of the amount appropriated for the purposes of the program for that fiscal year.

The amendment to **SB 1** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 except as follows:

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 4

Amend **SB 1** (senate committee report) in SECTION 2 of the bill, adding Subchapter J, Chapter 29, Education Code, as follows:

(1) Immediately following added Section 29.353, Education Code (page 2, between lines 8 and 9), insert the following:

Sec. 29.3535. PROMOTION OF PROGRAM. Notwithstanding Chapter 2113, Government Code, the comptroller or the comptroller's designee may enter into contracts or agreements and engage in marketing, advertising, and other activities to promote, market, and advertise the development and use of the program. The comptroller may use money from the program fund to pay for activities authorized under this section.

(2) In added Section 29.355(a), Education Code (page 2, lines 44 through 45), strike "for the semester following the semester in which the child's application is submitted under Section 29.356".

(3) In added Section 29.356(a), Education Code (page 3, line 4), between "semester" and the underlined period, insert ", term, or school year, as determined by the comptroller".

(4) Strike "quarterly" in each of the following places it appears:

- (A) in added Section 29.356(a), Education Code (page 3, line 4);
- (B) in added Section 29.356(c), Education Code (page 3, line 30); and
- (C) in added Section 29.361(a), Education Code (page 6, line 19).

(5) In the heading to added Section 29.373, Education Code (page 10, line 34), strike "JUDICIAL REVIEW" and substitute "FINALITY OF DECISIONS".

(6) In added Section 29.373, Education Code, strike Subsection (b) (page 10, lines 40 through 46) and substitute the following:

(b) This subchapter may not be construed to confer a property right on a certified educational assistance organization, education service provider, vendor of educational products, or program participant.

(c) A decision of the comptroller made under this subchapter is final and not subject to appeal.

The amendment to **SB 1** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4 except as follows:

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 5

Amend **SB 1** (senate committee report) in SECTION 2 of the bill as follows:

(1) In added Section 29.355, Education Code (page 2, lines 42 through 54), strike Subsection (a) and substitute the following:

(a) A child is eligible to participate in the program and may, subject to available funding, enroll in the program for the semester following the semester in which the child's application is submitted under Section 29.356 if the child:

(1) is eligible to:

(A) attend a public school under Section 25.001; or

(B) enroll in a public school's prekindergarten program under Section 29.153; and

(2) either:

(A) was enrolled in a public school in this state for at least 90 percent of the school year preceding the school year for which the child applies to enroll in the program;

(B) is enrolling in prekindergarten or kindergarten for the first time;

(C) attended a private school on a full-time basis for the preceding school year; or

(D) was a home-schooled student, as defined by Section 29.916(a)(1), for the preceding school year.

(2) In added Section 29.355(b)(2), Education Code (page 2, line 62), strike "to attend a public school under Section 25.001" and substitute "to either attend a public school under Section 25.001 or enroll in a public school's prekindergarten program under Section 29.153, as applicable".

(3) In added Section 29.356, Education Code (page 3, lines 7 through 25), strike Subsection (b) and substitute the following:

(b) On receipt of more acceptable applications during an application period for admission under this section than available positions in the program due to insufficient funding, a certified educational assistance organization shall, at the direction of the comptroller, fill the available positions by lottery of applicants within each category as follows:

(1) for not more than 40 percent of available positions in the program, children described by Section 29.355(a)(2)(A) or (B) who are members of a household with a total annual income that is at or below 185 percent of the federal poverty guidelines;

(2) for not more than 30 percent of the available positions in the program, children described by Section 29.355(a)(2)(A) or (B) who are members of a household with a total annual income that is above 185 percent of the federal poverty guidelines and below 500 percent of the federal poverty guidelines;

(3) for not more than 20 percent of the available positions in the program, children with a disability described by Section 29.355(a)(2)(A) or (B) who are not accepted into the program under Subdivision (1) or (2) of this section; and

(4) for any remaining available positions in the program, all eligible applicants who are not accepted into the program under Subdivision (1), (2), or (3) of this section.

(4) In added Section 29.357, Education Code (page 3, line 69 through page 4, line 18), strike Subdivisions (3), (4), and (5) and substitute the following:

(3) refrain from selling an item purchased with program money; and

(4) notify the program participant's certified educational assistance organization not later than 30 business days after the date on which the child:

(A) enrolls in a public school, including an open-enrollment charter school;

(B) graduates from high school; or

(C) is no longer eligible to either:

(i) enroll in a public school under Section 25.001; or

(ii) enroll in a public school's prekindergarten program under

Section 29.153.

(5) In added Section 29.359(a)(2), Education Code (page 5, lines 33 through 36), strike "required by a school, higher education provider, or course in which the child is enrolled, including purchases made through a third-party vendor of educational products".

(6) In added Section 29.361, Education Code (page 6, lines 18 through 24), strike Subsection (a) and substitute the following:

(a) Regardless of the deadline by which the parent applies for enrollment in the program under Section 29.356(a), a parent of a child participating in the program shall receive each year that the child participates in the program payments from the state from funds available under Section 29.353 to the child's account equal to a total amount of:

(1) \$1,000, if the participating child is a home-schooled student, as defined by Section 29.916(a)(1); or

(2) \$8,000, if the child is a participating child not described by Subdivision (1).

(7) In added Section 29.362(f)(1), Education Code (page 7, line 14), immediately after the underlined semicolon, add "and".

(8) In added Section 29.362(f), Education Code (page 7, lines 15 and 16), strike Subdivision (2).

(9) In added Section 29.362(f), Education Code (page 7, line 17), strike "(3)" and substitute "(2)".

The amendment to **SB 1** was read and was adopted by the following vote: Yeas 19, Nays 12.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Senator Gutierrez offered the following amendment to the bill:

Floor Amendment No. 6

Amend **SB 1** (senate committee report) in SECTION 2 of the bill, in added Section 29.355, Education Code (between page 2, line 69, and page 3, line 1), by inserting the following:

(c) Notwithstanding Subsection (a) or (b), a child is not eligible to participate in the program during the period in which the child's parent or legal guardian is a state representative, state senator or a statewide elected official.

The amendment to **SB 1** was read and was adopted by the following vote: Yeas 22, Nays 9.

Yeas: Alvarado, Birdwell, Blanco, Creighton, Eckhardt, Gutierrez, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Parker, Perry, Schwertner, West, Whitmire, Zaffirini.

Nays: Bettencourt, Campbell, Flores, Hall, King, Nichols, Paxton, Sparks, Springer.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 7

Amend **SB 1** (senate committee report) in SECTION 2 of the bill by striking added Section 29.356(b), Education Code (page 3, lines 7 through 25), and substituting the following:

(b) On receipt of more acceptable applications during an application period for admission under this section than available positions in the program due to insufficient funding, a certified educational assistance organization shall, at the direction of the comptroller, fill the available positions by lottery as follows:

(1) for not more than 40 percent of available positions in the program, children described by Section 29.355(a)(1) who failed to perform satisfactorily for two or more consecutive years on:

(A) an assessment instrument administered under Section 39.023(a) in grades three through eight; or

(B) an end-of-course assessment instrument administered under Section 39.023(c);

(2) for not more than 30 percent of available positions in the program, children described by Section 29.355(a)(1) or (2) who are educationally disadvantaged;

(3) for not more than 20 percent of the available positions in the program, children described by Section 29.355(a)(1) or (2) who are members of a household with a total annual income that is above 185 percent of the federal poverty guidelines and below 500 percent of the federal poverty guidelines; and

(4) for not more than 10 percent of the available positions in the program, children with a disability described by Section 29.355(a)(1) or (2).

The amendment to **SB 1** was read and failed of adoption by the following vote: Yeas 6, Nays 25.

Yeas: Johnson, LaMantia, Menéndez, Nichols, Perry, West.

Nays: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Miles, Parker, Paxton, Schwertner, Sparks, Springer, Whitmire, Zaffirini.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 8

Amend **SB 1** (senate committee report) as follows:

(1) In SECTION 2 of the bill, immediately following added Section 29.356(b), Education Code (page 3, between lines 25 and 26), insert the following:

(b-1) The comptroller shall adopt rules necessary to administer Subsection (b). The comptroller shall post on the comptroller's Internet website any rule adopted under this subsection.

(2) In SECTION 6(a) of the bill, in the transition language (page 11, line 26), strike "Section" and substitute "Sections 29.356(b-1) and".

The amendment to **SB 1** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 8.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 9

Amend **SB 1** (senate committee report) in SECTION 2 of the bill by striking added Section 29.358(b)(1)(B), Education Code (page 4, lines 33 through 35), and substituting the following:

(B) annual administration of the appropriate assessment instrument required under Subchapter B, Chapter 39, to a child participating in the program at a designated campus or regional education service center;

The amendment to **SB 1** was read.

Senator Perry withdrew Floor Amendment No. 9.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 10

Amend **SB 1** (senate committee report) in SECTION 2 of the bill, immediately following added Section 29.358(b), Education Code (page 5, between lines 2 and 3), by inserting the following appropriately lettered subsection and relettering subsequent subsections accordingly:

() The comptroller may approve only an education service provider or vendor of educational products that operates in this state.

CREIGHTON
LAMANTIA

The amendment to **SB 1** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 10.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 11

Amend **SB 1** (senate committee report) in SECTION 2 of the bill, adding Subchapter J, Chapter 29, Education Code, as follows:

(1) In added Section 29.359(a)(5), Education Code (page 5, line 43), strike "and".

(2) In added Section 29.359(a)(6), Education Code (page 5, line 49), strike the underlined period and substitute "and".

(3) Immediately following Section 29.359(a)(6), Education Code (page 5, between lines 49 and 50), add the following:

(7) fees for online or virtual education services, provided the fees do not exceed 10 percent of the money received under the program, unless:

(A) the fees are for services that are approved by a committee convened on behalf of a participating child to develop the child's individualized education program in compliance with the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); or

(B) the participating child is a nontraditional student or has medical needs that require additional online or virtual education services.

The amendment to **SB 1** was read and failed of adoption by the following vote: Yeas 15, Nays 16.

Yeas: Alvarado, Eckhardt, Gutierrez, Hinojosa, Johnson, Kolkhorst, LaMantia, Menéndez, Miles, Perry, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Middleton, Nichols, Parker, Paxton, Schwertner.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 12

Amend **SB 1** (senate committee report) in SECTION 2 of the bill, in added Section 29.361, Education Code (page 6, between lines 24 and 25), by inserting the following appropriately lettered subsection and relettering subsequent subsections and cross-references to those subsections accordingly:

() This subsection applies only to a school district with a student enrollment of 5,000 or less. For the first five school years during which a child residing in the district participates in the program, a school district to which this subsection applies is entitled to receive \$10,000 per child from money appropriated for purposes of this subchapter.

The amendment to **SB 1** was read.

Senator Springer offered the following amendment to Floor Amendment No. 12:

Floor Amendment No. 13

Amend Amendment No. 12 by Perry to **SB 1** (senate committee printing) adding a new subsection to Section 29.361, Education Code, in the first sentence of that subsection between "less" and the underlined period, by inserting "that experiences a decline in student enrollment from the previous school year that is attributable to students participating in the program who would otherwise enroll in the district".

The amendment to Floor Amendment No. 12 to **SB 1** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 13.

Question recurring on the adoption of Floor Amendment No. 12 to **SB 1**, the amendment as amended was withdrawn.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 14

Amend **SB 1** (senate committee report) in SECTION 2 of the bill, immediately following added Section 29.368, Education Code (page 9, between lines 16 and 17), by inserting the following:

Sec. 29.3685. PROVIDER OR VENDOR REQUIREMENTS RELATING TO STUDENT PROTECTIONS. (a) Notwithstanding any other law, an education service provider or vendor of educational products that receives money distributed under the program is subject to:

(1) a prohibition, restriction, or other requirement related to the use of confinement, restraint, seclusion, or time-out under Section 37.0021; and

(2) any discrimination protection applicable to public schools under state or federal law, including a protection intended:

(A) to safeguard academic equity for each student; or

(B) to protect against segregation or disproportionate discipline.

(b) The agency shall adopt rules as necessary to implement and monitor compliance with this section.

MENÉNDEZ
ALVARADO
BLANCO

ECKHARDT
LAMANTIA
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The amendment to **SB 1** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 15

Amend **SB 1** (senate committee report) in SECTION 2 of the bill, in added Subchapter J, Chapter 29, Education Code, as follows:

(1) In added Section 29.367(a)(1), Education Code (page 8, line 48), strike "not".

(2) Immediately following added Section 29.368, Education Code (page 9, between lines 16 and 17), insert the following:

Sec. 29.3681. SPECIAL EDUCATION SERVICES. A private school in which a child with a disability who is a program participant enrolls is subject to federal and state laws regarding the provision of educational services to a child with a disability in the same manner as a public school, including:

(1) the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.);

(2) Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794); and

(3) Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.).

Sec. 29.3682. PROTECTED CLASSES. A private school to which a child who is a program participant applies or in which the child enrolls may not discriminate in admission decisions or in the provision of services on the basis of the child's membership in any federally protected class.

(b) The comptroller shall revoke the approval of an education service provider or vendor of educational products to participate in the program if the provider or vendor violates this section.

MENÉNDEZ
ALVARADO
BLANCO

ECKHARDT
LAMANTIA
ZAFFIRINI

The amendment to **SB 1** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 16

Amend **SB 1** (senate committee report) in SECTION 2 of the bill, in added Subchapter J, Chapter 29, Education Code, as follows:

(1) In added Section 29.367(a)(1), Education Code (page 8, lines 48 and 49), between "to" and "federal", insert "all".

(2) Immediately following added Section 29.368, Education Code (page 9, between lines 16 and 17), insert the following:

Sec. 29.3681. SPECIAL EDUCATION SERVICES. A private school in which a child with a disability who is a program participant enrolls is subject to the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) in the same manner as a public school.

MENÉNDEZ	ECKHARDT
ALVARADO	LAMANTIA
BLANCO	ZAFFIRINI

The amendment to **SB 1** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, Perry, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Schwertner, Sparks, Springer.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 17

Amend **SB 1** (senate committee report) in SECTION 2 of the bill, immediately after added Section 29.371, Education Code (page 10, between lines 30 and 31), by inserting the following:

Sec. 29.3715. COLLECTION AND REPORTING OF DEMOGRAPHIC INFORMATION. (a) Each certified educational assistance organization shall collect and report to the comptroller demographic information regarding each child who is participating in the program for whom the organization is responsible. The report must include the following demographic information:

- (1) the child's grade;
- (2) the child's age;
- (3) the child's gender;
- (4) the child's race or ethnicity;
- (5) the school district in which the child resides;
- (6) the district campus that the child would otherwise attend;
- (7) the child's zip code;
- (8) the child's date of enrollment in the program;
- (9) whether the child is educationally disadvantaged; and
- (10) whether the child has a disability.

(b) Not later than August 1 of each year, the comptroller shall submit a written report to the legislature summarizing the demographic information collected under this section.

CREIGHTON
WEST

The amendment to **SB 1** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 17.

Senator LaMantia offered the following amendment to the bill:

Floor Amendment No. 18

Amend **SB 1** (senate committee report) in SECTION 2 of the bill, immediately after added Section 29.374, Education Code (page 10, between lines 57 and 58), by inserting the following:

Sec. 29.375. POSTING OF CERTAIN BUDGETARY AND CURRICULAR INFORMATION BY PRIVATE SCHOOLS. Each private school receiving money distributed under the program shall publicly post on the school's Internet website:

(1) the percentage of the school's budget directly spent on student education; and

(2) the name and contact information, including an e-mail address, of any person, including an employee, contracted entity, outside organization, or author of open-source material, responsible for the creation or modification of the school's curriculum.

LAMANTIA
ALVARADO
ECKHARDT
MENÉNDEZ

The amendment to **SB 1** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 19

Amend **SB 1** (senate committee report) as follows:

(1) In SECTION 2 of the bill, strike Section 29.368, Education Code (page 8, line 61 through page 9, line 16), and substitute the following:

Sec. 29.368. CHARACTER OF DISTRIBUTION. An education service provider or vendor of educational products that receives money distributed under the program is not a recipient of federal financial assistance and may not be considered to be an agent of state government on the basis of receiving that money.

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

SECTION ____. Chapter 1, Education Code, is amended by adding Section 1.007 to read as follows:

Sec. 1.007. PRIVATE SCHOOL AUTONOMY. (a) Except as provided by Subsection (b), a rule adopted or other governmental action taken may not impose requirements that are contrary to or limit the religious or institutional values or practices of a private school, including by limiting the ability of the private school to determine and implement:

(1) the methods of instruction, curriculum, or assessments used to educate students;

(2) admissions and enrollment practices, policies, and standards;

(3) employment practices, policies, and standards; or

(4) student or employee conduct practices, policies, and standards.

(b) The state or a political subdivision of this state may not interfere with the right of a private school described by Subsection (a) unless the interference is:

(1) essential to further a compelling governmental interest; and

(2) narrowly tailored using the least restrictive means to achieve that compelling governmental interest.

The amendment to **SB 1** was read and was adopted by the following vote: Yeas 19, Nays 12.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 20

Amend **SB 1** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Section 25.0344(c), Education Code, as added by Chapter 583 (H.B. 2892), Acts of the 88th Legislature, Regular Session, 2023, is amended to read as follows:

(c) A transfer under this section must be to the campus or school district, as applicable, selected by the servicemember making the request and that has the enrollment capacity to accommodate the transfer of the student.

The amendment to **SB 1** was read.

Senator Perry withdrew Floor Amendment No. 20.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 21

Amend **SB 1** (senate committee report) as follows:

(1) In SECTION 2 of the bill, in added Section 29.353, Education Code (page 2, between lines 8 and 9), insert the following appropriately lettered subsection:

() The comptroller shall use money from the program fund in an amount equal to one percent of the total amount of money in the fund on September 1 of each year to provide funding for grant programs for full-service community schools under Section 33.910.

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

SECTION ____ . Subchapter Z, Chapter 33, Education Code, is amended by adding Section 33.910 to read as follows:

Sec. 33.910. GRANT PROGRAM FOR FULL-SERVICE COMMUNITY SCHOOLS. (a) From funds appropriated, received from the education savings account program established under Subchapter J, Chapter 29, or otherwise available for that purpose, the commissioner shall establish a program to provide grants to school districts and open-enrollment charter schools with campuses designated by the commissioner as full-service community schools.

(b) The commissioner may designate a school district or open-enrollment charter school campus as a full-service community school if the campus provides comprehensive academic, social, and health services for students, students' family members, and community members that result in improved educational outcomes. Services provided by a campus may include:

- (1) high-quality early learning programs and services;
- (2) compensatory and remedial education services, aligned with academic supports and other enrichment activities to provide students with a comprehensive academic program;
- (3) family engagement, including parental involvement, parental leadership, family literacy, and parent education programs;
- (4) mentoring and other youth development programs;
- (5) community service and service learning opportunities;
- (6) programs that provide assistance to students who have:
 - (A) been chronically absent;
 - (B) engaged in truant behavior; or
 - (C) been suspended or expelled;
- (7) job training and career counseling services;
- (8) nutrition services and physical activities;
- (9) primary health and dental care services;
- (10) mental health services;
- (11) activities that improve access to and use of social service programs;
- (12) programs that promote family financial stability; and
- (13) adult education programs, including programs for providing instruction in English as a second language to adults.

(c) The commissioner may solicit and accept gifts, grants, and donations from any public or private source for the purposes of this section.

(d) The commissioner shall adopt rules as necessary to establish and administer the grant program for full-service community schools under this section.

SECTION ____ . As soon as practicable after the effective date of this Act, the Texas Education Agency shall adopt rules for the administration of Section 33.910, Education Code, as added by this Act.

JOHNSON
LAMANTIA
WHITMIRE

The amendment to **SB 1** was read.

POINT OF ORDER

Senator Bettencourt raised a point of order that Floor Amendment No. 21 to **SB 1** was not germane to the body of the bill.

POINT OF ORDER RULING

The President ruled that the point of order was well-taken and sustained.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 22

Amend **SB 1** (senate committee report) in SECTION 2 of the bill, in added Section 29.361, Education Code (page 6, between lines 24 and 25), by inserting the following appropriately lettered subsection and relettering subsequent subsections and cross-references to those subsections accordingly:

() This subsection does not apply to an open-enrollment charter school and applies only to a school district with a student enrollment of 5,000 or less that experiences a decline in student enrollment from the previous school year that is attributable to students participating in the program who would otherwise enroll in the district. For the first three school years during which a child residing in the district participates in the program, a school district to which this subsection applies is entitled to receive \$10,000 per child from money appropriated for purposes of this subchapter.

The amendment to **SB 1** was read.

Senator Springer offered the following amendment to Floor Amendment No. 22:

Floor Amendment No. 23

Amend Floor Amendment No. 22 by Perry to **SB 1** on line 8, by inserting "net" between "a" and "decline".

The amendment to Floor Amendment No. 22 to **SB 1** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 23.

Question recurring on the adoption of Floor Amendment No. 22 to **SB 1**, the amendment as amended was adopted by the following vote: Yeas 23, Nays 8.

Yeas: Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, Zaffirini.

Nays: Alvarado, Eckhardt, Johnson, LaMantia, Menéndez, Miles, West, Whitmire.

Senator Creighton moved the passage of **SB 1** as amended to engrossment.

Question: Shall **SB 1** as amended be passed to engrossment?

POINT OF ORDER

Senator West raised a point of order that **SB 1** violates the constitutional one subject rule.

Question: Shall the point of order on **SB 1** be sustained?

RECESS

On motion of Senator Whitmire, the Senate at 5:14 p.m. recessed until 5:45 p.m. today.

AFTER RECESS

The Senate met at 6:06 p.m. and was called to order by the President.

Question: Shall the point of order on **SB 1** be sustained?

POINT OF ORDER RULING

The President stated that the point of order was respectfully overruled.

Senator West requested that a written opinion on the point of order ruling be printed in the *Senate Journal*.

RULING ON POINT OF ORDER

Senator West has raised a point of order against further consideration of Senate Bill 1 (S.B. 1) under Article III, Section 35, Texas Constitution, on the grounds that the bill contains more than one subject.

The purpose of the constitutional one-subject rule is to prevent the combination of unrelated subjects in a bill in order to gain the support of multiple and varied interests for the entire bill. The rule has been liberally construed by courts, and violations are generally found only where there is no conceivable single subject that ties all the provisions together. Presiding officers of the Senate have used this same standard in one-subject rulings and have construed bills in favor of constitutionality as long as the provisions of a bill relate directly or indirectly to the same general subject and have a mutual connection.

S.B. 1 creates a state-funded education savings account program to assist the parents of eligible school-aged children with certain education-related expenses. Education service providers and vendors of education products may receive parent-directed state funding under the program, provided they are pre-approved and meet certain eligibility criteria. Public schools, private schools, higher education providers and other private tutors, vendors, therapists, or teaching services may apply for pre-approval within the program. S.B. 1 contains a variety of legal and administrative protections to ensure the overall efficacy of the program.

Senator West argues that Section 1.007, Education Code, as added by the bill, provides a statutory protection to all private schools from governmental interference with the religious or institutional values and practices of a school. Senator West argues this provision adds an impermissible second subject to the bill as it extends to all private schools, regardless of their participation in the education savings account program.

The protections included in the bill for private schools, while generally applicable, were added by the bill author to address the concerns of private schools regarding the potential future overreach of state government into the management practices of all private schools. This concern is heightened by the general inclusion of

private schools as possible recipients of state funds under the program. The provision to which Senator West objects has a mutual connection with other provisions of the bill and is reasonably connected and related to the same general subject of the bill.

Accordingly, the point of order is respectfully overruled.

Question: Shall **SB 1** as amended be passed to engrossment?

Senator Creighton withdrew the motion to pass **SB 1** as amended to engrossment.

VOTE RECONSIDERED

On motion of Senator Creighton and by unanimous consent, the vote by which Floor Amendment No. 19 was adopted was reconsidered.

Question: Shall Floor Amendment No. 19 to **SB 1** be adopted?

Senator Creighton withdrew Floor Amendment No. 19.

SB 1 as amended was passed to engrossment by the following vote: Yeas 18, Nays 13.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, Nichols, West, Whitmire, Zaffirini.

SENATE BILL 7 ON SECOND READING

Senator Middleton moved to suspend the regular order of business to take up for consideration **SB 7** at this time on its second reading:

SB 7, Relating to prohibiting an employer from adopting or enforcing certain COVID-19 vaccine mandates; authorizing an administrative penalty.

The motion prevailed by the following vote: Yeas 18, Nays 13.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, Nichols, West, Whitmire, Zaffirini.

The bill was read second time.

Senator Middleton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 7** (senate committee report) in SECTION 1 of the bill as follows:

(1) Immediately following added Section 81D.003, Health and Safety Code (page 1, between lines 46 and 47), insert the following section to proposed Chapter 81D, Health and Safety Code:

Sec. 81D.0035. ADVERSE ACTION EXCEPTION FOR CERTAIN HEALTH CARE FACILITIES, HEALTH CARE PROVIDERS, AND PHYSICIANS. (a) In this section:

(1) "Health care facility" means a facility that is a provider of services, as defined by Section 1861, Social Security Act (42 U.S.C. Section 1395x).

(2) "Health care provider" and "physician" have the meanings assigned by Section 74.001, Civil Practice and Remedies Code.

(b) A health care facility, health care provider, or physician may establish and enforce a reasonable policy requiring the use of protective medical equipment by an individual who is a an employee or contractor of the facility, provider, or physician and who is not vaccinated against COVID-19 based on the level of risk the individual presents to patients from the individual's routine and direct exposure to patients.

(c) Establishing or enforcing a policy described by Subsection (b) is not considered an adverse action under this chapter.

(2) In added Section 81D.005(a), Health and Safety Code (page 2, lines 4 and 5), strike "The attorney general may" and substitute "On receipt of a complaint filed under Section 81D.004, the commission may request that the attorney general".

(3) In added Section 81D.006, Health and Safety Code (page 2, line 14), between "PENALTY." and "The", insert "(a)".

(4) In added Section 81D.006, Health and Safety Code (page 2, line 16), strike "\$1,000" and substitute "\$10,000".

(5) Add the following subsection to added Section 81D.006, Health and Safety Code (page 2, between lines 25 and 26):

(b) If, following an investigation under Section 81D.004, the commission determines that the employer violated this chapter, the commission may recover from the employer reasonable investigative costs incurred by the commission in conducting the investigation, regardless of whether the employer has taken an action described by Subsection (a)(1) or (2).

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

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

The amendment to **SB 7** was read and was adopted by the following vote: Yeas 18, Nays 13.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, Nichols, West, Whitmire, Zaffirini.

Senator Miles offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 7** (senate committee report) in SECTION 1 of the bill, immediately following added Section 81D.001, Health and Safety Code (page 1, between lines 37 and 38), by inserting the following appropriately numbered section and renumbering subsequent sections of proposed Chapter 81D, Health and Safety Code, and any cross-references to those sections accordingly:

81D. . APPLICABILITY. This chapter does not apply to an employer who is:

(1) a health care facility licensed, certified, registered, or otherwise authorized to administer health care services, for profit or otherwise, to individuals in this state in the ordinary course of business or professional practice; or

(2) a health care practitioner licensed, certified, registered, or otherwise authorized to administer health care services, for profit or otherwise, to individuals in this state in the ordinary course of business or practice.

MILES
BLANCO
LAMANTIA

The amendment to **SB 7** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Senator Middleton moved to postpone further consideration of the bill to a time certain of 8:15 p.m. today.

The motion prevailed without objection.

Question: Shall **SB 7** as amended be passed to engrossment?

**COMMITTEE SUBSTITUTE
SENATE BILL 4 ON SECOND READING**

Senator Flores moved to suspend the regular order of business to take up for consideration **CSSB 4** at this time on its second reading:

CSSB 4, Relating to the punishment for certain criminal conduct involving the smuggling of persons or the operation of a stash house; increasing criminal penalties.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Eckhardt, Gutierrez.

The bill was read second time.

Senator Flores offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 4** (senate committee report) as follows:

- (1) Strike SECTION 3 of the bill, amending Section 20.01, Penal Code (page 2, lines 41-45).
- (2) In the recital to SECTION 4 of the bill, amending Section 20.05, Penal Code (page 2, line 47), strike "Subsections (a) and (b)" and substitute "Subsection (b)".
- (3) In SECTION 4 of the bill, strike amended Section 20.05(a), Penal Code (page 2, lines 49-64).
- (4) Renumber the SECTIONS of the bill accordingly.

The amendment to **CSSB 4** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 4** (senate committee printing) as follows:

(1) In SECTION 4 of the bill, in amended Section 20.05(a), Penal Code (page 2, line 49), between "the person" and "knowingly", insert "with the intent to obtain a pecuniary benefit,".

(2) In SECTION 4 of the bill, strike amended Sections 20.05(b)(1)(C), (D), and (E), Penal Code (page 3, lines 6-12), and substitute the following:

(C) ~~[the offense was committed with the intent to obtain a pecuniary benefit;~~

~~[(D)]~~ during the commission of the offense the actor, another party to the offense, or an individual assisted, guided, or directed by the actor knowingly possessed a firearm; or

~~(D) [(E)]~~ the actor commits the offense under Subsection (a)(1)(B); or

(3) In SECTION 4 of the bill, in added Section 20.05(b-2), Penal Code (page 3, line 44), strike "(C), (D), or (E)" and substitute "(C), or (D)".

(4) In the recital to SECTION 6 of the bill, amending Section 20.07, Penal Code (page 3, line 64), strike "Section 20.07(b), Penal Code, is" and substitute "Sections 20.07(a) and (b), Penal Code, are".

(5) Immediately following the recital to SECTION 6 of the bill, amending Section 20.07, Penal Code (page 3, between lines 65 and 66), insert the following:

(a) A person commits an offense if the person, with the intent to obtain a pecuniary benefit, knowingly:

(1) uses or permits another to use any real estate, building, room, tent, vehicle, boat, or other property owned by the person or under the person's control to commit an offense or to facilitate the commission of an offense under Section 20.05, 20.06, 20A.02, 20A.03, 43.04, or 43.05; or

(2) rents or leases any property to another, intending that the property be used as described by Subdivision (1).

JOHNSON
LAMANTIA
WHITMIRE

The amendment to **CSSB 4** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 4** (senate committee report) as follows:

(1) Strike the recital to SECTION 4 of the bill, amending Section 20.05, Penal Code (page 2, lines 46-48), and substitute the following:

Section 20.05, Penal Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(2) In SECTION 4 of the bill, in amended Section 20.05(b), Penal Code (page 2, line 65), strike "and (b-2)" and substitute ", (b-2), and (b-3)".

(3) In SECTION 4 of the bill, immediately following added Section 20.05(b-2), Penal Code (page 3, between lines 50 and 51), insert the following:

(b-3) The court may impose a sentence for a term of years that is less than the minimum term required by this section, but not less than the minimum term required for the applicable category of offense under Subchapter C, Chapter 12, if, after considering the nature and circumstances of the offense and the history and characteristics of the defendant, the court determines that:

(1) the imposition of the minimum term otherwise required by this section would be unduly harsh; and

(2) the imposition of the sentence authorized by this subsection would maintain public safety and would not depreciate the seriousness of the offense or promote disrespect for the law.

(4) Strike the recital to SECTION 5 of the bill, amending Section 20.06, Penal Code (page 3, lines 51-52), and substitute the following:

Section 20.06, Penal Code, is amended by amending Subsections (e) and (f) and adding Subsection (h) to read as follows:

(5) In SECTION 5 of the bill, immediately following amended Section 20.06(f), Penal Code (page 3, between lines 63 and 64), insert the following:

(h) Notwithstanding Subsection (e) or (f), the court may impose a sentence for a term of years that is less than the minimum term required by either of those subsections, but not less than the minimum term required for the applicable category of offense under Subchapter C, Chapter 12, if, after considering the nature and circumstances of the offense and the history and characteristics of the defendant, the court determines that:

(1) the imposition of the minimum term otherwise required by Subsection (e) or (f), as applicable, would be unduly harsh; and

(2) the imposition of the sentence authorized by this subsection would maintain public safety and would not depreciate the seriousness of the offense or promote disrespect for the law.

(6) Strike the recital to SECTION 6 of the bill, amending Section 20.07, Penal Code (page 3, lines 64-65), and substitute the following:

Section 20.07, Penal Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(7) In SECTION 6 of the bill, immediately following amended Section 20.07(b), Penal Code (page 4, between lines 11 and 12), insert the following:

(b-1) Notwithstanding Subsection (b), the court may impose a sentence for a term of years that is less than the minimum term required by that subsection, but not less than the minimum term required for the applicable category of offense under Subchapter C, Chapter 12, if, after considering the nature and circumstances of the offense and the history and characteristics of the defendant, the court determines that:

(1) the imposition of the minimum term otherwise required by Subsection (b) would be unduly harsh; and

(2) the imposition of the sentence authorized by this subsection would maintain public safety and would not depreciate the seriousness of the offense or promote disrespect for the law.

MENÉNDEZ
ALVARADO
BLANCO

ECKHARDT
LAMANTIA
ZAFFIRINI

The amendment to **CSSB 4** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

CSSB 4 as amended was passed to engrossment by the following vote: Yeas 29, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Eckhardt, Gutierrez.

COMMITTEE SUBSTITUTE SENATE BILL 4 ON THIRD READING

Senator Flores moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 4** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Eckhardt, Gutierrez.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

(Senator Parker in Chair)

SENATE BILL 11 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **SB 11** at this time on its second reading:

SB 11, Relating to the creation of the criminal offense of improper entry from a foreign nation.

The motion prevailed by the following vote: Yeas 19, Nays 12.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

The bill was read second time.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 11** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, immediately following added Section 38.20(c), Penal Code (page 1, between lines 41 and 42), insert the following appropriately lettered subsection and reletter subsequent subsections and references to those subsections accordingly:

() It is a defense to prosecution under this section that the actor was coerced to commit the offense by a peace officer in violation of Section 39.08.

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

SECTION ____ . Chapter 39, Penal Code, is amended by adding Section 39.08 to read as follows:

Sec. 39.08. COERCION TO COMMIT IMPROPER ENTRY FROM FOREIGN NATION. (a) A person who is a peace officer commits an offense if the person knowingly coerces a person to engage in conduct constituting an offense under Section 38.20(b).

(b) An offense under this section is a Class A misdemeanor.

MENÉNDEZ	JOHNSON
ALVARADO	LAMANTIA
BLANCO	WHITMIRE
ECKHARDT	ZAFFIRINI

GUTIERREZ

The amendment to **SB 11** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 11** (senate committee report) in SECTION 1 of the bill, in added Section 38.20, Penal Code, as follows:

(1) On page 1, line 49, strike "or".

(2) On page 1, line 52, between "2021" and the underlined period, insert the following:

"; or

(4) the actor engaged in the conduct constituting the offense to escape life-threatening conditions, persecution, or other severe human rights violations occurring in the actor's country of origin"

ZAFFIRINI
BLANCO
LAMANTIA
WHITMIRE

The amendment to **SB 11** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Senator Blanco offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 11** (senate committee printing) in SECTION 1 of the bill, in added Section 38.20(g), Penal Code (page 2, lines 3 and 4), by striking ", to the extent feasible,".

BLANCO
HINOJOSA

The amendment to **SB 11** was read.

Senator Blanco withdrew Floor Amendment No. 3.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 4

Amend **SB 11** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.36 to read as follows:

Art. 2.36. PEACE OFFICER DUTIES REGARDING DETENTION OF PERSONS IMPROPERLY ENTERING FROM FOREIGN NATION. (a) A peace officer who detains a person under Section 38.20, Penal Code, shall:

(1) inform the person being detained of the person's rights under Article 15.17; and

(2) ensure that persons being detained under that section receive a medical evaluation and any necessary treatment, giving priority to the evaluation and treatment of children, elderly persons, and pregnant women.

(b) If the person being detained under Section 38.20, Penal Code, does not speak and understand the English language or is deaf, the peace officer shall provide the person with an interpreter to inform the person of the rights described by Article 15.17 and this article.

(c) Each peace officer who enforces compliance with Section 38.20, Penal Code, must complete an annual training regarding the rights of persons being detained under that section, including rights provided under federal immigration law. The officer's employing law enforcement agency shall provide the training required by this article.

ZAFFIRINI
BLANCO
LAMANTIA
WHITMIRE

The amendment to **SB 11** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Senator Eckhardt offered the following amendment to the bill:

Floor Amendment No. 5

Amend **SB 11** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 1. Chapter 26, Subtitle D, Title 1, Tax Code is amended by adding Section 26.012(20) to read as follows:

(20) "Operation Loan Star Expenditures" means the funds expended to adjudicate, house, transport, or confine persons apprehended in conjunction with crossing the international boundary outside of an established checkpoint.

SECTION 2. Chapter 26, Subtitle D, Title 1, Tax Code is amended by adding Section 26.0445 to read as follows:

NO-NEW-REVENUE TAX RATE TO PAY FOR OPERATION LONE STAR STATE MANDATES (a) The first time that a county adopts a tax rate after September 1, 2024, in which the state Operation Lone Star justice mandates apply in the county, the no-new-revenue maintenance and operation rate for the county is increased by the rate calculated according to the following formula:

(State Operation Lone Star Mandate) / (Current Total Value - New Property Value)

(b) In the second and subsequent years that a county adopts a tax rate, if the amount spent by the county for the Operation Lone Star mandate increased over the previous year, and the county has applied for but has not received reimbursement from grants offered by the Governor's office, the no-new-revenue maintenance and operation rate for the county is increased by the rate calculated according to the following formula:

(This Year's Operation Lone Star Mandate - Previous Year's Operation Lone Star Mandate) / (Current Total Value - New Property Value)

(c) The county shall include a notice of the increase in the no-new-revenue maintenance and operation rate provided by this section, including a description and amount of the state Operation Lone Star mandate, in the information published under Section 26.04(e) and, as applicable, in the notice prescribed by Section 26.06 or 26.061.

(d) In this section, "state Operation Lone Star mandate" means the amount spent by the county in the previous 12 months providing for the adjudication, housing, transportation, or confinement of individuals apprehended in conjunction with crossing an international boundary outside of an established checkpoint, and no other criminal offense, minus the amount received from state revenue for reimbursement of such costs.

SECTION 3. This Act takes effect on the 91st day after the last day of the legislative session.

The amendment to **SB 11** was read.

Senator Eckhardt withdrew Floor Amendment No. 5.

Senator Blanco offered the following amendment to the bill:

Floor Amendment No. 6

Amend **SB 11** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Chapter 104, Code of Criminal Procedure, is amended by adding Article 104.005 to read as follows:

Art. 104.005. COMPENSATION TO COUNTY FOR DETENTION IN COUNTY JAIL OF PERSONS IMPROPERLY ENTERING FROM FOREIGN NATION. (a) In this section, "cost of detainment" means the cost to the county for a person's detainment based on a daily rate equal to the daily rate calculated for housing a federal detainee.

(b) If a person is detained in a county jail for an offense under Section 38.20, Penal Code, instead of in a facility described by Subsection (g) of that section, the state shall compensate the county in an amount equal to the sum of:

(1) the cost of detainment for each day that the person is detained in the county jail;

(2) the cost to the county for any medical services provided to the person that are outside of those minor medical services already included in the cost of detainment;

(3) the county's cost per case estimate for a felony case, not to exceed \$2,000 per case; and

(4) any other costs related to the judicial process with respect to the person.

(c) Before requesting a county to detain a person in a county jail for an offense under Section 38.20, the state shall enter into a contract with the county to specify the amount or rate associated with each cost described by Subsections (b)(1), (2), (3), and (4) for which the state will compensate the county under this article.

The amendment to **SB 11** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

SB 11 was passed to engrossment by the following vote: Yeas 19, Nays 12.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

REMARKS ORDERED PRINTED

On motion of Senator Bettencourt and by unanimous consent, the remarks by Senators Bettencourt and Birdwell regarding **SB 11** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Presiding Officer: Senator Bettencourt, for what purpose?

Senator Bettencourt: Ask questions of the author.

Presiding Officer: Chairman Birdwell, will you yield?

Senator Birdwell: Yes, Sir, Mr. President.

Senator Bettencourt: As usual, Senator Birdwell, you're well-researched and well-prepared. Okay?

Senator Birdwell: Thank you, Sir.

Senator Bettencourt: I do want to go over kind of the conditions that have caused us to come to this step. Okay?

Senator Birdwell: Yes, Sir.

Senator Bettencourt: We're obviously looking at unprecedented numbers of border crossings to the tune of over 10,000 a day. True?

Senator Birdwell: That is, that is correct. And in fact, as one additional addendum, I learned yesterday that when I stood up here over the past times and said in my other layouts, we've received individuals from every country but North Korea. Yesterday, Director McCraw informed me that we've gotten three North Koreans since I said that back in June. So, we now can say every country in the world, including Canada, we've had people come across the southern border.

Senator Bettencourt: Okay. So, let's repeat that, that everybody can hear again. Basically, you're saying that we have now apprehended, for lack of a better description, or stopped—

Senator Birdwell: Detected and detained.

Senator Bettencourt: —detained, right, detained someone from every single country on the globe.

Senator Birdwell: That's correct. That's what—

Senator Bettencourt: I believe at last count there was somewhere around 192—

Senator Birdwell: A hundred and something like that. Yes, Sir. Yeah.

Senator Bettencourt: And because of the fact that, and that's quite an accomplishment, because they don't let the folks out of North Korea willingly. So, that would be kind of, you wonder what their occupation currently is.

Senator Birdwell: If they were let out willingly, that's probably probable cause to believe they're agents of espionage, but that's another story.

Senator Bettencourt: You have to, certainly, can't rule that out.

Senator Birdwell: Yeah.

Senator Bettencourt: So, we got over 10,000 crossings that are being detained. And so, you're taking the step of creating a new offense because there is no factor, supposition of fact, that the Biden Administration has succeeded in any of their border policy. They abjectly failed and this is why the State of Texas is going to have to take this next step. True?

Senator Birdwell: I believe that to be the case because ultimately, as I've said in previous layouts, the protection of the lives and property of the people of the State of Texas is our first obligation. The federal government is not just failing here, but in making its announcements of, come one, come all, the federal government is the largest trafficker of individuals in my view, while not in the sense of breaking a law, their lack of faithfulness to the, the administration in Washington's lack of faithfulness to the faithful execution of our laws has brought this situation to us. We've had over eight million people, not in Texas but across the totality of the four states of the southern border, over eight million people have come into the country. So, people have an understanding of what that means. If the total number of people that have come unlawfully into the country, that have been detected, not the getaways, but that's

an estimate, but of those that have actually been detected, if you made them their own state they would be the 12th largest state by population in the United States. They would be north of Tennessee, south of Michigan in that list. And that is, and look, I take this seriously because, and I'm not trying to get emotional, but I wear the scars of not knowing who's in this country.

Senator Bettencourt: Say that again so everybody can hear.

Senator Birdwell: I wear the scars of not knowing who is in this country.

Senator Bettencourt: Right. And that was a point I was going to go to. And I do, if you mind a point of personal privilege—

Senator Birdwell: Sure.

Senator Bettencourt: —allow a little emotion to enter into the room, because, Members, I submit this, and for those that are listening, Senator Birdwell does wear the scars, 52 operations worth to be precise, of letting people into the country that have intention to do harm to Americans. And you only wonder with what we're doing at border crossings at 10,000 a day, how many people are like those 20 hijackers that came to America and who attacked the Pentagon, you know, from the sites from New York, the Pentagon, and those brave Americans that pulled that airliner out of the sky, because otherwise there would have been two places that would hit. And I want you to say to Texas and America why this bill is important. Because if there are people that have crossed, and the odds are overwhelmingly that there are people that have crossed the border that are going to do harm in this country, the question is when. And you survived it, because you survived an airliner hitting the Pentagon at 500 miles an hour, and somehow, as a guy that studied plan operations in chemical plants, you survived breathing two-phase plasma, gas and liquid—

Senator Birdwell: Yeah.

Senator Bettencourt: —and you're here today. So, tell us what this bill might prevent and what you think as somebody who has survived this attack 22 years ago.

Senator Birdwell: Yeah. The challenge is, is that, you know, you're looking for the needle in the haystack given the volumes of people coming and the total number of, I'm sorry, the total number of people that we have in state law enforcement that are performing this function. First duty of government is to protect the liberties of its citizens, its economic well-being, its cultural well-being, having, I just, I got three friends buried in Arlington National Cemetery, Senator, and they paid for the liberties of this country. And I don't want to see an American go through what I did. I don't want to see an American or a Texan, you know, losing a limb or just criminal violence of murder, rape. We've got pedophiles that have come across, we've had over a hundred people on the terror watchlist come across. And yet many of those people have been transported by this administration into the interior of the country. That is a willful failure, and it's not one that I think the State of Texas can just simply suborn. We are operating inside the law, we are compelled to operate inside the law because if we start operating outside the law the way I believe this administration is—

Senator Bettencourt: Then we're not good as the other ones.

Senator Birdwell: —I mean, that's a cliff, not a slope, to anarchy. I'm trying to bring a soldier's discipline to this issue, recognizing the frustration that the rigor that we have to enforce this can only be what we can do lawfully as a state. The federal government retains the overwhelming majority of the ability to enforce this border. There are many women, men and women, that wear that uniform, the green uniform of the border patrol. And I've worked with many of them in Laredo to not just put this bill together, but other bills together and represent, or Senator Flores and I have, have had great experiences with them in our respective careers. I believe this bill is important, even with its challenges that my fellow Senators have expressed their concerns with that we're trying to ameliorate. We've got to stand on line at the river doing our best to protect the people of the State of Texas. And whether it's Governor Abbott or the Legislature or our judicial branch, the three branches of government of Texas are going to do their best to serve the people of Texas and their safety, even if the federal government won't.

Senator Bettencourt: You were asked why this bill is. And I wanted to ask these questions. Senator Hinojosa knows how emotional that answer was going to be. But you were asked why, and I wanted everyone to hear what the real answer was. And, and you always bring a military discipline, you are, in my mind, a national treasure. And we're happy to call you colleague here in the Senate.

Senator Birdwell: Thank you, Senator, I'm just a crispy, old guy. You know? So.

Senator Bettencourt: Yeah. Well, you know, after 52 operations you can claim any level of crispy that you want. Mr. President, I move that the exchange between Senator Birdwell and I be reduced to comments into the Journal.

AT EASE

The Presiding Officer, Senator Parker in Chair, at 9:29 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 9:45 p.m. called the Senate to order as In Legislative Session.

SENATE BILL 2 ON SECOND READING

The President laid before the Senate **SB 2** by Senator Creighton at this time on its second reading:

SB 2, Relating to a local optional teacher designation system implemented by a school district, a security officer employed by a school district, the basic allotment and guaranteed yield under the public school finance system, and certain allotments under the Foundation School Program; making an appropriation.

The bill was read second time.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 2** (senate committee report), in SECTION 10 of the bill, by striking subsection (m) (page 5, lines 52-56) and re-lettering appropriately.

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 2** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . A bonus payment made to a classroom teacher, as defined by Section 48.310, Education Code, as added by this Act, by a school district with money received by the district under Section 48.311, Education Code, as added by this Act, as that section existed prior to its expiration, shall be included in salary and wages for service for purposes of Section 822.201, Government Code, as amended by this Act, regardless of the date the payment was made.

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 2** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.029 to read as follows:

Sec. 29.029. SUPPORTS FOR RECRUITING SPECIAL EDUCATION STAFF.

(a) From funds appropriated or otherwise available for the purpose, the agency shall provide grants to school districts and open-enrollment charter schools to increase the number of qualified and appropriately credentialed special education staff, including special education teachers, special education paraprofessionals, evaluation personnel, ancillary instruction personnel, and related service personnel.

(b) A school district or open-enrollment charter school that receives a grant under this section shall require each person the district or school uses the grant money to assist in becoming licensed, certified, or otherwise credentialed as described by Subsection (a) to work at the district or school for a period established by commissioner rule.

(c) The commissioner shall adopt rules establishing the period of required employment described by Subsection (b) and any other rules necessary to implement this section.

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 4

Amend **SB 2** (senate committee report) by striking SECTION 3 of the bill, amending Sections 37.0814(b) and (d), Education Code (page 2, lines 21 through 50), and renumbering subsequent SECTIONS of the bill accordingly.

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 5

Amend **SB 2** (senate committee report) as follows:

(1) Strike the recital to SECTION 4 of the bill, amending Section 48.051, Education Code (page 2, lines 51 and 52), and substitute "Section 48.051, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:".

(2) In SECTION 4 of the bill, in amended Section 48.051(a), Education Code (page 2, line 53), strike "For" and substitute "Subject to adjustment under Subsection (a-1), for [For]".

(3) In SECTION 4 of the bill, immediately following amended Section 48.051(a), Education Code (page 3, between lines 2 and 3), insert the following:

(a-1) Beginning with the 2024-2025 school year, the commissioner shall adjust the value of "B" under Subsection (a) for the preceding school year by a factor equal to the average annual percentage increase, if any, in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor for the preceding five years.

JOHNSON	LAMANTIA
ALVARADO	MENÉNDEZ
BLANCO	MILES
ECKHARDT	WEST
GUTIERREZ	WHITMIRE
HINOJOSA	ZAFFIRINI

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 6

Amend **SB 2** (senate committee report) as follows:

(1) In SECTION 4 of the bill, in amended Section 48.051(a), Education Code (page 2, line 53), strike "daily attendance" and substitute "enrollment [~~daily attendance~~]".

(2) In SECTION 6 of the bill, in amended Section 48.115(a), Education Code (page 3, lines 38 and 39), strike "daily attendance, plus \$1 for each student in average daily attendance" and substitute "enrollment [~~daily attendance~~], plus \$1 for each student in average enrollment [~~daily attendance~~]".

(3) In the recital to SECTION 7 of the bill, amending Section 48.202, Education Code (page 3, line 45), strike "Section 48.202(a-1), Education Code, is" and substitute "Sections 48.202(a) and (a-1), Education Code, are".

(4) In SECTION 7 of the bill, immediately preceding amended Section 48.202(a-1), Education Code (page 3, between lines 46 and 47), insert the following:

(a) Each school district is guaranteed a specified amount per weighted student in state and local funds for each cent of tax effort over that required for the district's local fund assignment up to the maximum level specified in this subchapter. The amount of state support, subject only to the maximum amount under Section 48.203, is determined by the formula:

$$GYA = (GL \times \underline{WAE} [\underline{WADA}] \times DTR \times 100) - LR$$

where:

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

"GL" is the dollar amount guaranteed level of state and local funds per weighted student per cent of tax effort, which is an amount described by Subsection (a-1) or a greater amount for any year provided by appropriation;

"WAE" [~~"WADA"~~] is the number of students in weighted average enrollment [~~daily attendance~~], which is calculated by dividing the sum of the school district's allotments under Subchapters B and C by the basic allotment for the applicable year;

"DTR" is the district enrichment tax rate of the school district, which is determined by subtracting the amounts specified by Subsection (b) from the total amount of maintenance and operations taxes collected by the school district for the applicable school year and dividing the difference by the quotient of the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 48.258 or by the quotient of the value of "DPV" as determined under Section 48.256(d) if that subsection applies to the district, divided by 100; and

"LR" is the local revenue, which is determined by multiplying "DTR" by the quotient of the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 48.258 or by the quotient of the value of "DPV" as determined under Section 48.256(d) if that subsection applies to the district, divided by 100.

(5) Strike SECTION 11 of the bill, repealing Sections 48.051(c), (c-1), (c-2), and (d), Education Code (page 5, lines 67 and 68), and substitute the following:

SECTION 11. The following provisions of the Education Code are repealed:

(1) Section 29.0822(d-1);

(2) Section 48.007; and

(3) Sections 48.051(c), (c-1), (c-2), and (d).

(6) Strike SECTION 13 of the bill, relating to the applicability of certain provisions (page 6, lines 11 through 15), substitute the following, and renumber subsequent SECTIONS of the bill accordingly:

SECTION 13. Notwithstanding Sections 48.051(a) and 48.115, Education Code, as amended by this Act, for the 2023-2024 school year, the commissioner of education shall determine a school district's entitlement under those sections using a district's average daily attendance instead of average enrollment.

SECTION 14. (a) Except as provided by Subsection (b) of this section, this Act applies beginning with the 2024-2025 school year.

(b) The following provisions apply beginning with the 2023-2024 school year:

(1) Sections 21.3521(a), (c), and (e), Education Code, as amended by this Act;

(2) Section 21.3522, Education Code, as added by this Act;

(3) Sections 37.0814(b) and (d), Education Code, as amended by this Act;

(4) Section 48.051(a), Education Code, as amended by this Act;

(5) Sections 48.112(c) and (d), Education Code, as amended by this Act;

(6) Section 48.115(a), Education Code, as amended by this Act;

(7) Section 48.202(a-1), Education Code, as amended by this Act;

(8) Section 48.311, Education Code, as added by this Act;

(9) Section 822.201(b), Government Code, as amended by this Act;

(10) Sections 18.78(m) and (n), Article IX, Chapter 1170 (H.B. 1), Acts of the 88th Legislature, Regular Session, 2023 (the General Appropriations Act), as added by this Act; and

(11) the repeal of Sections 48.051(c), (c-1), (c-2), and (d), Education Code.

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

SECTION _____. Section 48.005, Education Code, is amended to read as follows:

Sec. 48.005. AVERAGE ENROLLMENT [~~DAILY ATTENDANCE~~]. (a) In this chapter, average enrollment [~~daily attendance~~] is:

(1) the average number of students enrolled in the school district during a school year [~~quotient of the sum of attendance for each day of the minimum number of days of instruction as described under Section 25.081(a) divided by the minimum number of days of instruction~~];

[~~(2) for a district that operates under a flexible year program under Section 29.0821, the quotient of the sum of attendance for each actual day of instruction as permitted by Section 29.0821(b)(1) divided by the number of actual days of instruction as permitted by Section 29.0821(b)(1)~~];

[~~(3) for a district that operates under a flexible school day program under Section 29.0822, the average daily attendance as calculated by the commissioner in accordance with Sections 29.0822(d) and (d-1)~~]; or

(2) [~~(4)~~] for a district that operates a half-day program or a full-day program under Section 29.153(c), one-half of the average enrollment [~~daily attendance~~] calculated under Subdivision (1).

(b) A school district that experiences a decline of two percent or more in average enrollment [~~daily attendance~~] shall be funded on the basis of:

(1) the actual average enrollment [~~daily attendance~~] of the preceding school year, if the decline is the result of the closing or reduction in personnel of a military base; or

(2) subject to Subsection (e), an average enrollment [~~daily attendance~~] not to exceed 98 percent of the actual average enrollment [~~daily attendance~~] of the preceding school year, if the decline is not the result of the closing or reduction in personnel of a military base.

(c) The commissioner shall adjust the average enrollment [~~daily attendance~~] of a school district that has a significant percentage of students who are migratory children as defined by 20 U.S.C. Section 6399.

(d) The commissioner may adjust the average enrollment [~~daily attendance~~] of a school district in which a disaster, flood, extreme weather condition, fuel curtailment, or other calamity has a significant effect on the district's enrollment [~~attendance~~]. In addition to providing the adjustment for the amount of instructional days during the semester in which the calamity first occurred, an adjustment under this section may only be provided based on a particular calamity for an additional amount of instructional days equivalent to one school year. The commissioner may divide the adjustment between two consecutive school years.

(e) For each school year, the commissioner shall adjust the average enrollment [~~daily attendance~~] of school districts that are entitled to funding on the basis of an adjusted average enrollment [~~daily attendance~~] under Subsection (b)(2) so that:

(1) all districts are funded on the basis of the same percentage of the preceding year's actual average enrollment [~~daily attendance~~]; and

(2) the total cost to the state does not exceed the amount specifically appropriated for that year for purposes of Subsection (b)(2).

(f) An open-enrollment charter school is not entitled to funding based on an adjustment under Subsection (b)(2).

(g) If a student may receive course credit toward the student's high school academic requirements and toward the student's higher education academic requirements for a single course, including a course provided under Section 28.009 by a public institution of higher education, the time during which the student attends the course shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-time student in average enrollment [~~daily attendance~~] for purposes of this section.

~~[(g 1) The commissioner shall adopt rules to calculate average daily attendance for students participating in a blended learning program in which classroom instruction is supplemented with applied workforce learning opportunities, including participation of students in internships, externships, and apprenticeships.]~~

(h) Time [~~Subject to rules adopted by the commissioner under Section 48.007(b), time~~] that a student participates in an off-campus instructional program provided by an entity other than a school district or open-enrollment charter school and approved by the commissioner in accordance with commissioner rule [under

~~Section 48.007(a)~~ shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-time student in average enrollment [~~daily attendance~~] for purposes of this section.

(i) A district or a charter school operating under Chapter 12 that operates a prekindergarten program is eligible to receive one-half of average enrollment [~~daily attendance~~] under Subsection (a) if the district's or charter school's prekindergarten program provides at least 32,400 minutes of instructional time to students.

(j) A district or charter school is eligible to earn full average enrollment [~~daily attendance~~] under Subsection (a) if the district or school provides at least 43,200 minutes of instructional time to students enrolled in:

(1) a dropout recovery school or program operating under Section 12.1141(c) or Section 39.0548;

(2) an alternative education program operating under Section 37.008;

(3) a school program located at a day treatment facility, residential treatment facility, psychiatric hospital, or medical hospital;

(4) a school program offered at a correctional facility; or

(5) a school operating under Subchapter G, Chapter 12.

(k) A charter school operating under a charter granted under Chapter 12 before January 1, 2015, is eligible to earn full average enrollment [~~daily attendance~~] under Subsection (a), as that subsection existed immediately before January 1, 2015, for:

(1) all campuses of the charter school operating before January 1, 2015; and

(2) any campus or site expansion approved on or after January 1, 2015, provided that the charter school received an academic accountability performance rating of C or higher, and the campus or site expansion is approved by the commissioner.

(l) A school district campus or charter school described by Subsection (j) may operate more than one program and be eligible for full average enrollment [~~daily attendance~~] for each program if the programs operated by the district campus or charter school satisfy all applicable state and federal requirements.

(m) The commissioner shall adopt rules necessary to implement this section, including rules that:

(1) determine the method to calculate the average number of students enrolled in a school district during a school year;

(2) establish the minimum amount of instructional time per day that allows a school district or charter school to be eligible for full average enrollment [~~daily attendance~~], which may differ based on the instructional program offered by the district or charter school;

(3) [~~2~~] establish the requirements necessary for a school district or charter school to be eligible for one-half of average enrollment [~~daily attendance~~], which may differ based on the instructional program offered by the district or charter school;

(4) [~~3~~] proportionally reduce the average enrollment [~~daily attendance~~] for a school district if any campus or instructional program in the district provides fewer than the required minimum minutes of instruction to students; and

(5) [(4)] allow a grade or course repeated under Section 28.02124 to qualify for average enrollment [~~daily attendance~~] even if the student previously passed or earned credit for the grade or course, if the grade or course would otherwise be eligible.

(n) To assist school districts in implementing this section as amended by H.B. 2442, [Acts of the] 85th Legislature, Regular Session, 2017, the commissioner may waive a requirement of this section or adopt rules to implement this section.

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

(a) In this section, "wealth per student" means a school district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, Section 48.258, divided by the district's average enrollment [~~daily attendance~~] as determined under Section 48.005.

SECTION _____. Section 11.052(f), Education Code, is amended to read as follows:

(f) If single-member trustee districts are adopted or approved as provided by this section, the board shall divide the school district into the appropriate number of trustee districts, based on the number of members of the board that are to be elected from single-member trustee districts, and shall number each trustee district. The trustee districts must be compact and contiguous and must be as nearly as practicable of equal population. In a district with 150,000 or more students in average enrollment [~~daily attendance~~], the boundary of a trustee district may not cross a county election precinct boundary except at a point at which the boundary of the school district crosses the county election precinct boundary. Trustee districts must be drawn not later than the 90th day before the date of the first election of trustees from those districts.

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

(a) A charter holder is entitled to receive for the open-enrollment charter school funding under Chapter 48 equal to the amount of funding per student in weighted average enrollment [~~daily attendance~~], excluding the adjustment under Section 48.052, the funding under Sections 48.101, 48.110, 48.111, and 48.112, and enrichment funding under Section 48.202(a), to which the charter holder would be entitled for the school under Chapter 48 if the school were a school district without a tier one local share for purposes of Section 48.266.

(a-2) In addition to the funding provided by Subsection (a), a charter holder is entitled to receive for the open-enrollment charter school an allotment per student in average enrollment [~~daily attendance~~] in an amount equal to the difference between:

(I) the product of:

(A) the quotient of:

(i) the total amount of funding provided to eligible school districts under Section 48.101(b) or (c); and

(ii) the total number of students in average enrollment [~~daily attendance~~] in school districts that receive an allotment under Section 48.101(b) or (c); and

(B) the sum of one and the quotient of:

(i) the total number of students in average enrollment [~~daily attendance~~] in school districts that receive an allotment under Section 48.101(b) or (c); and

(ii) the total number of students in average enrollment [~~daily attendance~~] in school districts statewide; and

(2) \$125.

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

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

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

SECTION _____. Sections 12.263(a), (b), and (c), Education Code, are amended to read as follows:

(a) Except as otherwise provided by this section, funding for an adult education program operated under a charter granted under this subchapter is an amount per participant through the Foundation School Program equal to the amount of state funding per student in weighted average enrollment [~~daily attendance~~] that would be allocated under the Foundation School Program for the student's attendance at an open-enrollment charter school in accordance with Section 12.106.

(b) For purposes of determining the average enrollment [~~daily attendance~~] of an adult education program operated under a charter granted under this subchapter, a student is considered to be in average enrollment [~~daily attendance, with a 100 percent attendance rate,~~] for:

(1) all of the instructional days of the school year, if the student is enrolled for at least 75 percent of the school year;

(2) half of the instructional days of the school year, if the student is enrolled for at least 50 percent but less than 75 percent of the school year;

(3) a quarter of the instructional days of the school year, if the student is enrolled for at least 25 percent but less than 50 percent of the school year; or

(4) one-tenth of the instructional days of the school year, if the student is enrolled for at least 10 percent but less than 25 percent of the school year.

(c) A student enrolled in an adult education program operated under a charter granted under this subchapter for less than 10 percent of a school year may not be counted toward the adult education program's average enrollment [~~daily attendance~~] for that school year.

SECTION _____. Section 13.051(c), Education Code, is amended to read as follows:

(c) Territory that does not have residents may be detached from a school district and annexed to another school district if:

(1) the total taxable value of the property in the territory according to the most recent certified appraisal roll for each school district is not greater than:

(A) five percent of the district's taxable value of all property in that district as determined under Subchapter M, Chapter 403, Government Code; and

(B) \$5,000 property value per student in average enrollment [~~daily attendance~~] as determined under Section 48.005; and

(2) the school district from which the property will be detached does not own any real property located in the territory.

SECTION _____. Section 13.102, Education Code, is amended to read as follows:

Sec. 13.102. MINIMUM AREA AND ENROLLMENT [~~ATTENDANCE~~] REQUIREMENTS. A new district may not be created with an area of less than nine square miles or fewer than 8,000 students in average enrollment [~~daily attendance~~], and a district may not be reduced to an area of less than nine square miles or fewer than 8,000 students in average enrollment [~~daily attendance~~].

SECTION _____. Section 13.283, Education Code, is amended to read as follows:

Sec. 13.283. PAYMENTS REDUCED. The incentive aid payments shall be reduced in direct proportion to any reduction in the average enrollment [~~daily attendance~~] as determined under Section 48.005 of the reorganized school district for the preceding year.

SECTION _____. Section 19.009(d-2), Education Code, is amended to read as follows:

(d-2) Beginning with the 2009-2010 school year, the district shall increase the monthly salary of each classroom teacher, full-time speech pathologist, full-time librarian, full-time school counselor certified under Subchapter B, Chapter 21, and full-time school nurse employed by the district by the greater of:

(1) \$80; or

(2) the maximum uniform amount that, when combined with any resulting increases in the amount of contributions made by the district for social security coverage for the specified employees or by the district on behalf of the specified employees under Section 825.405, Government Code, may be provided using an amount equal to the product of \$60 multiplied by the number of students in weighted average enrollment [~~daily attendance~~] in the district during the 2009-2010 school year.

SECTION _____. Section 25.038, Education Code, is amended to read as follows:

Sec. 25.038. TUITION FEE FOR TRANSFER STUDENTS. The receiving school district may charge a tuition fee to the extent that the district's actual expenditure per student in average enrollment [~~daily attendance~~], as determined by its board of trustees, exceeds the sum the district benefits from state aid sources as provided by Section 25.037. However, unless a tuition fee is prescribed and set out in a transfer agreement before its execution by the parties, an increase in tuition charge may not be made for the year of that transfer that exceeds the tuition charge, if any, of the preceding school year.

SECTION _____. Section 25.045(c), Education Code, is amended to read as follows:

(c) A student who transfers to another school district under this section may not be charged tuition. The student is included in the average enrollment [~~daily attendance~~] of the district in which the student attends school.

SECTION _____. Sections 25.081(e) and (f), Education Code, are amended to read as follows:

(e) A school district or education program is exempt from the minimum minutes of operation requirement if the district's or program's average enrollment [~~daily attendance~~] is calculated under Section 48.005(j).

(f) The commissioner may proportionally reduce the amount of funding a district receives under Chapter 46, 48, or 49 and the average enrollment [~~daily attendance~~] calculation for the district if the district operates on a calendar that provides fewer minutes of operation than required under Subsection (a).

SECTION _____. Section 25.087(d), Education Code, is amended to read as follows:

(d) A student whose absence is excused under Subsection (b), (b-1), (b-2), (b-4), (b-5), (b-7), (b-8), or (c) may not be penalized for that absence and shall be counted as if the student attended school for purposes of funding under Chapter 48 [~~calculating the average daily attendance of students in the school district~~]. A student whose absence is excused under Subsection (b), (b-1), (b-2), (b-4), (b-5), (b-7), (b-8), or (c) shall be allowed a reasonable time to make up school work missed on those days. If the student satisfactorily completes the school work, the day of absence shall be counted as a day of compulsory attendance.

SECTION _____. Section 25.111, Education Code, is amended to read as follows:

Sec. 25.111. STUDENT/TEACHER RATIOS. Except as provided by Section 25.112, each school district must employ a sufficient number of teachers certified under Subchapter B, Chapter 21, to maintain an average ratio of not less than one teacher for each 20 students in average enrollment [~~daily attendance~~].

SECTION _____. Sections 25.112(a) and (b), Education Code, are amended to read as follows:

(a) Except as otherwise authorized by this section, a school district may not enroll more than 22 students in a prekindergarten, kindergarten, first, second, third, or fourth grade class. That limitation does not apply during:

(1) any 12-week period of the school year selected by the district, in the case of a district whose average enrollment [~~daily attendance~~] is adjusted under Section 48.005(c); or

(2) the last 12 weeks of any school year in the case of any other district.

(b) Not later than the 30th day after the first day of the 12-week period for which a district whose average enrollment [~~daily attendance~~] is adjusted under Section 48.005(c) is claiming an exemption under Subsection (a), the district shall notify the commissioner in writing that the district is claiming an exemption for the period stated in the notice.

SECTION _____. Section 29.008(b), Education Code, is amended to read as follows:

(b) Except as provided by Subsection (c), costs of an approved contract for residential placement may be paid from a combination of federal, state, and local funds. The local share of the total contract cost for each student is that portion of the local tax effort that exceeds the district's local fund assignment under Section 48.256, divided by the average enrollment [~~daily attendance~~] in the district. If the contract involves a private facility, the state share of the total contract cost is that amount remaining after subtracting the local share. If the contract involves a public facility, the state share is that amount remaining after subtracting the local share from the portion of the contract that involves the costs of instructional and related services. For purposes of this subsection, "local tax effort" means the total amount of money generated by taxes imposed for debt service and maintenance and operation less any amounts paid into a tax increment fund under Chapter 311, Tax Code.

SECTION _____. Section 29.014(b), Education Code, is amended to read as follows:

(b) A school district to which this section applies may operate an extended year program for a period not to exceed 45 days. [~~The district's average daily attendance shall be computed for the regular school year plus the extended year.~~]

SECTION _____. Section 29.081(f), Education Code, is amended to read as follows:

(f) The commissioner shall include a student who successfully completes a course offered through a program under Subsection (e) in the computation of the district's or school's average enrollment [~~daily attendance~~] for funding purposes. [~~For a student who successfully completes a remote course offered through the program, the commissioner shall include the student in the computation of the district's or school's average daily attendance with an attendance rate equal to:~~

~~(1) the district's or school's average attendance rate for students successfully completing a course offered in person under the program; or~~

~~(2) if the district or school does not offer courses in person under the program, the statewide average attendance rate for students successfully completing a course offered in person under a program under Subsection (e).]~~

SECTION _____. Section 29.0822(d), Education Code, is amended to read as follows:

(d) The commissioner may adopt rules for the administration of this section, including rules establishing application requirements. [~~Subject to Subsection (d 1), the commissioner shall calculate average daily attendance for students served under this section. The commissioner shall allow accumulations of hours of instruction for students whose schedule would not otherwise allow full state funding. Funding under this subsection shall be determined based on the number of instructional days in the school district calendar and a seven hour school day, but attendance may be emulated over a school year, including any summer or vacation session. The attendance of students who accumulate less than the number of attendance hours required under this subsection shall be proportionately reduced for funding purposes. The commissioner may:~~

~~(1) set maximum funding amounts for an individual course under this section; and~~

~~[(2) limit funding for the attendance of a student described by Subsection (a)(3) in a course under this section to funding only for the attendance necessary for the student to earn class credit that, as a result of attendance requirements under Section 25.092, the student would not otherwise be able to receive without retaking the class.]~~

SECTION _____. Section 29.184(b), Education Code, is amended to read as follows:

(b) A student who attends career and technology classes at another school under a contract authorized by Subsection (a) is included in the average enrollment ~~[daily attendance]~~ of the district in which the student is regularly enrolled.

SECTION _____. Sections 29.203(a) and (c), Education Code, are amended to read as follows:

(a) A student who under this subchapter uses a public education grant to attend a public school in a school district other than the district in which the student resides is included in the average enrollment ~~[daily attendance]~~ of the district in which the student attends school.

(c) A school district is entitled to additional facilities assistance under Section 48.301 if the district agrees to:

(1) accept a number of students using public education grants that is at least one percent of the district's average enrollment ~~[daily attendance]~~ for the preceding school year; and

(2) provide services to each student until the student either voluntarily decides to attend a school in a different district or graduates from high school.

SECTION _____. Section 29.403(b), Education Code, is amended to read as follows:

(b) A student who is enrolled in a program under this subchapter is included in determining the average enrollment ~~[daily attendance]~~ under Section 48.005 of the partnering school district.

SECTION _____. Section 29.457(a), Education Code, is amended to read as follows:

(a) In addition to other funding to which a school district is entitled under this code, each district in which alleged offender residents attend school is entitled to an annual allotment of \$5,100 for each resident in average enrollment ~~[daily attendance]~~ or a different amount for any year provided by appropriation.

SECTION _____. Section 29.912(c), Education Code, is amended to read as follows:

(c) The program must enable an eligible school district that has fewer than 1,600 students in average enrollment ~~[daily attendance]~~ to partner with at least one other school district located within a distance of 100 miles to offer a broader array of robust college and career pathways. Each partnership must:

(1) offer college and career pathways that align with regional labor market projections for high-wage, high-demand careers; and

(2) be managed by a coordinating entity that:

(A) has or will have at the time students are served under the partnership the capacity to effectively coordinate the partnership;

(B) has entered into a performance agreement approved by the board of trustees of each partnering school district that confers on the coordinating entity the same authority with respect to pathways offered under the partnership provided to an entity that contracts to operate a district campus under Section 11.174;

(C) is an eligible entity as defined by Section 12.101(a); and

(D) has on the entity's governing board as either voting or ex officio members, or has on an advisory body, representatives of each partnering school district and members of regional higher education and workforce organizations.

SECTION _____. Section 30.003(b), Education Code, is amended to read as follows:

(b) If the student is admitted to the school for a full-time program for the equivalent of two long semesters, the district's share of the cost is an amount equal to the dollar amount of maintenance and debt service taxes imposed by the district for that year divided by the district's average enrollment [~~daily attendance~~] for the preceding year.

SECTION _____. Section 30.102(a), Education Code, is amended to read as follows:

(a) The Texas Juvenile Justice Department is entitled to receive the state available school fund apportionment based on the average enrollment [~~daily attendance~~] in the department's educational programs of students who are at least three years of age and not older than 21 years of age.

SECTION _____. Section 30A.151(f), Education Code, is amended to read as follows:

(f) For a full-time electronic course program offered through the state virtual school network for a grade level at or above grade level three but not above grade level eight, a school district or open-enrollment charter school is entitled to receive federal, state, and local funding for a student enrolled in the program in an amount equal to the funding the district or school would otherwise receive for a student enrolled in the district or school. [~~The district or school may calculate the average daily attendance of a student enrolled in the program based on:~~

~~(1) hours of contact with the student;~~

~~(2) the student's successful completion of a course; or~~

~~(3) a method approved by the commissioner.]~~

SECTION _____. Section 33.157, Education Code, is amended to read as follows:

Sec. 33.157. PARTICIPATION IN PROGRAM. An elementary or secondary school receiving funding under Section 33.156 shall participate in a local Communities In Schools program if the number of students enrolled in the school who are at risk of dropping out of school is equal to at least 10 percent of the number of students in average enrollment [~~daily attendance~~] at the school, as determined by the agency.

SECTION _____. Section 37.0061, Education Code, is amended to read as follows:

Sec. 37.0061. FUNDING FOR ALTERNATIVE EDUCATION SERVICES IN JUVENILE RESIDENTIAL FACILITIES. A school district that provides education services to pre-adjudicated and post-adjudicated students who are confined by court

order in a juvenile residential facility operated by a juvenile board is entitled to count such students in the district's average enrollment [~~daily attendance~~] for purposes of receipt of state funds under the Foundation School Program. If the district has a local revenue level greater than the guaranteed local revenue level but less than the level established under Section 48.257, the district in which the student is enrolled on the date a court orders the student to be confined to a juvenile residential facility shall transfer to the district providing education services an amount equal to the difference between the average Foundation School Program costs per student of the district providing education services and the sum of the state aid and the money from the available school fund received by the district that is attributable to the student for the portion of the school year for which the district provides education services to the student.

SECTION _____. Section 37.008(f), Education Code, is amended to read as follows:

(f) A student removed to a disciplinary alternative education program is counted in computing the average enrollment [~~daily attendance~~] of students in the district [~~for the student's time in actual attendance in the program~~].

SECTION _____. Section 37.011(a-4), Education Code, is amended to read as follows:

(a-4) A school district located in a county considered to be a county with a population of 125,000 or less under Subsection (a-3) shall provide educational services to a student who is expelled from school under this chapter. The district is entitled to count the student in the district's average enrollment [~~daily attendance~~] for purposes of receipt of state funds under the Foundation School Program. An educational placement under this section may include:

(1) the district's disciplinary alternative education program; or

(2) a contracted placement with:

(A) another school district;

(B) an open-enrollment charter school;

(C) an institution of higher education;

(D) an adult literacy council; or

(E) a community organization that can provide an educational program that allows the student to complete the credits required for high school graduation.

SECTION _____. Sections 39.027(c) and (f), Education Code, are amended to read as follows:

(c) The commissioner shall develop and adopt a process for reviewing the exemption process of a school district or shared services arrangement that gives an exemption under Subsection (a)(1) as follows:

(1) to more than five percent of the students in the special education program, in the case of a district or shared services arrangement with an average enrollment [~~daily attendance~~] of at least 1,600;

(2) to more than 10 percent of the students in the special education program, in the case of a district or shared services arrangement with an average enrollment [~~daily attendance~~] of at least 190 and not more than 1,599; or

(3) to the greater of more than 10 percent of the students in the special education program or to at least five students in the special education program, in the case of a district or shared services arrangement with an average enrollment [~~daily attendance~~] of not more than 189.

(f) In this section, "average enrollment [~~daily attendance~~]" is computed in the manner provided by Section 48.005.

SECTION _____. Section 39.053(g-1), Education Code, is amended to read as follows:

(g-1) In computing dropout and completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix), the commissioner shall exclude:

(1) students who are ordered by a court to attend a high school equivalency certificate program but who have not yet earned a high school equivalency certificate;

(2) students who were previously reported to the state as dropouts, including a student who is reported as a dropout, reenrolls, and drops out again, regardless of the number of times of reenrollment and dropping out;

(3) students in attendance who are not in membership for purposes of average enrollment [~~daily attendance~~];

(4) students whose initial enrollment in a school in the United States in grades 7 through 12 was as an unschooled asylee or refugee as defined by Section 39.027(a-1);

(5) students who are detained at a county pre-adjudication or post-adjudication juvenile detention facility and:

(A) in the district exclusively as a function of having been detained at the facility but are otherwise not students of the district in which the facility is located; or

(B) provided services by an open-enrollment charter school exclusively as the result of having been detained at the facility;

(6) students who are incarcerated in state jails and federal penitentiaries as adults and as persons certified to stand trial as adults; and

(7) students who have suffered a condition, injury, or illness that requires substantial medical care and leaves the student:

(A) unable to attend school; and

(B) assigned to a medical or residential treatment facility.

SECTION _____. Section 39.262(a), Education Code, is amended to read as follows:

(a) The governor may present a financial award to the schools or districts that the commissioner determines have demonstrated the highest levels of sustained success or the greatest improvement in achieving the education goals. For each student in average enrollment [~~daily attendance~~], each of those schools or districts is entitled to an amount set for the award for which the school or district is selected by the commissioner, subject to any limitation set by the commissioner on the total amount that may be awarded to a school or district.

SECTION _____. Section 43.001(c), Education Code, is amended to read as follows:

(c) The term "scholastic population" in Subsection (b) or any other law governing the apportionment, distribution, and transfer of the available school fund means all students of school age [~~enrolled~~] in average enrollment [~~daily attendance~~] the preceding school year in the public elementary and high school grades of school districts within or under the jurisdiction of a county of this state.

SECTION _____. Section 44.004(c), Education Code, is amended to read as follows:

(c) The notice of public meeting to discuss and adopt the budget and the proposed tax rate may not be smaller than one-quarter page of a standard-size or a tabloid-size newspaper, and the headline on the notice must be in 18-point or larger type. Subject to Subsection (d), the notice must:

(1) contain a statement in the following form:

"NOTICE OF PUBLIC MEETING TO DISCUSS BUDGET AND PROPOSED TAX RATE

"The (name of school district) will hold a public meeting at (time, date, year) in (name of room, building, physical location, city, state). The purpose of this meeting is to discuss the school district's budget that will determine the tax rate that will be adopted. Public participation in the discussion is invited." The statement of the purpose of the meeting must be in bold type. In reduced type, the notice must state: "The tax rate that is ultimately adopted at this meeting or at a separate meeting at a later date may not exceed the proposed rate shown below unless the district publishes a revised notice containing the same information and comparisons set out below and holds another public meeting to discuss the revised notice." In addition, in reduced type, the notice must state: "Visit [Texas.gov/PropertyTaxes](https://www.texas.gov/PropertyTaxes) to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.";

(2) contain a section entitled "Comparison of Proposed Budget with Last Year's Budget," which must show the difference, expressed as a percent increase or decrease, as applicable, in the amounts budgeted for the preceding fiscal year and the amount budgeted for the fiscal year that begins in the current tax year for each of the following:

- (A) maintenance and operations;
- (B) debt service; and
- (C) total expenditures;

(3) contain a section entitled "Total Appraised Value and Total Taxable Value," which must show the total appraised value and the total taxable value of all property and the total appraised value and the total taxable value of new property taxable by the district in the preceding tax year and the current tax year as calculated under Section 26.04, Tax Code;

(4) contain a statement of the total amount of the outstanding and unpaid bonded indebtedness of the school district;

(5) contain a section entitled "Comparison of Proposed Rates with Last Year's Rates," which must:

(A) show in rows the tax rates described by Subparagraphs (i)-(iii), expressed as amounts per \$100 valuation of property, for columns entitled "Maintenance & Operations," "Interest & Sinking Fund," and "Total," which is the sum of "Maintenance & Operations" and "Interest & Sinking Fund":

(i) the school district's "Last Year's Rate";

(ii) the "Rate to Maintain Same Level of Maintenance & Operations Revenue & Pay Debt Service," which:

(a) in the case of "Maintenance & Operations," is the tax rate that, when applied to the current taxable value for the district, as certified by the chief appraiser under Section 26.01, Tax Code, and as adjusted to reflect changes made by the chief appraiser as of the time the notice is prepared, would impose taxes in an amount that, when added to state funds to be distributed to the district under Chapter 48, would provide the same amount of maintenance and operations taxes and state funds distributed under Chapter 48 per student in average enrollment [~~daily attendance~~] for the applicable school year that was available to the district in the preceding school year; and

(b) in the case of "Interest & Sinking Fund," is the tax rate that, when applied to the current taxable value for the district, as certified by the chief appraiser under Section 26.01, Tax Code, and as adjusted to reflect changes made by the chief appraiser as of the time the notice is prepared, and when multiplied by the district's anticipated collection rate, would impose taxes in an amount that, when added to state funds to be distributed to the district under Chapter 46 and any excess taxes collected to service the district's debt during the preceding tax year but not used for that purpose during that year, would provide the amount required to service the district's debt; and

(iii) the "Proposed Rate";

(B) contain fourth and fifth columns aligned with the columns required by Paragraph (A) that show, for each row required by Paragraph (A):

(i) the "Local Revenue per Student," which is computed by multiplying the district's total taxable value of property, as certified by the chief appraiser for the applicable school year under Section 26.01, Tax Code, and as adjusted to reflect changes made by the chief appraiser as of the time the notice is prepared, by the total tax rate, and dividing the product by the number of students in average enrollment [~~daily attendance~~] in the district for the applicable school year; and

(ii) the "State Revenue per Student," which is computed by determining the amount of state aid received or to be received by the district under Chapters 43, 46, and 48 and dividing that amount by the number of students in average enrollment [~~daily attendance~~] in the district for the applicable school year; and

(C) contain an asterisk after each calculation for "Interest & Sinking Fund" and a footnote to the section that, in reduced type, states "The Interest & Sinking Fund tax revenue is used to pay for bonded indebtedness on construction, equipment, or both. The bonds, and the tax rate necessary to pay those bonds, were approved by the voters of this district.";

(6) contain a section entitled "Comparison of Proposed Levy with Last Year's Levy on Average Residence," which must:

(A) show in rows the information described by Subparagraphs (i)-(iv), rounded to the nearest dollar, for columns entitled "Last Year" and "This Year":

(i) "Average Market Value of Residences," determined using the same group of residences for each year;

(ii) "Average Taxable Value of Residences," determined after taking into account the limitation on the appraised value of residences under Section 23.23, Tax Code, and after subtracting all homestead exemptions applicable in each year, other than exemptions available only to disabled persons or persons 65 years of age or older or their surviving spouses, and using the same group of residences for each year;

(iii) "Last Year's Rate Versus Proposed Rate per \$100 Value"; and

(iv) "Taxes Due on Average Residence," determined using the same group of residences for each year; and

(B) contain the following information: "Increase (Decrease) in Taxes" expressed in dollars and cents, which is computed by subtracting the "Taxes Due on Average Residence" for the preceding tax year from the "Taxes Due on Average Residence" for the current tax year;

(7) contain the following statement in bold print: "Under state law, the dollar amount of school taxes imposed on the residence of a person 65 years of age or older or of the surviving spouse of such a person, if the surviving spouse was 55 years of age or older when the person died, may not be increased above the amount paid in the first year after the person turned 65, regardless of changes in tax rate or property value.";

(8) contain the following statement in bold print: "Notice of Voter-Approval Rate: The highest tax rate the district can adopt before requiring voter approval at an election is (the school district voter-approval rate determined under Section 26.08, Tax Code). This election will be automatically held if the district adopts a rate in excess of the voter-approval rate of (the school district voter-approval rate)."; and

(9) contain a section entitled "Fund Balances," which must include the estimated amount of interest and sinking fund balances and the estimated amount of maintenance and operation or general fund balances remaining at the end of the current fiscal year that are not encumbered with or by corresponding debt obligation, less estimated funds necessary for the operation of the district before the receipt of the first payment under Chapter 48 in the succeeding school year.

SECTION _____. Sections 45.0011(a), (d), and (e), Education Code, are amended to read as follows:

(a) This section applies only to an independent school district that, at the time of the issuance of obligations and execution of credit agreements under this section, has:

(1) at least 2,000 students in average enrollment [~~daily attendance~~]; or

(2) a combined aggregate principal amount of at least \$50 million of outstanding bonds and voted but unissued bonds.

(d) A district may not issue bonds to which this section applies in an amount greater than the greater of:

(1) 25 percent of the sum of:

(A) the aggregate principal amount of all district debt payable from ad valorem taxes that is outstanding at the time the bonds are issued; and

(B) the aggregate principal amount of all bonds payable from ad valorem taxes that have been authorized but not issued;

(2) \$25 million, in a district that has at least 3,500 but not more than 15,000 students in average enrollment [~~daily attendance~~]; or

(3) \$50 million, in a district that has more than 15,000 students in average enrollment [~~daily attendance~~].

(e) In this section, average enrollment [~~daily attendance~~] is determined in the manner provided by Section 48.005.

SECTION _____. Section 45.006(a), Education Code, is amended to read as follows:

(a) This section applies only to a school district that:

(1) has an average enrollment [~~daily attendance~~] of less than 10,000; and

(2) is located in whole or part in a municipality with a population of less than 25,000 that is located in a county with a population of 200,000 or more bordering another county with a population of 2.8 million or more.

SECTION _____. Section 45.105(d), Education Code, is amended to read as follows:

(d) An independent school district that has in its limits a municipality with a population of 150,000 or more or that contains at least 170 square miles, has \$850 million or more assessed value of taxable property on the most recent approved tax roll and has a growth in average enrollment [~~daily attendance~~] of 11 percent or more for each of the preceding five years as determined by the agency may, in buying school sites or additions to school sites and in building school buildings, issue and deliver negotiable or nonnegotiable notes representing all or part of the cost to the school district of the land or building. The district may secure the notes by a vendor's lien or deed of trust lien against the land or building. By resolution or order of the governing body made at or before the delivery of the notes, the district may set aside and appropriate as a trust fund, and the sole and only fund, for the payment of the principal of and interest on the notes that part of the local school funds, levied and collected by the school district in that year or subsequent years, as the governing body determines. The aggregate amount of local school funds set aside in or for any subsequent year for the retirement of the notes may not exceed, in any one subsequent year, 10 percent of the local school funds collected during that year. The district may issue the notes only if approved by majority vote of the qualified voters voting in an election conducted in the manner provided by Section 45.003 for approval of bonds.

SECTION _____. Section 46.003(a), Education Code, is amended to read as follows:

(a) For each year, except as provided by Sections 46.005 and 46.006, a school district is guaranteed a specified amount per student in state and local funds for each cent of tax effort, up to the maximum rate under Subsection (b), to pay the principal of and interest on eligible bonds issued to construct, acquire, renovate, or improve an instructional facility. The amount of state support is determined by the formula:

$$\text{FYA} = (\text{FYL} \times \underline{\text{AE}} [\text{ADA}] \times \text{BTR} \times 100) - (\text{BTR} \times (\text{DPV}/100))$$

where:

"FYA" is the guaranteed facilities yield amount of state funds allocated to the district for the year;

"FYL" is the dollar amount guaranteed level of state and local funds per student per cent of tax effort, which is \$35 or a greater amount for any year provided by appropriation;

"AE" [~~"ADA"~~] is the greater of the number of students in average enrollment [~~daily attendance~~], as determined under Section 48.005, in the district or 400;

"BTR" is the district's bond tax rate for the current year, which is determined by dividing the amount budgeted by the district for payment of eligible bonds by the quotient of the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, Section 48.258, divided by 100; and

"DPV" is the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, Section 48.258.

SECTION _____. Section 46.005, Education Code, is amended to read as follows:

Sec. 46.005. LIMITATION ON GUARANTEED AMOUNT. The guaranteed amount of state and local funds for a new project that a district may be awarded in any state fiscal biennium under Section 46.003 for a school district may not exceed the lesser of:

(1) the amount the actual debt service payments the district makes in the biennium in which the bonds are issued; or

(2) the greater of:

(A) \$100,000; or

(B) the product of the number of students in average enrollment [~~daily attendance~~] in the district multiplied by \$250.

SECTION _____. Section 46.006(g), Education Code, is amended to read as follows:

(g) In this section, "wealth per student" means a school district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, Section 48.258, divided by the district's average enrollment [~~daily attendance~~] as determined under Section 48.005.

SECTION _____. Section 46.032(a), Education Code, is amended to read as follows:

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

$$EDA = (EDGL \times \underline{AE} [\del{ADA}] \times EDTR \times 100) - (EDTR \times (DPV/100))$$

where:

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

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

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

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

"AE" [~~"ADA"~~] is the number of students in average enrollment [~~daily attendance~~], as determined under Section 48.005, in the district;

"EDTR" is the existing debt tax rate of the district, which is determined by dividing the amount budgeted by the district for payment of eligible bonds by the quotient of the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 48.258, divided by 100; and

"DPV" is the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 48.258.

SECTION _____. Sections 48.0051(a) and (b), Education Code, are amended to read as follows:

(a) The [~~Subject to Subsection (a 1), the~~] commissioner shall adjust the average enrollment [~~daily attendance~~] of a school district or open-enrollment charter school under Section 48.005 in the manner provided by Subsection (b) if the district or school:

(1) provides the minimum number of minutes of operational and instructional time required under Section 25.081 and commissioner rules adopted under that section over at least 180 days of instruction; and

(2) offers an additional 30 days of half-day instruction for students enrolled in prekindergarten through fifth grade.

(b) For a school district or open-enrollment charter school described by Subsection (a), the commissioner shall increase the average enrollment [~~daily attendance~~] of the district or school under Section 48.005 by the amount equal to one-sixth [~~that results from the quotient~~] of the enrollment [~~sum of attendance~~] by students described by Subsection (a)(2) in [~~for each of~~] the 30 additional instructional days of half-day instruction [~~that are provided divided by 180~~].

SECTION _____. Section 48.006, Education Code, is amended to read as follows:

Sec. 48.006. AVERAGE ENROLLMENT [~~DAILY ATTENDANCE~~] FOR DISTRICTS IN DISASTER AREA. (a) The commissioner may adjust the average enrollment [~~daily attendance~~] of a school district all or part of which is located in an area declared a disaster area by the governor under Chapter 418, Government Code, if the district experiences a decline in average enrollment [~~daily attendance~~] that is reasonably attributable to the impact of the disaster.

(b) The adjustment must be sufficient to ensure that the district receives funding comparable to the funding that the district would have received if the decline in average enrollment [~~daily attendance~~] reasonably attributable to the impact of the disaster had not occurred.

(c) The commissioner may make the adjustment under this section for the two-year period following the date of the governor's initial proclamation or executive order declaring the state of disaster.

(d) Section 48.005(b)(2) does not apply to a district that receives an adjustment under this section.

(e) A district that receives an adjustment under this section may not receive any additional adjustment under Section 48.005(d) for the decline in average enrollment [~~daily attendance~~] on which the adjustment under this section is based.

(f) For purposes of this title, a district's adjusted average enrollment [~~daily attendance~~] under this section is considered to be the district's average enrollment [~~daily attendance~~] as determined under Section 48.005.

SECTION _____. Sections 48.010(a) and (b), Education Code, are amended to read as follows:

(a) Not later than July 1 of each year, the commissioner shall determine for each school district whether the estimated amount of state and local funding per student in weighted average enrollment [~~daily attendance~~] to be provided to the district under the Foundation School Program for maintenance and operations for the following school year is less than the amount provided to the district for the 2010-2011 school year. If the amount estimated to be provided is less, the commissioner shall certify the percentage decrease in funding to be provided to the district.

(b) In making the determinations regarding funding levels required by Subsection (a), the commissioner shall:

(1) make adjustments as necessary to reflect changes in a school district's maintenance and operations tax rate;

(2) for a district required to reduce its local revenue level under Section 48.257, base the determinations on the district's net funding levels after deducting any amounts required to be expended by the district to comply with Chapter 49; and

(3) determine a district's weighted average enrollment [~~daily attendance~~] in accordance with this chapter as it existed on January 1, 2011.

SECTION _____. Sections 48.052(a) and (c), Education Code, are amended to read as follows:

(a) Notwithstanding Section 48.051, a school district that has fewer than 130 students in average enrollment [~~daily attendance~~] shall be provided a basic allotment on the basis of 130 students in average enrollment [~~daily attendance~~] if it offers a kindergarten through grade 12 program and has preceding or current year's average enrollment [~~daily attendance~~] of at least 90 students or is 30 miles or more by bus route from the nearest high school district. A district offering a kindergarten through grade 8 program whose preceding or current year's average enrollment [~~daily attendance~~] was at least 50 students or which is 30 miles or more by bus route from the nearest high school district shall be provided a basic allotment on the basis of 75 students in average enrollment [~~daily attendance~~]. An average enrollment [~~daily attendance~~] of 60 students shall be the basis of providing the basic allotment if a district offers a kindergarten through grade 6 program and has preceding or current year's average enrollment [~~daily attendance~~] of at least 40 students or is 30 miles or more by bus route from the nearest high school district.

(c) Notwithstanding Subsection (a) or Section 48.051, a school district to which this subsection applies, as provided by Subsection (b), that has fewer than 130 students in average enrollment [~~daily attendance~~] shall be provided a basic allotment on the basis of 130 students in average enrollment [~~daily attendance~~] if it offers a

kindergarten through grade four program and has preceding or current year's average enrollment [~~daily attendance~~] of at least 75 students or is 30 miles or more by bus route from the nearest high school district.

SECTION _____. Section 48.101, Education Code, is amended to read as follows:

Sec. 48.101. SMALL AND MID-SIZED DISTRICT ALLOTMENT. (a) Small and mid-sized districts are entitled to an annual allotment in accordance with this section. In this section:

(1) "AA" is the district's annual allotment per student in average enrollment [~~daily attendance~~];

(2) "AE" [~~ADA~~] is the number of students in average enrollment [~~daily attendance~~] for which the district is entitled to an allotment under Section 48.051; and

(3) "BA" is the basic allotment determined under Section 48.051.

(b) A school district that has fewer than 1,600 students in average enrollment [~~daily attendance~~] is entitled to an annual allotment for each student in average enrollment [~~daily attendance~~] based on the following formula:

$$AA = ((1,600 - AE [\del{ADA}]) \times .0004) \times BA$$

(c) A school district that offers a kindergarten through grade 12 program and has less than 5,000 students in average enrollment [~~daily attendance~~] is entitled to an annual allotment for each student in average enrollment [~~daily attendance~~] based on the formula, of the following formulas, that results in the greatest annual allotment:

(1) the formula in Subsection (b), if the district is eligible for that formula;

or

(2) $AA = ((5,000 - AE [\del{ADA}]) \times .000025) \times BA$.

(d) Instead of the allotment under Subsection (b) or (c)(1), a school district that has fewer than 300 students in average enrollment [~~daily attendance~~] and is the only school district located in and operating in a county is entitled to an annual allotment for each student in average enrollment [~~daily attendance~~] based on the following formula:

$$AA = ((1,600 - AE [\del{ADA}]) \times .00047) \times BA$$

SECTION _____. Sections 48.102(a) and (j), Education Code, are amended to read as follows:

(a) For each student in average enrollment [~~daily attendance~~] in a special education program under Subchapter A, Chapter 29, in a mainstream instructional arrangement, a school district is entitled to an annual allotment equal to the basic allotment, or, if applicable, the sum of the basic allotment and the allotment under Section 48.101 to which the district is entitled, multiplied by 1.15. For each full-time equivalent student in average enrollment [~~daily attendance~~] in a special education program under Subchapter A, Chapter 29, in an instructional arrangement other than a mainstream instructional arrangement, a district is entitled to an annual allotment equal to the basic allotment, or, if applicable, the sum of the basic allotment and the allotment under Section 48.101 to which the district is entitled, multiplied by a weight determined according to instructional arrangement as follows:

Homebound	5.0
Hospital class	3.0
Speech therapy	5.0

Resource room 3.0
 Self-contained, mild and moderate,
 regular campus 3.0
 Self-contained, severe, regular campus 3.0
 Off home campus 2.7
 Nonpublic day school 1.7
 Vocational adjustment class 2.3

(j) A school district that provides an extended year program required by federal law for special education students who may regress is entitled to receive funds in an amount equal to 75 percent, or a lesser percentage determined by the commissioner, of the basic allotment, or, if applicable, the sum of the basic allotment and the allotment under Section 48.101 to which the district is entitled for each full-time equivalent student in average enrollment [~~daily attendance~~], multiplied by the amount designated for the student's instructional arrangement under this section[~~, for each day the program is provided divided by the number of days in the minimum school year~~]. The total amount of state funding for extended year services under this section may not exceed \$10 million per year. A school district may use funds received under this section only in providing an extended year program.

SECTION _____. Section 48.105(a), Education Code, is amended to read as follows:

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

(1) for an emergent bilingual student, as defined by Section 29.052:

(A) 0.1; or

(B) 0.15 if the student is in a bilingual education program using a dual language immersion/one-way or two-way program model; and

(2) for a student not described by Subdivision (1), 0.05 if the student is in a bilingual education program using a dual language immersion/two-way program model.

SECTION _____. Sections 48.106(a) and (a-1), Education Code, are amended to read as follows:

(a) For each full-time equivalent student in average enrollment [~~daily attendance~~] in an approved career and technology education program in grades 7 through 12, a district is entitled to an annual allotment equal to the basic allotment, or, if applicable, the sum of the basic allotment and the allotment under Section 48.101 to which the district is entitled, multiplied by:

(1) 1.1 for a full-time equivalent student in career and technology education courses not in an approved program of study;

(2) 1.28 for a full-time equivalent student in levels one and two career and technology education courses in an approved program of study, as identified by the agency; and

(3) 1.47 for a full-time equivalent student in levels three and four career and technology education courses in an approved program of study, as identified by the agency.

(a-1) In addition to the amounts under Subsection (a), for each student in average enrollment [~~daily attendance~~], a district is entitled to \$50 for each of the following in which the student is enrolled:

- (1) a campus designated as a P-TECH school under Section 29.556; or
- (2) a campus that is a member of the New Tech Network and that focuses on project-based learning and work-based education.

SECTION _____. Section 48.107(a), Education Code, is amended to read as follows:

(a) Except as provided by Subsection (b), for each student in average enrollment [~~daily attendance~~] who is using a public education grant under Subchapter G, Chapter 29, to attend school in a district other than the district in which the student resides, the district in which the student attends school is entitled to an annual allotment equal to the basic allotment multiplied by a weight of 0.1.

SECTION _____. Section 48.108(a), Education Code, is amended to read as follows:

(a) For each student in average enrollment [~~daily attendance~~] in kindergarten through third grade, a school district is entitled to an annual allotment equal to the basic allotment multiplied by 0.1 if the student is:

- (1) educationally disadvantaged; or
- (2) an emergent bilingual student, as defined by Section 29.052, and is in a bilingual education or special language program under Subchapter B, Chapter 29.

SECTION _____. Section 48.109(c), Education Code, is amended to read as follows:

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

SECTION _____. Section 48.118(a), Education Code, is amended to read as follows:

(a) For each full-time equivalent student in average enrollment [~~daily attendance~~] in grades 9 through 12 in a college or career pathway offered through a partnership under the Rural Pathway Excellence Partnership (R-PEP) program under Section 29.912, a school district is entitled to an allotment equal to the basic allotment, or, if applicable, the sum of the basic allotment and the allotment under Section 48.101 to which the district is entitled, multiplied by:

- (1) 1.15 if the student is educationally disadvantaged; or
- (2) 1.11 if the student is not educationally disadvantaged.

SECTION _____. Sections 48.152(d) and (e), Education Code, are amended to read as follows:

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

(e) For purposes of this section, the number of additional students in average enrollment [~~daily attendance~~] at a facility is the difference between the number of students in average enrollment [~~daily attendance~~] in the current year at that facility and the number of students in average enrollment [~~daily attendance~~] at that facility in the preceding year.

SECTION _____. Section 48.153, Education Code, is amended to read as follows:

Sec. 48.153. DROPOUT RECOVERY SCHOOL AND RESIDENTIAL PLACEMENT FACILITY ALLOTMENT. A school district or open-enrollment charter school is entitled to \$275 for each student in average enrollment [~~daily attendance~~] who:

- (1) resides in a residential placement facility; or
- (2) is at a district or school or a campus of the district or school that is designated as a dropout recovery school under Section 39.0548.

SECTION _____. Section 48.252(b), Education Code, is amended to read as follows:

(b) Notwithstanding any other provision of this chapter or Chapter 49, a school district subject to this section is entitled to receive for each student in average enrollment [~~daily attendance~~] at the campus or program described by Subsection (a) an amount equivalent to the difference, if the difference results in increased funding, between:

- (1) the amount described by Section 12.106; and
- (2) the amount to which the district would be entitled under this chapter.

SECTION _____. Section 48.2642(a), Education Code, is amended to read as follows:

(a) Notwithstanding any other provision of this chapter, the commissioner shall count toward a school district's or open-enrollment charter school's average enrollment [~~daily attendance~~] under Section 48.005 each student who graduates early from high school in the district or school under the Texas First Early High School Completion Program established under Section 28.0253 for the period in which the student is enrolled at an eligible institution using state credit awarded under the Texas First Scholarship Program established under Subchapter K-1, Chapter 56, based on a 100 percent attendance rate.

SECTION _____. Section 48.273(a)(4), Education Code, is amended to read as follows:

(4) "Wealth per student" means the taxable property values reported by the comptroller to the commissioner under Section 48.256 divided by the number of students in average enrollment [~~daily attendance~~].

SECTION _____. Section 48.277(a), Education Code, is amended to read as follows:

(a) A school district or open-enrollment charter school is entitled to receive an annual allotment for each student in average enrollment [~~daily attendance~~] in the amount equal to the difference, if the difference is greater than zero, that results from subtracting the total maintenance and operations revenue per student in average enrollment [~~daily attendance~~] for the current school year from the lesser of:

(1) 103 percent of the district's or school's total maintenance and operations revenue per student in average enrollment [~~daily attendance~~] for the 2019-2020 school year that the district or school would have received under former Chapters 41 and 42, as those chapters existed on January 1, 2019; or

(2) 128 percent of the statewide average amount of maintenance and operations revenue per student in average enrollment [~~daily attendance~~] that would have been provided for the 2019-2020 school year under former Chapters 41 and 42, as those chapters existed on January 1, 2019.

SECTION _____. Section 49.001(2), Education Code, is amended to read as follows:

(2) "Weighted average enrollment [~~daily attendance~~]" has the meaning assigned by Section 48.202.

SECTION _____. Section 49.002, Education Code, is amended to read as follows:

Sec. 49.002. OPTIONS TO REDUCE LOCAL REVENUE LEVEL. A district with a local revenue level in excess of entitlement may take any combination of the following actions to reduce the district's revenue level:

- (1) consolidation with another district as provided by Subchapter B;
- (2) detachment of territory as provided by Subchapter C;
- (3) purchase of average enrollment [~~daily attendance~~] credit as provided by Subchapter D;
- (4) education of nonresident students as provided by Subchapter E; or
- (5) tax base consolidation with another district as provided by Subchapter F.

SECTION _____. Section 49.003, Education Code, is amended to read as follows:

Sec. 49.003. INCLUSION OF ATTENDANCE CREDIT AND NONRESIDENTS IN WEIGHTED AVERAGE ENROLLMENT [~~DAILY ATTENDANCE~~]. In determining whether a school district has a local revenue level in excess of entitlement, the commissioner shall use:

- (1) the district's final weighted average enrollment [~~daily attendance~~]; and
- (2) the amount of attendance credit a district purchases under Subchapter D or the number of nonresident students a district educates under Subchapter E for a school year.

SECTION _____. Section 49.158(a), Education Code, is amended to read as follows:

- (a) Sections 49.154 and 49.157 apply only to a district that:
 - (1) executes an agreement to purchase attendance credit necessary to reduce the district's local revenue level to the level established under Section 48.257;
 - (2) executes an agreement to purchase attendance credit and an agreement under Subchapter E to contract for the education of nonresident students who transfer to and are educated in the district but who are not charged tuition; or
 - (3) executes an agreement under Subchapter E to contract for the education of nonresident students:

(A) to an extent that does not provide more than 10 percent of the reduction in local revenue required for the district to achieve a local revenue level that is equal to or less than the level established under Section 48.257; and

(B) under which all revenue paid by the district to other districts, in excess of the reduction in state aid that results from counting the weighted average enrollment [~~daily attendance~~] of the students served in the contracting district, is required to be used for funding a consortium of at least three districts in a county with a population of less than 40,000 that is formed to support a technology initiative.

SECTION _____. Section 49.201, Education Code, is amended to read as follows:

Sec. 49.201. AGREEMENT. The board of trustees of a district with a local revenue level in excess of entitlement may execute an agreement to educate the students of another district in a number that, when the weighted average enrollment [~~daily attendance~~] of the students served is added to the weighted average enrollment [~~daily attendance~~] of the contracting district, is sufficient, in combination with any other actions taken under this chapter, to reduce the district's local revenue level to a level that is equal to or less than the level established under Section 48.257. The agreement is not effective unless the commissioner certifies that the transfer of weighted average enrollment [~~daily attendance~~] will not result in any of the contracting districts' local revenue level being greater than the level established under Section 48.257 and that the agreement requires an expenditure per student in weighted average enrollment [~~daily attendance~~] that is at least equal to the amount per student in weighted average enrollment [~~daily attendance~~] required under Section 49.153.

SECTION _____. Section 49.203, Education Code, is amended to read as follows:

Sec. 49.203. WEIGHTED AVERAGE ENROLLMENT [~~WADA~~] COUNT. For purposes of Chapter 48, students served under an agreement under this subchapter are counted only in the weighted average enrollment [~~daily attendance~~] of the district providing the services, except that students served under an agreement authorized by Section 49.205 are counted in a manner determined by the commissioner.

SECTION _____. Section 49.257(b), Education Code, is amended to read as follows:

(b) Each component district shall bear a share of the costs of assessing and collecting taxes in proportion to the component district's share of weighted average enrollment [~~daily attendance~~] in the consolidated taxing district.

SECTION _____. Section 49.258, Education Code, is amended to read as follows:

Sec. 49.258. REVENUE DISTRIBUTION. The consolidated taxing district shall distribute maintenance tax revenue to the component districts on the basis of the number of students in weighted average enrollment [~~daily attendance~~] in the component districts.

SECTION _____. Sections 49.305(c) and (d), Education Code, are amended to read as follows:

(c) If the detachment of whole parcels or items of property as provided by Subsection (a) would result in a district's local revenue level that is less than the level established under Section 48.257 by more than the product of \$10,000 multiplied by weighted average enrollment [~~daily attendance~~], the commissioner may not detach the last parcel or item of property and shall detach the next one or more parcels or items of property in descending order of taxable value that would result in the school district

having a local revenue level that is equal to or less than the level established under Section 48.257 by not more than the product of \$10,000 multiplied by weighted average enrollment [~~daily attendance~~].

(d) Notwithstanding Subsections (a), (b), and (c), the commissioner may detach only a portion of a parcel or item of property if:

(1) it is not possible under this subchapter to reduce the district's local revenue level to a level that is equal to or less than the level established under Section 48.257 unless some or all of the parcel or item of property is detached and the detachment of the whole parcel or item would result in the district from which it is detached having a local revenue level that is less than the level established under Section 48.257 by more than the product of \$10,000 multiplied by weighted average enrollment [~~daily attendance~~]; or

(2) the commissioner determines that a partial detachment of that parcel or item of property is preferable to the detachment of one or more other parcels or items having a lower taxable value in order to minimize the number of parcels or items of property to be detached consistent with the purposes of this chapter.

SECTION _____. Section 49.306(i), Education Code, is amended to read as follows:

(i) The commissioner may order the annexation of a portion of a parcel or item of property, including a portion of property treated as a whole parcel or item under Subsection (h), if:

(1) the annexation of the whole parcel or item would result in the district eligible to receive it in the appropriate priority order provided by this section having a local revenue level greater than the amount by which the product of \$10,000 multiplied by weighted average enrollment [~~daily attendance~~] exceeds the taxable value of property necessary to generate maintenance and operations tax revenue in the amount equal to the district's entitlement under Section 48.202(a-1)(2); or

(2) the commissioner determines that annexation of portions of the parcel or item would reduce disparities in district taxable values of property necessary to generate maintenance and operations tax revenue in the amount equal to a district's entitlement under Section 48.202(a-1)(2) more efficiently than would be possible if the parcel or item were annexed as a whole.

SECTION _____. Section 49.311, Education Code, is amended to read as follows:

Sec. 49.311. STUDENT ATTENDANCE. A student who is a resident of real property detached from a school district may choose to attend school in that district or in the district to which the property is annexed. For purposes of determining average enrollment [~~daily attendance~~] under Section 48.005, the student shall be counted in the district to which the property is annexed. If the student chooses to attend school in the district from which the property is detached, the state shall withhold any foundation school funds from the district to which the property is annexed and shall allocate to the district in which the student is attending school those funds and the amount of funds equal to the difference between the state funds the district is receiving for the student and the district's cost in educating the student.

SECTION _____. Section 49.354(e), Education Code, is amended to read as follows:

(e) A restored district's proportionate share of fund balances, personal property, or indebtedness is equal to the proportion that the number of students in average enrollment [~~daily attendance~~] in the restored district bears to the number of students in average enrollment [~~daily attendance~~] in the consolidated district.

SECTION _____. Section 403.104(d), Government Code, is amended to read as follows:

(d) The proportionate share of an independent school district is determined by multiplying the total amount of the payment available for distribution to school districts by the ratio that the average number of [~~daily attendance for~~] students who reside in the county and are enrolled in [~~who attend~~] that school district bears to the average number of [~~daily attendance for~~] all students who reside in the county and are enrolled in [~~who attend~~] any independent school district. However, if there are fewer than 10 independent school districts located in whole or part in the county and if an independent school district would receive under this formula less than 10 percent of the total payment available for distribution to independent school districts, the school district's share shall be increased to 10 percent of the total payment and the shares of the school districts that would receive more than 10 percent under the formula shall be reduced proportionately, but not to an amount less than 10 percent of the total payment. [~~Each independent school district shall develop a reasonable method for determining the average daily attendance for students who reside in the county and who attend the school district.~~]

SECTION _____. Section 1371.001(4), Government Code, is amended to read as follows:

(4) "Issuer" means:

(A) a home-rule municipality that:

(i) adopted its charter under Section 5, Article XI, Texas Constitution;

(ii) has a population of 50,000 or more; and

(iii) has outstanding long-term indebtedness that is rated by a nationally recognized rating agency for municipal securities in one of the four highest rating categories for a long-term obligation;

(B) a conservation and reclamation district created and organized as a river authority under Section 52, Article III, or Section 59, Article XVI, Texas Constitution;

(C) a joint powers agency organized and operating under Chapter 163, Utilities Code;

(D) a metropolitan rapid transit authority, regional transportation authority, or coordinated county transportation authority created, organized, or operating under Chapter 451, 452, or 460, Transportation Code;

(E) a conservation and reclamation district organized or operating as a navigation district under Section 52, Article III, or Section 59, Article XVI, Texas Constitution;

(F) a district organized or operating under Section 59, Article XVI, Texas Constitution, that has all or part of two or more municipalities within its boundaries;

(G) a state agency, including a state institution of higher education;

(H) a hospital authority created or operating under Chapter 262 or 264, Health and Safety Code, in a county that:

(i) has a population of more than 3.3 million; or

(ii) is included, in whole or in part, in a standard metropolitan statistical area of this state that includes a county with a population of more than 2.5 million;

(I) a hospital district in a county that has a population of more than 2.5 million;

(J) a nonprofit corporation organized to exercise the powers of a higher education loan authority under Section 53B.47(e), Education Code;

(K) a county:

(i) that has a population of more than 3.3 million; or

(ii) that, on the date of issuance of obligations under this chapter, has authorized, outstanding, or any combination of authorized and outstanding, indebtedness of at least \$100 million secured by and payable from the county's ad valorem taxes and the authorized long-term indebtedness of which is rated by a nationally recognized rating agency of securities issued by local governments in one of the four highest rating categories for a long-term obligation;

(L) an independent school district that has an average enrollment [~~daily attendance~~] of 50,000 or more as determined under Section 48.005, Education Code;

(M) a municipality or county operating under Chapter 334, Local Government Code;

(N) a district created under Chapter 335, Local Government Code;

(O) a junior college district that has a total headcount enrollment of 40,000 or more based on enrollment in the most recent regular semester; or

(P) an issuer, as defined by Section 1201.002, that has:

(i) a principal amount of at least \$100 million in outstanding long-term indebtedness, in long-term indebtedness proposed to be issued, or in a combination of outstanding or proposed long-term indebtedness; and

(ii) some amount of long-term indebtedness outstanding or proposed to be issued that is rated in one of the four highest rating categories for long-term debt instruments by a nationally recognized rating agency for municipal securities, without regard to the effect of any credit agreement or other form of credit enhancement entered into in connection with the obligation.

SECTION _____. Section 1431.001(3), Government Code, is amended to read as follows:

(3) "Eligible school district" means an independent school district that has an average enrollment [~~daily attendance~~] of 190,000 or more as determined under Section 48.005, Education Code.

SECTION _____. Section 325.011(a), Local Government Code, is amended to read as follows:

(a) The district is governed by a board of directors composed of five members, with two directors appointed by the commissioners court of the county, two directors appointed by the governing body of the municipality having the largest population in

the county, and one director appointed by the governing body of the school district with the largest number of students in average enrollment [~~daily attendance~~] in the county. The board shall manage the district and administer this chapter.

SECTION _____. Section 313.027(i), Tax Code, is amended to read as follows:

(i) A person and the school district may not enter into an agreement under which the person agrees to provide supplemental payments to a school district or any other entity on behalf of a school district in an amount that exceeds an amount equal to the greater of \$100 per student per year in average enrollment [~~daily attendance~~], as defined by Section 48.005, Education Code, or \$50,000 per year, or for a period that exceeds the period beginning with the period described by Section 313.021(4) and ending December 31 of the third tax year after the date the person's eligibility for a limitation under this chapter expires. This limit does not apply to amounts described by Subsection (f)(1) or (2).

SECTION _____. Section 1, Article 2688d, Vernon's Texas Civil Statutes, is amended to read as follows:

Section 1. In all counties of the State where, according to the preceding annual statistical report of the schools said county has not more than four (4) school districts, with one (1) of such districts comprising more than half of the county and having more than two thousand (2,000) pupils in average enrollment [~~daily attendance~~] in the one (1) district alone, and such district having an assessed valuation of more than Twenty Million Dollars (\$20,000,000) and where there is only one (1) common school district in such county with an average enrollment [~~daily attendance~~] of less than sixteen (16), the office of county superintendent is hereby abolished, to be effective at the end of the term of the incumbent county superintendent, as is now provided by law.

HINOJOSA	LAMANTIA
ALVARADO	MENÉNDEZ
BLANCO	MILES
ECKHARDT	WEST
GUTIERREZ	WHITMIRE
JOHNSON	

The amendment to **SB 2** was read.

Senator Hinojosa withdrew Floor Amendment No. 6.

Senator Eckhardt offered the following amendment to the bill:

Floor Amendment No. 7

Amend **SB 2** (senate committee report) as follows:

(1) In SECTION 4 of the bill, in amended Section 48.051(a), Education Code (page 2, line 64), strike "\$6,235" and substitute "\$7,365".

(2) In SECTION 6 of the bill, in amended Section 48.115(a)(1), Education Code (page 3, line 41), strike "\$6,235" and substitute "\$7,365".

ECKHARDT	LAMANTIA
ALVARADO	MENÉNDEZ
BLANCO	MILES
GUTIERREZ	WEST
HINOJOSA	WHITMIRE

JOHNSON

ZAFFIRINI

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 8

Amend **SB 2** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 48.110(d), Education Code, is amended to read as follows:

(d) For each annual graduate in a cohort described by Subsection (b) who demonstrates college, career, or military readiness as described by Subsection (f) in excess of the minimum number of students determined for the applicable district cohort under Subsection (c), a school district is entitled to an annual outcomes bonus of:

- (1) if the annual graduate is educationally disadvantaged, \$5,000;
- (2) if the annual graduate is not educationally disadvantaged, \$3,000; and
- (3) if the annual graduate is enrolled in a special education program under Subchapter A, Chapter 29, \$4,000 [~~\$2,000~~], regardless of whether the annual graduate is educationally disadvantaged.

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Senator Menéndez, on behalf of Senator Gutierrez, offered the following amendment to the bill:

Floor Amendment No. 9

Amend **SB 2** (senate committee report) in SECTION 6 of the bill, in amended Section 48.115(a)(1), Education Code (page 3, lines 38 and 39), by striking "\$20 [~~\$10~~] for each student in average daily attendance," and substituting "\$100 [~~\$10~~] for each enrolled student [~~in average daily attendance~~],".

GUTIERREZ
ALVARADO
BLANCO

LAMANTIA
MENÉNDEZ
WEST

ECKHARDT
HINOJOSA
JOHNSON

WHITMIRE
ZAFFIRINI

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 10

Amend **SB 2** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 48.151(g), Education Code, is amended to read as follows:

(g) A school district or county that provides special transportation services for eligible ~~[special education]~~ students receiving special education services is entitled to a state allocation at a ~~[paid on a previous year's cost per mile basis. The]~~ rate per mile equal to the sum of the rate per mile set under Subsection (c) and \$0.13, or a greater amount provided ~~[allowable shall be set]~~ by appropriation ~~[based on data gathered from the first year of each preceding biennium]~~. Districts may use a portion of their support allocation to pay transportation costs, if necessary. The commissioner may grant an amount set by appropriation for private transportation to reimburse parents or their agents for transporting eligible ~~[special education]~~ students receiving special education services. The mileage allowed shall be computed along the shortest public road from the student's home to school and back, morning and afternoon. The need for this type of transportation shall be determined on an individual basis and shall be approved only in extreme hardship cases.

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 11

Amend **SB 2** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Sec. 48.159. SPECIAL EDUCATION CERTIFICATION ALLOTMENT. (a) For each classroom teacher or educational diagnostician employed by a school district who, during the preceding year, became certified under Subchapter B, Chapter 21, to teach special education or as an educational diagnostician, as applicable, the district is entitled to an allotment in the amount of the teacher's or diagnostician's certification fee.

(b) A school district shall use an allotment received under this section to provide a stipend in the amount of the allotment to the classroom teacher or educational diagnostician for whom the district received the allotment. A stipend received by a classroom teacher under this subsection is not considered in determining whether the district is paying the teacher the minimum monthly salary under Section 21.402.

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Senator Middleton offered the following amendment to the bill:

Floor Amendment No. 12

Amend **SB 2** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 48.277 is amended by amending Subsections (b), (d), (e), and (f) to read as follows:

(b) For purposes of calculating maintenance and operations revenue under Subsection (a), the commissioner shall:

(1) for purposes of Subsections (a)(1) and (2), use the average amount of maintenance and operations revenue per student in average daily attendance from the following [applicable] school years [year]:

(A) in a school year ending in an even-numbered year, the 2019-2020 school year; and

(B) in a school year ending in an odd-numbered year, the 2019-2020 or 2020-2021 school year, whichever is greater;

(2) include all state and local funding, except for any funding resulting from:

(A) reimbursement for disaster remediation costs under former Sections 41.0931 and 42.2524;

(B) an adjustment for rapid decline in taxable value of property under former Section 42.2521;

(C) an adjustment for property value affected by a state of disaster under former Section 42.2523; and

(D) additional state aid under Section 48.307 or 48.308;

(3) adjust the calculation to reflect a reduction in tax effort by a school district; and

(4) if a school district or open-enrollment charter school receives a waiver relating to eligibility requirements for the national free or reduced-price lunch program under 42 U.S.C. Section 1751 et seq., use the numbers of educationally disadvantaged students on which the district's or school's entitlement to compensatory education funds was based for the school year before the school year in which the district or school received the waiver, adjusted for estimated enrollment growth.

(d) For purposes of calculating a district's allotment under Subsection (a), the commissioner shall reduce the amount to which a district is entitled under Subsection (a) by 60 percent for the 2025-2026 school year.

(e) A school district or open-enrollment charter school is not entitled to an allotment under Subsection (a) beginning with the ~~2024-2025~~ 2026-2027 school year.

~~(e)~~ (f) This section expires September 1, ~~2027~~ [2025].

SECTION _____. Section 48.277, Education Code, as amended by this Act, applies beginning with the 2024-2025 school year.

SECTION _____. Section 48.277, Education Code, as amended by this Act, takes effect September 1, 2024.

MIDDLETON
CREIGHTON
HUFFMAN

The amendment to **SB 2** was read.

Senator Middleton offered the following amendment to Floor Amendment No. 12:

Floor Amendment No. 13

Amend Amendment No. 12 by Middleton to **SB 2** (pages 94 and 95, prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **SB 2** (senate committee report) as follows:

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

SECTION _____. Sections 48.277(c-1), (d), and (e), Education Code, are amended to read as follows:

(c-1) Notwithstanding any other provision of this chapter, beginning with the ~~2024-2025~~ [2021-2022] school year, if the total amount of allotments to which school districts and open-enrollment charter schools are entitled under this section for a school year exceeds \$65 ~~[\$400]~~ million, the commissioner shall proportionately reduce each district's or school's allotment under this section. The reduction in the amount to which a district or school is entitled under this section may not result in an amount that is less than zero.

(d) A school district or open-enrollment charter school is not entitled to an allotment under Subsection (a) beginning with the 2025-2026 ~~[2024-2025]~~ school year.

(e) This section expires September 1, 2026 ~~[2025]~~.

(2) In SECTION 13 of the bill, providing transition language (page 6, lines 14 and 15), strike Subsection (b) and substitute the following:

(b) Sections 48.277(c-1), (d), and (e), Education Code, as amended by this Act and Section 48.310, Education Code, as added by this Act, apply beginning with the 2024-2025 school year.

(3) Strike SECTION 14 of the bill, providing an effective date (page 6, lines 16 through 21), and substitute the following:

SECTION 14. (a) Except as provided by Subsection (b), this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

(b) Sections 48.277(c-1), (d), and (e), Education Code, as amended by this Act, take effect September 1, 2024.

MIDDLETON
CREIGHTON
HUFFMAN

The amendment to Floor Amendment No. 12 to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 13.

Question recurring on the adoption of Floor Amendment No. 12 to **SB 2**, the amendment as amended was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 12 as amended.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 14

Amend **SB 2** (senate committee report) in SECTION 8 of the bill, following added Section 48.310(b), Education Code (page 4, between lines 10 and 11), by inserting the following appropriately lettered subsection and relettering subsequent subsections and cross-references to those subsections accordingly:

() In addition to the amount under Subsection (b)(2), a school district described by that subdivision is entitled to an allotment in the amount equal to \$7,000 multiplied by the result of dividing 5,000 by 14.5 if the school district received an allotment in a previous school year under:

(1) Subsection (b)(1); or

(2) Section 48.311(b)(1), as that section existed on January 1, 2024.

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 14.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 15

Amend **SB 2** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 39.202, Education Code, is amended to read as follows:

Sec. 39.202. ACADEMIC DISTINCTION DESIGNATION FOR DISTRICTS AND CAMPUSES. The commissioner by rule shall establish an academic distinction designation for districts and campuses for outstanding performance in attainment of postsecondary readiness. The commissioner shall adopt criteria for the designation under this section, including:

(1) percentages of students who:

(A) performed satisfactorily, as determined under the college readiness performance standard under Section 39.0241, on assessment instruments required under Section 39.023(a), (b), (c), or (l), aggregated across grade levels by subject area; or

(B) met the standard for annual improvement, as determined by the agency under Section 39.034, on assessment instruments required under Section 39.023(a), (b), (c), or (l), aggregated across grade levels by subject area, for students who did not perform satisfactorily as described by Paragraph (A);

(2) percentages of:

(A) students who earned a nationally or internationally recognized business or industry certification or license;

(B) students who completed a coherent sequence of career and technical courses;

(C) students who completed a dual credit course or an articulated postsecondary course provided for local credit;

(D) students who achieved applicable College Readiness Benchmarks or the equivalent on the Preliminary Scholastic Assessment Test (PSAT), the Scholastic Assessment Test (SAT), the American College Test (ACT), or the ACT-Plan assessment program; ~~and~~

(E) students who received a score on either an advanced placement test or an international baccalaureate examination to be awarded college credit; and

(F) students who completed a Pathways in Technology Early College High School (P-TECH) program established under Subchapter N, Chapter 29, or another early college high school program; and

(3) other factors for determining sufficient student attainment of postsecondary readiness.

SECTION _____. Section 48.106(a-1), Education Code, is amended to read as follows:

(a-1) In addition to the amounts under Subsection (a), for each student in average daily attendance, a district is entitled to \$150 ~~[\$50]~~ for each of the following in which the student is enrolled:

(1) a campus designated as a P-TECH school under Section 29.556; or

(2) a campus that is a member of the New Tech Network and that focuses on project-based learning and work-based education.

JOHNSON	HINOJOSA
ALVARADO	LAMANTIA
BLANCO	MENÉNDEZ
ECKHARDT	WEST
GUTIERREZ	WHITMIRE

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Senator Blanco offered the following amendment to the bill:

Floor Amendment No. 16

Amend **SB 2** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 12.106(a-2), Education Code, is amended to read as follows:

(a-2) In addition to the funding provided by Subsection (a), a charter holder is entitled to receive for the open-enrollment charter school an allotment per student in average daily attendance in an amount equal to the difference between:

(1) the product of:

(A) the quotient of:

(i) the total amount of funding provided to eligible school districts under Section 48.101(b) or (c); and

(ii) the total number of students in average daily attendance in school districts that receive an allotment under Section 48.101(b) or (c); and

(B) the sum of one and the quotient of:

(i) the total number of students in average daily attendance in school districts that receive an allotment under Section 48.101(b) or (c); and

(ii) the total number of students in average daily attendance in school districts statewide; and

(2) \$600 [~~\$125~~].

SECTION ____ . Sections 48.101(b), (c), and (d), Education Code, are amended to read as follows:

(b) A school district that has fewer than 1,600 students in average daily attendance is entitled to an annual allotment for each student in average daily attendance based on the following formula:

$$AA = ((1,600 - ADA) \times \underline{.00056} [\del{.0004}]) \times BA$$

(c) A school district that offers a kindergarten through grade 12 program and has less than 5,000 students in average daily attendance is entitled to an annual allotment for each student in average daily attendance based on the formula, of the following formulas, that results in the greatest annual allotment:

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

$$(2) AA = ((5,000 - ADA) \times \underline{.00004} [\del{.00025}]) \times BA.$$

(d) Instead of the allotment under Subsection (b) or (c)(1), a school district that has fewer than 300 students in average daily attendance and is the only school district located in and operating in a county is entitled to an annual allotment for each student in average daily attendance based on the following formula:

$$AA = ((1,600 - ADA) \times \underline{.00066} [\del{.00047}]) \times BA$$

The amendment to **SB 2** was read.

Senator Blanco withdrew Floor Amendment No. 16.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 17

Amend **SB 2** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 48, Education Code, is amended by adding Section 48.1022 to read as follows:

Sec. 48.1022. SPECIAL EDUCATION FULL INDIVIDUAL AND INITIAL EVALUATION. For each student for whom a school district conducts a full individual and initial evaluation under Section 29.004 or 20 U.S.C. Section 1414(a)(1), the district is entitled to an allotment of \$500 or a greater amount provided by appropriation.

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

SB 2 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Gutierrez.

SENATE BILL 2 ON THIRD READING

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Gutierrez.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

STATEMENT REGARDING SENATE BILL 2

Senator Blanco submitted the following statement regarding **SB 2**:

For years our public schools and teachers have been asked to do more with less, while consistently ranking near the bottom for per-student funding and teacher pay. According to the National Education Association, Texas ranks 26th in teacher pay, paying nearly \$7,500 below the national average. Meanwhile, Texas ranks 40th in per-student spending. While I voted for this bill, which I believe is a step in the right direction, I will continue fighting for more per-pupil funding, bilingual education

funding, and equality for rural and small and midsize districts, especially reforming appraisal estimates that shortchange our districts. We must also continue raising teacher pay to better attract and retain qualified and professional teachers.

BLANCO

SENATE BILL 7 ON SECOND READING

The President laid before the Senate **SB 7** by Senator Middleton on its second reading. The bill had been read second time, amended, and further consideration postponed to a time certain of 8:15 p.m. today:

SB 7, Relating to prohibiting an employer from adopting or enforcing certain COVID-19 vaccine mandates; authorizing an administrative penalty.

Question: Shall **SB 7** as amended be passed to engrossment?

Senator Middleton offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 7** (senate committee report) in SECTION 1 of the bill as follows:

(1) In the heading to added Chapter 81D, Health and Safety Code (page 1, line 25), between "BY" and "EMPLOYER", insert "PRIVATE".

(2) In added Section 81D.001(4), Health and Safety Code (page 1, line 36), between "person" and "who", insert "other than a governmental entity".

The amendment to **SB 7** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3.

VOTE RECONSIDERED

On motion of Senator Middleton and by unanimous consent, the vote by which Floor Amendment No. 1 was adopted was reconsidered.

Question: Shall Floor Amendment No. 1 to **SB 7** be adopted?

Senator Middleton offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 4

Amend Amendment No. 1 to **SB 7** in added Section 81D.0035, Health and Safety Code, by striking Subsection (b) and substitute the following:

(b) A health care facility, health care provider, or physician may establish and enforce a reasonable policy including requiring the use of protective medical equipment by an individual who is an employee or contractor of the facility, provider, or physician and who is not vaccinated against COVID-19 based on the level of risk the individual presents to patients from the individual's routine and direct exposure to patients.

MIDDLETON
KOLKHORST
NICHOLS

The amendment to Floor Amendment No. 1 to **SB 7** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

Question recurring on the adoption of Floor Amendment No. 1 to **SB 7**, the amendment as amended was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 as amended.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 5

Amend **SB 7** (senate committee report) in SECTION 1 of the bill, in added Section 81D.004(c), Health and Safety Code, immediately after "COVID-19," (page 1, line 61), insert the following:

For a complaint against a health care facility, health care provider, or physician the commission shall consult with the Department of State Health Services in determining if a policy adopted under Section 81D.0035 was reasonable.

KOLKHORST
MIDDLETON
NICHOLS

The amendment to **SB 7** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5.

SB 7 as amended was passed to engrossment by the following vote: Yeas 19, Nays 12.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

CO-AUTHORS OF SENATE BILL 1

On motion of Senator Creighton, Senators Bettencourt, Birdwell, Campbell, Middleton, Paxton, and Schwertner will be shown as Co-authors of **SB 1**.

CO-AUTHORS OF SENATE BILL 2

On motion of Senator Creighton, Senators Birdwell, Campbell, Flores, Hall, Hancock, Hinojosa, Hughes, King, Middleton, Parker, Paxton, Perry, Schwertner, West, and Zaffirini will be shown as Co-authors of **SB 2**.

CO-AUTHORS OF SENATE BILL 4

On motion of Senator Flores, Senators Bettencourt, Birdwell, Blanco, Campbell, Creighton, Huffman, Hughes, Kolkhorst, Middleton, Parker, Paxton, Perry, Schwertner, Sparks, and Springer will be shown as Co-authors of **SB 4**.

CO-AUTHORS OF SENATE BILL 7

On motion of Senator Middleton, Senators Campbell, Creighton, Hughes, Kolkhorst, Perry, Schwertner, Sparks, and Springer will be shown as Co-authors of **SB 7**.

CO-AUTHORS OF SENATE BILL 11

On motion of Senator Birdwell, Senators Bettencourt, Campbell, Creighton, Flores, Hall, Huffman, Hughes, Kolkhorst, Middleton, Parker, Paxton, Perry, and Schwertner will be shown as Co-authors of **SB 11**.

CO-AUTHOR OF SENATE BILL 42

On motion of Senator Hinojosa, Senator LaMantia will be shown as Co-author of **SB 42**.

CO-AUTHOR OF SENATE BILL 43

On motion of Senator Hinojosa, Senator LaMantia will be shown as Co-author of **SB 43**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 15 by Hughes, In memory of Carolyn Latham Sullivan.

SR 16 by Hughes, In memory of Mary Sue Cole.

SR 17 by Hughes, In memory of Lou Hooks Wagner.

Congratulatory Resolutions

SR 10 by Johnson, Hall, Parker, and West, Recognizing the Greater Dallas Veterans Day Parade on the occasion of its 25th anniversary.

SR 11 by Sparks, Recognizing Discovery Operating, Inc. on the occasion of its 50th anniversary.

SR 12 by Springer, Recognizing the induction of the Gray Wynn Klein Ranch into the Texas Department of Agriculture Family Land Heritage Program.

SR 14 by Whitmire, Recognizing Carolyn Guidry Beckham on the occasion of her 85th birthday.

SR 18 by Creighton, Recognizing Interfaith of The Woodlands on the occasion of its 50th anniversary.

SR 19 by Whitmire, Recognizing Antioch Missionary Baptist Church on the occasion of its 100th anniversary.

SR 20 by West, Recognizing Ben A. Brooks III on the occasion of his retirement.

SR 21 by Sparks and Huffman, Recognizing Regina Stock for winning the 2023 Mrs. America Pageant.

Official Designation Resolutions

SR 13 by Miles, Recognizing October 12, 2023, as Rice Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 11:36 p.m. adjourned, in memory of former State Representative Mary Craver Denny, until 11:38 p.m. today.