

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 24, 2013

Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H.B. 773 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Charles Schwertner (Chair)

Donna Campbell

Eddie Lucio, Jr.

Don Patrick

On the part of the Senate
Ken Paxton

Marsha Farnley (Chair)

Jimmie Don Aycock

Don Branch

Joe Deshotel

On the part of the House
Eddie Lucio, III

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 773

A BILL TO BE ENTITLED

AN ACT

relating to the recitation of the pledges of allegiance to and display of the United States and state flags at and the observation of a moment of silence at open-enrollment charter schools and other public schools.

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

SECTION 1. Section 25.082, Education Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (b-1) to read as follows:

(b) The board of trustees of each school district and the governing board of each open-enrollment charter school shall require students, once during each school day at each campus ~~[school in the district]~~, to recite:

(1) the pledge of allegiance to the United States flag in accordance with 4 U.S.C. Section 4~~[, and its subsequent amendments]~~; and

(2) the pledge of allegiance to the state flag in accordance with Subchapter C, Chapter 3100, Government Code.

(b-1) The board of trustees of each school district and the governing board of each open-enrollment charter school shall require that the United States and Texas flags be prominently displayed in accordance with 4 U.S.C. Sections 5-10 and Chapter 3100, Government Code, in each campus classroom to which a student is assigned at the time the pledges of allegiance to those flags are

1 recited. A district or school is not required to spend federal,
 2 state, or local district or school funds to acquire flags required
 3 under this subsection. A district or school may raise money or
 4 accept gifts, grants, and donations to acquire flags required under
 5 this subsection.

6 (c) On written request from a student's parent or guardian,
 7 a school district or open-enrollment charter school shall excuse
 8 the student from reciting a pledge of allegiance under Subsection
 9 (b).

10 (d) The board of trustees of each school district and the
 11 governing board of each open-enrollment charter school shall
 12 provide for the observance of one minute of silence at each campus
 13 ~~[school in the district]~~ following the recitation of the pledges of
 14 allegiance to the United States and Texas flags under Subsection
 15 (b). During the one-minute period, each student may, as the student
 16 chooses, reflect, pray, meditate, or engage in any other silent
 17 activity that is not likely to interfere with or distract another
 18 student. Each teacher or other school employee in charge of
 19 students during that period shall ensure that each of those
 20 students remains silent and does not act in a manner that is likely
 21 to interfere with or distract another student.

22 SECTION 2. (a) Sections 25.082(b), (c), and (d), Education
 23 Code, as amended by this Act, apply beginning with the 2013-2014
 24 school year.

25 (b) Section 25.082(b-1), Education Code, as added by this
 26 Act, applies beginning with the 2016-2017 school year.

27 SECTION 3. This Act takes effect immediately if it receives

H.B. No. 773

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2013.

House Bill 773
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Sections 25.082(b), (c), and (d), Education Code, are amended to read as follows:

(b) The board of trustees of each school district and the governing board of each open-enrollment charter school shall require students, once during each school day at each campus [school in the district], to recite:

(1) the pledge of allegiance to the United States flag in accordance with 4 U.S.C. Section 4[, and its subsequent amendments]; and

(2) the pledge of allegiance to the state flag in accordance with Subchapter C, Chapter 3100, Government Code.

No equivalent provision.

(c) On written request from a student's parent or guardian, a school district or open-enrollment charter school shall excuse the student from reciting a pledge of allegiance under

SENATE VERSION (IE)

SECTION 1. Section 25.082, Education Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (b-1) to read as follows: [FA1(1)]

(b) Same as House version.

(b-1) The board of trustees of each school district and the governing board of each open-enrollment charter school shall require that the United States and Texas flags be prominently displayed in each campus classroom in accordance with 4 U.S.C. Sections 5-10 and Chapter 3100, Government Code. *Each flag must be at least two feet by three feet.* A district or school may raise money or accept gifts, grants, and donations to purchase flags as required under this subsection.

This subsection applies beginning with the 2016-2017 school year. [FA1(2)]

(c) Same as House version.

CONFERENCE

SECTION 1. Section 25.082, Education Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (b-1) to read as follows:

(b) Same as House version.

(b-1) The board of trustees of each school district and the governing board of each open-enrollment charter school shall require that the United States and Texas flags be prominently displayed in accordance with 4 U.S.C. Sections 5-10 and Chapter 3100, Government Code, in each campus classroom *to which a student is assigned at the time the pledges of allegiance to those flags are recited. A district or school is not required to spend federal, state, or local district or school funds to acquire flags required under this subsection.* A district or school may raise money or accept gifts, grants, and donations to acquire flags required under this subsection.

SECTION 2. (b) Substantially the same as Senate version.

SECTION 1. (c) Same as House version.

House Bill 773
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Subsection (b).

(d) The board of trustees of each school district and the governing board of each open-enrollment charter school shall provide for the observance of one minute of silence at each campus ~~[school in the district]~~ following the recitation of the pledges of allegiance to the United States and Texas flags under Subsection (b). During the one-minute period, each student may, as the student chooses, reflect, pray, meditate, or engage in any other silent activity that is not likely to interfere with or distract another student. Each teacher or other school employee in charge of students during that period shall ensure that each of those students remains silent and does not act in a manner that is likely to interfere with or distract another student.

SECTION 2. This Act applies beginning with the 2013-2014 school year.

SECTION 3. Effective date.

(d) Same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

SECTION 1. (d) Same as House version.

SECTION 2. (a) Substantially the same as House version.

SECTION 3. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 25, 2013

TO: Honorable David Dewhurst, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB773 by Farney (Relating to the recitation of the pledges of allegiance to and display of the United States and state flags at and the observation of a moment of silence at open-enrollment charter schools and other public schools.), **Conference Committee Report**

No fiscal implication to the State is anticipated.

The bill would require the governing board of an open-enrollment charter school to adopt policies requiring students to recite the pledges to the United States and Texas flags, and provide for a moment of silence after reciting the pledges.

The bill would require each board of trustees of a school district and the governing board of an open-enrollment charter school to require the United States and Texas flags to be prominently displayed in each classroom in which students are assigned at the time of the pledge. A district or charter school could raise money and accept gifts, grants, and donations to purchase the required flags and would not be required to spend federal, state or local funds. This subsection would apply beginning with the 2016-2017 school year.

Local Government Impact

There may be costs to comply with the flag requirements for some school districts and open-enrollment charter schools. School districts and charter schools could raise funds and accept gifts, donations, and grants to defray the cost of purchasing flags. The provisions related to the flags would not apply until the 2016-2017 school year. Once the flags were purchased, it is assumed that costs would be minimal to maintain the required flags in each classroom.

Source Agencies: 701 Central Education Agency

LBB Staff: UP, JBi, JSc

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on 14 B. 773 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

Marsha Garner
(name)

5.24.13
(date)