

# HOUSE JOURNAL

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EIGHTY-SEVENTH LEGISLATURE, SECOND CALLED SESSION

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## PROCEEDINGS

SEVENTH DAY (CONTINUED) — THURSDAY, SEPTEMBER 2, 2021

The house met at 1:03 p.m. and was called to order by the speaker.

The invocation was offered by Representative Frank as follows:

God, we praise you as the one and only God, the creator of everything we see and everyone we know. Father, we know that we are fallen people, and we pray that you would forgive us where we don't show love to other people as you have commanded us to do. We pray that we would show forgiveness to others that we seek for ourselves. We thank you for the unbelievable blessings you have bestowed on our state, our country, and our planet. Despite our bounty, I spend more time looking at what I don't have than what I do. Our country has been blessed beyond measure, yet never have so many people had so much and thought they had so little. Please help me and help us be a more thankful people.

Finally, you have commanded us to love God and love others. Help us all feel your presence and know you more closely. Help us to view others with charity in our hearts, to see them as you see them, to make large their strengths and small their failings. Help me to give grace to others just as I ask you to give grace to me. It's in the life-giving name of your son, Jesus, that I pray. Amen.

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

## **LEAVES OF ABSENCE GRANTED**

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

Collier on motion of Neave.

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

Anchia on motion of C. Turner.

Herrero on motion of Guillen.

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

Canales on motion of Guillen.

Coleman on motion of Hunter.

### MESSAGE FROM THE SENATE

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

### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 1).

### RESOLUTIONS REFERRED TO COMMITTEES

Without objection, resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

### MOTION IN WRITING RULES SUSPENDED

Representative Guillen offered the following motion in writing:

Mr. Speaker:

I move to suspend all necessary rules to allow the chair of the Resolutions Calendars Committee to prepare and distribute a Suspension Congratulatory and Memorial Resolutions Calendar to be considered later today at a time to be determined by the speaker.

Guillen

The motion was read and prevailed.

### HB 20 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

**HB 20**, A bill to be entitled An Act relating to censorship of or certain other interference with digital expression, including expression on social media platforms or through electronic mail messages.

Representative Cain moved to concur in the senate amendments to **HB 20**.

The motion to concur in the senate amendments to **HB 20** prevailed by (Record 141): 78 Yeas, 42 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Nays — Allen; Bernal; Bowers; Bucy; Capriglione; Cole; Cortez; Davis; Dominguez; Dutton; Fierro; Geren; Goodwin; Guerra; Guillen; Hernandez; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lucio; Minjarez; Moody; Morales, E.; Morales Shaw; Muñoz; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Wu; Wiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Canales; Coleman; Collier; Herrero.

Absent — Beckley; Campos; Crockett; Deshotel; Gervin-Hawkins; González, J.; González, M.; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Ramos; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry; Walle; White.

### STATEMENTS OF VOTE

When Record No. 141 was taken, I was absent. I would have voted no.

Crockett

When Record No. 141 was taken, I was absent. I would have voted no.

Gervin-Hawkins

When Record No. 141 was taken, I was absent. I would have voted no.

Martinez

When Record No. 141 was taken, I was absent. I would have voted no.

Romero

When Record No. 141 was taken, I was temporarily out of the chamber. I would have voted yes.

White

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

Amend **HB 20** (senate committee report) in SECTION 7 of the bill, by striking added Section 143A.001(1), Civil Practice and Remedies Code (page 5, lines 1-6), and substituting the following:

(1) "Censor" means to block, ban, remove, deplatform, demonetize, de-boost, restrict, deny equal access or visibility to, or otherwise discriminate against expression.

### GENERAL STATE CALENDAR SENATE BILLS SECOND READING

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

**SB 3 ON SECOND READING****(Huberty, Toth, Metcalf, White, et al. - House Sponsors)**

**SB 3**, A bill to be entitled An Act relating to civics training programs for certain public school social studies teachers and principals, parental access to certain learning management systems, and certain curriculum in public schools, including certain instructional requirements and prohibitions.

**Amendment No. 1**

Representative Huberty offered the following amendment to **SB 3**:

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

- (1) On page 6, line 2, strike "particular current event or".
- (2) On page 6, lines 5 through 7, strike ", to the best of the teacher's ability, strive to explore that topic from diverse and contending perspectives without giving deference to any one perspective" and substitute "explore that topic objectively and in a manner free from political bias".
- (3) On page 7, lines 14 and 15, strike "for actions committed in the past" and substitute ", blame, or guilt for actions committed".

(4) On page 7, strike lines 16 through 18 and renumber subsequent subparagraphs accordingly.

(5) On page 8, line 12, strike "or".

(6) On page 8, line 18, between "advocacy" and the underlined period, insert the following:

; or

(3) a program that prepares the student for participation and leadership in this country's democratic process at the federal, state, or local level through the simulation of a governmental process, including the development of public policy

(7) Strike page 8, line 24, through page 9, line 1, and substitute the following appropriately lettered subsection:

( ) A school district or open-enrollment charter school may not implement, interpret, or enforce any rule in a manner that would result in the punishment of a student for reasonably discussing the concepts described by Subsection (a)(4) in school or during a school-sponsored activity or have a chilling effect on reasonable student discussions involving those concepts in school or during a school-sponsored activity.

(8) On page 9, between lines 4 and 5, insert the following appropriately lettered subsection:

( ) This section does not create a private cause of action against a teacher, administrator, or other employee of a school district or open-enrollment charter school. A school district or open-enrollment charter school may take appropriate action involving the employment of any teacher, administrator, or other employee based on the individual's compliance with state and federal laws and district policies.

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

SECTION \_\_\_\_\_. During the revision of the essential knowledge and skills for the social studies curriculum beginning in 2021 and scheduled to conclude in or around 2023, the State Board of Education may not use the removal by this Act of documents, speeches, historical figures, and other knowledge and skills from specific statutory reference in Section 28.002(h-2), Education Code, as added by **HB 3979**, Acts of the 87th Legislature, Regular Session, 2021, as a reason for the removal or noninclusion of those documents, speeches, historical figures, or other knowledge and skills from the essential knowledge and skills for the social studies curriculum, including any essential knowledge and skills that require an understanding of:

(1) the fundamental moral, political, and intellectual foundations of the American experiment in self-government;

(2) the history, qualities, traditions, and features of civic engagement in the United States;

(3) the history of Native Americans;

(4) the structure, function, and processes of government institutions at the federal, state, and local levels;

(5) the founding documents of the United States, including:

(A) the Declaration of Independence;

(B) the United States Constitution; and

(C) the Federalist Papers;

(6) the contributions of Frederick Douglass;

(7) the Fugitive Slave Acts of 1793 and 1850;

(8) the Indian Removal Act;

(9) the political organizations that promoted the Chicano movement;

(10) the impact of the women's suffrage and equal rights movements;

(11) the history of white supremacy, including the institution of slavery, the eugenics movement, and the Ku Klux Klan, and the ways in which it is morally wrong;

(12) the history and importance of the civil rights movement, including the following documents:

(A) Martin Luther King Jr.'s "Letter from a Birmingham Jail" and "I Have a Dream" speech;

(B) the federal Civil Rights Act of 1964 (42 U.S.C. Section 2000a et seq.);

(C) the United States Supreme Court's decision in *Brown v. Board of Education* (1954);

(D) the Emancipation Proclamation;

(E) the Thirteenth, Fourteenth, and Fifteenth Amendments to the United States Constitution;

(F) the life and work of Cesar Chavez; and

(G) the life and work of Dolores Huerta;

(13) the history and importance of the women's suffrage movement, including the following documents:

(A) the federal Voting Rights Act of 1965 (52 U.S.C. Section 10101 et seq.);

(B) the Fifteenth, Nineteenth, and Twenty-Sixth Amendments to the United States Constitution;

(C) the role of Abigail Adams during the American Revolution; and

(D) the works of Susan B. Anthony;

(14) the life and works of Dr. Hector P. Garcia;

(15) the League of United Latin American Citizens; and

(16) the United States Supreme Court's decision in *Hernandez v. Texas* (1954).

### **SB 3 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE CASON: Representative Huberty, would you say that the intent of this legislation is to not only prohibit the instruction of critical race theory and its components to our children in schools but to also prohibit the instruction to our teachers and school administrators?

REPRESENTATIVE HUBERTY: I believe that's accurate.

CASON: Does the legislation prohibit our school board members from being instructed in critical race theory and its components by TASB?

HUBERTY: It does not have that in here at this particular time. We're not talking about school board members at this particular time. They do go through training, absolutely. This deals with K-12 education at this particular time, specifically the students and what the teachers can't teach. The curriculum for a school board member, for those of us who are school board members, deals more with policy and deals more with issues of the legislature. We pass laws on to them of what their duties and fiduciary responsibilities are. If a school board member is involved in deciding what's being taught in a particular classroom, they shouldn't be a school board member.

CASON: Is there any way, as this bill is currently written, that this legislation allows critical race theory in our public schools in any shape or form?

HUBERTY: Critical race theory is prohibited under this bill.

### **REMARKS ORDERED PRINTED**

Representative Cason moved to print remarks between Representative Huberty and Representative Cason on **SB 3**.

The motion prevailed.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Huberty offered the following amendment to **SB 3**:

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

(1) On page 1, line 9, strike "Section 21.4555" and substitute "Sections 21.4555 and 21.4556".

(2) On page 3, between lines 13 and 14, insert the following:

Sec. 21.4556. CIVICS TRAINING PROGRAM ADVISORY BOARD. (a) The commissioner shall establish an advisory board to advise the commissioner in developing the civics training programs under Section 21.4555.

(b) The advisory board is composed of nine members, consisting of:

(1) four members appointed by the speaker of the house;

(2) four members appointed by the lieutenant governor; and

(3) one member appointed by the governor.

(c) Each member must be a current or former educator with at least 10 years of experience.

(d) The member appointed by the governor is the chair of the advisory board.

(e) Members are not entitled to reimbursement for travel or other expenses.

(f) The advisory board is not subject to Chapter 551 or 552, Government Code.

(g) Chapter 2110, Government Code, does not apply to the advisory board.

(Harris in the chair)

### **Amendment No. 3**

Representative M. González offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by Huberty to **SB 3** on page 1 of the amendment as follows:

(1) Strike lines 10 through 16 and substitute the following:

(b) The advisory board is composed of nine members appointed by the commissioner.

(2) Strike lines 19 through 20 and reletter the subdivisions accordingly.

Amendment No. 3 was adopted.

Amendment No. 2, as amended, was adopted.

### **Amendment No. 4**

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

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

(1) Strike page 5, line 27, through page 6, line 24, and substitute "grade 12, a teacher, administrator, or other employee of a".

(2) On page 6, line 27, strike "(A)" and substitute "(1)".

(3) On page 7, line 2, strike "(i)" and substitute "(A)".

(4) On page 7, line 4, strike "(ii)" and substitute "(B)".

(5) On page 7, line 7, strike "(iii)" and substitute "(C)".

(6) On page 7, line 10, strike "(iv)" and substitute "(D)".

(7) On page 7, line 13, strike "(v)" and substitute "(E)".

(8) On page 7, line 16, strike "(vi)" and substitute "(F)".

(9) On page 7, line 19, strike "(vii)" and substitute "(G)".

(10) On page 7, line 22, strike "(viii)" and substitute "(H)".

(11) On page 7, line 25, strike "(ix)" and substitute "(I)".

(12) On page 8, line 3, strike "(B)" and substitute "(2)".

(13) On page 8, line 6, strike "Paragraph (A)" and substitute "Subdivision (1)".

(14) On page 8, line 7, strike "(C)" and substitute "(3)".

(15) On page 8, strike lines 8 through 18 and reletter subsequent subsections and cross-references to those subsections accordingly.

(16) On page 8, line 23, strike "(a)(4)(A)" and substitute "(a)(1)".

(17) On page 8, line 27, strike "(a)(4)" and substitute "(a)".

A record vote was requested by Representative Goodwin.

Amendment No. 4 failed of adoption by (Record 142): 42 Yeas, 77 Nays, 2 Present, not voting.

Yeas — Allen; Bernal; Bowers; Bucy; Cole; Cortez; Crockett; Davis; Dominguez; Fierro; González, M.; Goodwin; Guerra; Guillen; Hernandez; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lucio; Minjarez; Moody; Morales, E.; Morales Shaw; Muñoz; Neave; Ordaz Perez; Ortega; Perez; Reynolds; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Dutton; Frank; Frullo; Gates; Geren; Goldman; Harless; Hefner; Holland; Huberty; Hull; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

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

Absent, Excused — Anchia; Canales; Coleman; Collier; Herrero.

Absent — Beckley; Campos; Deshotel; Gervin-Hawkins; González, J.; Hunter; Johnson, J.D.; Larson; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Noble; Ramos; Raymond; Rodriguez; Romero; Sherman; Thierry; Walle; White.

### STATEMENTS OF VOTE

When Record No. 142 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 142 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 142 was taken, I was absent. I would have voted yes.

Martinez



When Record No. 142 was taken, I was temporarily out of the chamber. I would have voted no.

White

### **Amendment No. 5**

Representative Hinojosa offered the following amendment to **SB 3**:

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

(1) On page 6, strike lines 11 through 16, and renumber subsections accordingly.

A record vote was requested by Representative Cain.

Amendment No. 5 failed of adoption by (Record 143): 43 Yeas, 78 Nays, 2 Present, not voting.

Yeas — Allen; Bernal; Bowers; Bucy; Cole; Cortez; Crockett; Davis; Dominguez; Fierro; González, M.; Goodwin; Guerra; Guillen; Hernandez; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lozano; Lucio; Minjarez; Moody; Morales, E.; Morales Shaw; Muñoz; Neave; Ordaz Perez; Ortega; Perez; Reynolds; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Dutton; Frank; Frullo; Gates; Geren; Goldman; Harless; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

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

Absent, Excused — Anchia; Canales; Coleman; Collier; Herrero.

Absent — Beckley; Campos; Deshotel; Gervin-Hawkins; González, J.; Johnson, J.D.; Larson; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Ramos; Raymond; Rodriguez; Romero; Sherman; Thierry; Walle; White.

### **STATEMENTS OF VOTE**

When Record No. 143 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 143 was taken, I was absent. I would have voted yes.

Martinez

When Record No. 143 was taken, I was temporarily out of the house chamber. I would have voted no.

White

**Amendment No. 6**

Representative Patterson offered the following amendment to **SB 3**:

Amend **SB 3** (house committee report) on page 6, line 14, between the underlined semicolon and "or", by inserting "if the student directly participates in the lobbying for the legislation".

A record vote was requested by Representative Cain.

Amendment No. 6 failed of adoption by (Record 144): 49 Yeas, 71 Nays, 2 Present, not voting.

Yeas — Allen; Bernal; Bowers; Bucy; Cole; Cortez; Crockett; Davis; Dominguez; Dutton; Fierro; González, M.; Goodwin; Guillen; Hernandez; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lucio; Minjarez; Moody; Morales, E.; Morales Shaw; Muñoz; Neave; Oliverson; Ordaz Perez; Ortega; Patterson; Perez; Reynolds; Rose; Rosenthal; Schaefer; Shaheen; Spiller; Stephenson; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Wilson; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Harless; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Paddie; Parker; Paul; Price; Raney; Rogers; Sanford; Schofield; Shine; Slaton; Slawson; Smith; Smithee; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut.

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

Absent, Excused — Anchia; Canales; Coleman; Collier; Herrero.

Absent — Beckley; Campos; Deshotel; Gervin-Hawkins; González, J.; Guerra; Johnson, J.D.; Larson; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Ramos; Raymond; Rodriguez; Romero; Sherman; Thierry; Walle; White.

**STATEMENTS OF VOTE**

When Record No. 144 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 144 was taken, I was absent. I would have voted yes.

Martinez

When Record No. 144 was taken, I was shown voting yes. I intended to vote no.

Oliverson

When Record No. 144 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 144 was taken, I was shown voting yes. I intended to vote no.

Spiller

When Record No. 144 was taken, I was temporarily out of the chamber. I would have voted yes.

White

### **Amendment No. 7**

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

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

(1) On page 6, line 16, immediately following the underlined semicolon, insert "or".

(2) On page 6, line 20, strike "or" and substitute "and".

(3) On page 6, strike lines 21 through 23.

A record vote was requested by Representative Middleton.

Amendment No. 7 failed of adoption by (Record 145): 41 Yeas, 79 Nays, 2 Present, not voting.

Yeas — Allen; Bernal; Bowers; Bucy; Cole; Cortez; Crockett; Davis; Dominguez; Fierro; González, M.; Goodwin; Guillen; Hernandez; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lucio; Minjarez; Moody; Morales, E.; Morales Shaw; Muñoz; Neave; Ordaz Perez; Ortega; Perez; Reynolds; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Dutton; Frank; Frullo; Gates; Geren; Goldman; Harless; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

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

Absent, Excused — Anchia; Canales; Coleman; Collier; Herrero.

Absent — Beckley; Campos; Deshotel; Gervin-Hawkins; González, J.; Guerra; Johnson, J.D.; Larson; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Ramos; Raymond; Rodriguez; Romero; Sherman; Thierry; Walle; White.

### STATEMENTS OF VOTE

When Record No. 145 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 145 was taken, I was absent. I would have voted yes.

Martinez

When Record No. 145 was taken, I was temporarily out of the house chamber. I would have voted no.

White

(Speaker in the chair)

#### Amendment No. 8

Representative Allen offered the following amendment to **SB 3**:

Amend **SB 3** (house committee printing) on page 8 by striking lines 8 through 18 and substituting the following appropriately lettered subsection:

( ) Subsection (a)(3) does not apply to:

(1) a student's participation in:

(A) community charitable projects, such as building community gardens, volunteering at local food banks, or other service projects; or

(B) an internship or practicum:

(i) for which the student receives course credit under the P-TECH program established under Section 29.553; and

(ii) that does not involve the student directly engaging in lobbying, social policy advocacy, or public policy advocacy; or

(2) a grade or course credit, including extra credit, awarded for a student's communication with an elected official regarding an issue of the student's choosing, including communication by phone, in writing, and by e-mail.

Amendment No. 8 failed of adoption. (White recorded voting no.)

#### Amendment No. 9

Representative M. González offered the following amendment to **SB 3**:

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

(1) On page 5, lines 25 and 26, strike ", including an innovative course,".

(2) On page 9, between lines 4 and 5, insert the following appropriately lettered subsection:

( ) This section does not apply to:

(1) an innovative course; or

(2) a course in ethnic or cultural studies.

A record vote was requested by Representative Neave.

Amendment No. 9 failed of adoption by (Record 146): 42 Yeas, 78 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bowers; Bucy; Cole; Cortez; Crockett; Davis; Dominguez; Fierro; González, M.; Goodwin; Guerra; Guillen; Hernandez; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lozano; Lucio; Minjarez; Moody; Morales, E.; Muñoz; Neave; Ordaz Perez; Ortega; Perez; Reynolds; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Wu; Wiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Dutton; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Canales; Coleman; Collier; Herrero.

Absent — Beckley; Campos; Deshotel; Gervin-Hawkins; González, J.; Hunter; Johnson, J.D.; Larson; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Morales Shaw; Ramos; Raymond; Rodriguez; Romero; Sherman; Thierry; Walle; White.

### STATEMENTS OF VOTE

When Record No. 146 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 146 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 146 was taken, I was absent. I would have voted yes.

Martinez

When Record No. 146 was taken, I was temporarily out of the house chamber. I would have voted no.

White

### Amendment No. 10

Representative Bernal offered the following amendment to **SB 3**:

Amend **SB 3** (house committee report) on page 9, between lines 1 and 2, by inserting the following appropriately lettered subsection and relettering subsequent subsections accordingly:

( ) This section may not be construed in a manner that would prevent teachers, administrators, or other employees of a school district, open-enrollment charter school, or state agency from using bullying harassment prevention and

mediation strategies, including strategies adopted in school district bullying policies under Section 37.0832(c), to address specific instances or school-wide cultures of bullying or harassment based on or targeting a student because of that student's:

(1) actual or perceived race, color, national origin, ethnicity, gender identity, gender expression, disability status, or sexual orientation; or

(2) association with a person with one or more of the actual or perceived characteristics described by Subdivision (1).

#### **Amendment No. 10 - Point of Order**

Representative Cain raised a point of order against further consideration of Amendment No. 10 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane. The point of order was withdrawn.

Amendment No. 10 was withdrawn.

#### **Amendment No. 11**

Representatives Patterson and Shaheen offered the following amendment to **SB 3**:

Amend **SB 3** (house committee report) on page 6, line 14, between "level" and the underlined semicolon, by inserting ", if the student's duties involve directly or indirectly attempting to influence social or public policy or the outcome of legislation".

Amendment No. 11 was adopted.

#### **Amendment No. 12**

Representative VanDeaver offered the following amendment to **SB 3**:

Amend **SB 3** (house committee report) on page 8, line 15, between "under" and "the P-TECH program", by inserting "a career and technology education program or under".

Amendment No. 12 was adopted.

#### **Amendment No. 13**

Representative VanDeaver offered the following amendment to **SB 3**:

Amend **SB 3** (house committee report) on page 9, between lines 4 and 5, by adding the following appropriately lettered subsection:

( ) Nothing in this section may be construed as prohibiting a teacher employed by a school district or open-enrollment charter school from directing a classroom activity that involves students communicating with an elected official so long as the district, school, or teacher does not influence the content of a student's communication.

Amendment No. 13 was adopted.

A record vote was requested by Representative Huberty.

**SB 3**, as amended, was passed to third reading by (Record 147): 81 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Dutton; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Allen; Bernal; Bowers; Bucy; Cole; Cortez; Crockett; Davis; Dominguez; Fierro; González, M.; Goodwin; Guerra; Guillen; Hernandez; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Larson; Longoria; Lucio; Minjarez; Moody; Morales, E.; Muñoz; Neave; Ordaz Perez; Ortega; Perez; Reynolds; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Canales; Coleman; Collier; Herrero.

Absent — Beckley; Campos; Deshotel; Gervin-Hawkins; González, J.; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Morales Shaw; Ramos; Raymond; Rodriguez; Romero; Sherman; Thierry.

### STATEMENTS OF VOTE

When Record No. 147 was taken, I was absent. I would have voted no.

Beckley

When Record No. 147 was taken, I was excused because of personal business. I would have voted no.

Canales

When Record No. 147 was taken, I was absent. I would have voted no.

Gervin-Hawkins

When Record No. 147 was taken, I was absent. I would have voted no.

Martinez

When Record No. 147 was taken, I was absent. I would have voted no.

Martinez Fischer

When Record No. 147 was taken, I was in the house but away from my desk. I would have voted no.

Morales Shaw

When Record No. 147 was taken, I was absent. I would have voted no.

Rodriguez

### REASONS FOR VOTE

Representative Beckley submitted the following reason for vote to be printed in the journal:

The Texas House of Representatives currently has no safety protocol or procedures to address the recent surge in the spread of COVID on the house floor and the Capitol buildings in general. Several members have tested positive and continue to put the rest of the legislative body at risk, whether they are voting from the speaker's chambers or directly from the house floor. Until the issue is addressed and safety measures are put in place to protect members of the Texas Legislature, I will not be present on the floor, but have included my statement on **SB 3**.

Truth in education is what brings us together to heal the divides of history. Most recently, in Texas and across the country, there has been a stark pushback when it comes to conversations around race, class, gender, and our true history in classrooms. Educators and school support personnel across the state are deeply concerned and disappointed that the legislature is taking up yet another classroom censorship bill in an effort to prevent Critical Race Theory (CRT) and discussions of diversity, equality, and inclusion, despite repeatedly acknowledging that CRT is not part of the curriculum in Texas' K-12 public schools.

**SB 3** would require the commissioner of education to create a civics training program for teachers and administrators and to establish the grade levels at which a teacher provides instruction to be eligible to participate in that training program. School districts and charters would need to have at least one teacher and administrator from each campus that includes an eligible course attend the training. The bill also identifies items that the State Board of Education must include in the Texas Essential Knowledge and Skills (TEKS) related to civic knowledge while removing other items. **SB 3** lists several things that teachers cannot be compelled to do, and that schools or teachers cannot make part of social studies curriculum.

Texas schools are already dealing with the consequences of the passage of **HB 3979**. We have seen canceled civics programs and attacks on school administrators and board members who dare to discuss difficult topics such as racism. The bill's broad language can be interpreted in ways that limit the learning, diversity, and inclusion efforts already underway in schools across Texas. Teachers should be encouraged to discuss current events in social studies courses. Students should be encouraged to participate in activities and organizations that promote civic engagement for course credit. Schools should be encouraged to provide race and gender diversity trainings for teachers and administrators. That is how we build a healthy and more equitable democracy now and for our future. **SB 3** does the opposite.

Representative J. González submitted the following reason for vote to be printed in the journal:

**SB 3** is an unfortunate consequence of radical, right-wing discourse surrounding race and diversity in America. In a state as diverse as Texas, with a history built on racial violence and discrimination, where a young Latina from



Oak Cliff can hope to rise and serve her community as a state representative, it is imperative that every single child in a Texas school be taught Texas' and America's true history and the tangible impacts of public policy. **SB 3** is a complete whitewashing of history and civics, and does our schoolchildren and teachers an immense disservice. Had I been present, I would have voted no.

**SB 9 - RULES SUSPENDED  
HOUSE SPONSOR AUTHORIZED**

Representative Dutton moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representative Perez as a house sponsor to **SB 9**.

The motion prevailed.

**CSSB 9 ON SECOND READING  
(Dutton and Anchia - House Sponsors)**

**CSSB 9**, A bill to be entitled An Act relating to public school instruction and materials regarding the prevention of child abuse, family violence, and dating violence and the adoption of public school policies to prevent dating violence.

**CSSB 9 - REMARKS**

**REPRESENTATIVE HULL:** This version of the bill adds this curriculum to the statute under the school health advisory council and health education instruction rather than as part of the required curriculum statute. Is that correct?

**REPRESENTATIVE DUTTON:** That's correct.

**HULL:** And is it accurate to say that adding instruction regarding child abuse, family violence, and dating violence to this statute rather than as required curriculum is intended to allow for more community input in the development of this curriculum?

**DUTTON:** Exactly, and that's why we have the SHAC committees, which is intended to secure input from the people in the community at the schools.

**HULL:** Additionally, this would not be in the required curriculum. If a parent were to choose to opt their child out of instruction, the child would not have to do an alternate assignment but would entirely opt out just as they would with sex ed. Is that correct?

**DUTTON:** That is also correct.

**HULL:** And is it true that SHACs must hold two public meetings which, thanks to legislation passed during the regular session, now involve more transparency, and then make recommendations to the school board on curriculum materials for instruction on these subjects, but that the school board could choose to opt out of providing this instruction entirely if they were to vote in a public meeting to do so?

**DUTTON:** That's true. In fact, most of that was covered in a bill we also passed during the last session.

HULL: For districts that choose to provide this instruction, all instructional materials selected for use by the school board at the recommendation of the SHAC on the subject must be made available for review by parents and community members just as with sex education materials. Is that correct?

DUTTON: That is correct. That's what the SHAC committees do.

HULL: And before each school year, the district must provide a detailed written notice about this instruction, which includes a statement about the parents' rights to review the curriculum materials, right to remove their student from receiving this instruction, and information on the grievance process for violations of this statute. Is that correct?

DUTTON: That is correct also.

HULL: And finally, the district must obtain written consent from the parents for their student to participate, making this an opt-in program rather than an opt-out. Is that correct?

DUTTON: That is also correct.

### REMARKS ORDERED PRINTED

Representative Hull moved to print remarks between Representative Dutton and Representative Hull on **CSSB 9**.

The motion prevailed.

#### Amendment No. 1

Representative Dutton offered the following amendment to **CSSB 9**:

Amend **CSSB 9** (house committee report) as follows:

(1) On page 3, line 20, between "violence" and the period, insert ", provided that the local school health advisory council's recommendations under this subdivision do not conflict with the essential knowledge and skills developed by the State Board of Education under this subchapter".

(2) On page 4, line 25, strike "and instruction".

(3) On page 6, line 10, strike "section" and substitute, "subchapter, including the essential knowledge and skills addressing these topics developed by the State Board of Education".

Amendment No. 1 was adopted.

#### Amendment No. 2

Representative Shaheen offered the following amendment to **CSSB 9**:

Amend **CSSB 9** (house committee printing) as follows:

(1) On page 3, lines 19 and 20, strike "and dating violence" and substitute "dating violence, and sex trafficking, including likely warning signs that a child may be at risk for sex trafficking".

(2) Strike "and dating violence" and substitute "dating violence, and sex trafficking" in each of the following places it appears:

(A) page 3, lines 23 and 24;

(B) page 4, line 19;

- (C) page 4, line 26;
- (D) page 5, line 5;
- (E) page 5, line 22;
- (F) page 5, line 26;
- (G) page 6, line 9;
- (H) page 6, line 15;
- (I) page 6, line 20;
- (J) page 6, line 23;
- (K) page 7, line 3;
- (L) page 7, line 11;
- (M) page 7, line 17;
- (N) page 7, lines 21 and 22; and
- (O) page 8, line 3.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Schaefer offered the following amendment to **CSSB 9**:

Amend **CSSB 9** (house committee report) on page 8, line 23, between "violence" and the underlined semicolon, by inserting ", including a procedure for immediately notifying the parent or guardian of a student about a report received by the district identifying the student as an alleged victim or perpetrator of dating violence".

Amendment No. 3 was adopted.

**CSSB 9**, as amended, was passed to third reading.

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

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

**HB 7**, A bill to be entitled An Act relating to the storage or disposal of high-level radioactive waste.

### **HB 7 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE GOODWIN: I would like to ask a few questions to make clear the legislative intent of **HB 7**. The intent of **HB 7** is to prevent the disposal and storage of high-level radioactive waste in Texas. This bill, if it goes into effect immediately with 100 votes, sends a strong message to the Nuclear Regulatory Commission as they are considering an application before them. Is that correct?

REPRESENTATIVE LANDGRAF: Yes. The intent behind **HB 7** is very clear. And as I've stated a couple of times on this floor and in our committee hearings, Representative Goodwin, the clear legislative intent behind **HB 7** is to ban the storage and disposal of high-level radioactive waste, including spent nuclear fuel, in the State of Texas.

GOODWIN: So there is an application before the NRC, the Nuclear Regulatory Commission, and Texas would like to oppose that ban. Is that correct?

LANDGRAF: I think by enacting **HB 7** and with the intent of **HB 7** being to ban the storage and disposal of high-level radioactive waste in Texas, that would send a message to the Nuclear Regulatory Commission that the State of Texas does not consent to the storage or disposal of that type of waste.

GOODWIN: Okay, thank you. I think I misspoke when I asked the question. I said "ban." I meant that Texas wants the NRC to deny the application. The application before NRC calls for the independent storage of spent nuclear fuel, high-level radioactive waste, and reactor-related greater than Class C waste. Is that correct?

LANDGRAF: As far as the application? Well, that's not addressed in this legislation, what the contents of the application are. But based on the reports that I've received, that is correct.

GOODWIN: When you define high-level radioactive waste as being inclusive of spent nuclear fuel in Section 1, is it your intent everywhere in the bill that the words "high-level radioactive waste" appear, that it continues to include spent nuclear fuel as part of that definition?

LANDGRAF: That's absolutely the intent, and the definitions in that section of the bill are crafted to reflect that.

GOODWIN: Does Section 2 direct TCEQ to not issue permits for the construction or operation of any site that would dispose of high-level radioactive waste, including spent nuclear waste?

LANDGRAF: There is a section in the bill, that's correct, that would prohibit TCEQ from issuing certain permits under various statutes to any entity or any licensee that would be storing and/or disposing of high-level radioactive waste at a facility in violation of **HB 7**.

GOODWIN: This bill does not directly deal with the issue of greater than Class C or, more specifically, the reactor-related greater than Class C waste, correct?

LANDGRAF: This bill, as was made abundantly clear, deals strictly with high-level radioactive waste, including spent nuclear fuel.

GOODWIN: But when your bill instructs TCEQ to not issue any permit that would allow the proposed consolidated storage facility to be constructed or operate in Texas, in effect, that facility could not bring in reactor-related greater than Class C waste, correct?

LANDGRAF: I suppose the bill could be interpreted in that way. But in terms of if you're asking me to help read some legislative intent, we are very clear that this deals specifically with high-level radioactive waste, including spent nuclear fuel, as defined under federal law.

GOODWIN: So it's correct to say that since the application by Interim Storage Partners is asking for a permit to license nuclear spent fuel and reactor-related greater than Class C, TCEQ is not allowed to issue any of the permits that would allow the facility to operate in Texas for these waste streams.

LANDGRAF: I want to be very careful. This bill, as we talked about, is very specific to banning the storage and disposal of high-level radioactive waste, including spent nuclear fuel. You have brought up the application several times. There's certainly—if the license is issued by the NRC, which we expect as early as September 13, this bill, particularly if it's enacted and takes immediate effect, would address parts of the license that is being applied for. But that license is independent of this bill itself. This bill is designed to cover multiple situations, not to apply to a single license, although it would have some applicability there.

GOODWIN: I had heard you say beforehand that the reason for getting it into law immediately was because of this application that would be determined on September 13. Is that not correct?

LANDGRAF: Yes. Based on the NRC's internal timeline, the license could be issued as soon as September 13. That's correct.

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

The motion to concur in the senate amendments to **HB 7** prevailed by (Record 148): 119 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cole; Cook; Cortez; Craddick; Cyrier; Darby; Dean; Dominguez; Dutton; Fierro; Frank; Frullo; Gates; Geren; Goldman; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lozano; Lucio; Metcalf; Meyer; Middleton; Minjarez; Moody; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Price; Raney; Reynolds; Rogers; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson; Wu.

Nays — Davis; Perez; Thompson, S.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Canales; Coleman; Collier; Herrero.

Absent — Beckley; Campos; Crockett; Deshotel; Gervin-Hawkins; González, J.; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Ramos; Raymond; Rodriguez; Romero; Sherman; Thierry; Walle; Zwiener.

**STATEMENTS OF VOTE**

When Record No. 148 was taken, I was absent. I would have voted no.

Gervin-Hawkins

When Record No. 148 was taken, I was absent. I would have voted yes.

Martinez

When Record No. 148 was taken, I was in the house but away from my desk. I would have voted yes.

Zwiener

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

Amend **HB 7** (senate committee printing) by striking page 2, lines 1 through 6, and substituting the following:

SECTION 6. 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 December 5, 2021.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**CSHB 233 ON SECOND READING  
(by Huberty)**

**CSHB 233**, A bill to be entitled An Act relating to providing accelerated instruction for public school students who fail to achieve satisfactory performance on certain assessment instruments.

**Amendment No. 1**

Representative Huberty offered the following amendment to **CSHB 233**:

Amend **CSHB 233** (house committee report) as follows:

(1) On page 1, lines 8 and 9, strike "Subsections (a-1), (a-4), and (f-4) and adding Subsections (a-7)" and substitute "Subsections (a), (a-1), (a-4), and (f-4) and adding Subsections (a-7), (f-6), (i-1),".

(2) On page 1, between lines 9 and 10, insert the following:

(a) A school district shall establish an accelerated learning committee described by Subsection (c) for each student who does not perform satisfactorily on:

(1) the third grade mathematics or reading assessment instrument under Section 39.023; or

(2) the fourth, fifth, sixth, seventh, or eighth grade mathematics or reading assessment instrument under Section 39.023 in the school year following a school year in which the student did not perform satisfactorily in the same subject on the assessment instrument for grades four through eighth; ~~or~~

~~[(3) the eighth grade mathematics or reading assessment instrument under Section 39.023].~~

(3) On page 3, strike lines 6 through 11 and substitute the following:

(f-4) If a student ~~[who]~~ fails to perform satisfactorily on an assessment instrument ~~[specified]~~ under Section 39.023 for grades four through eight in the same subject in the school year following a school year in which an accelerated learning committee was established under Subsection (a) ~~[Subsection (a) fails in the subsequent school year to perform satisfactorily on an assessment instrument in the same subject]~~, the superintendent of the district, or the superintendent's designee, shall meet with the student's accelerated learning committee to:

(4) On page 3, between lines 21 and 22, insert the following:

(f-6) If a student in a homebound instructional arrangement is unable to participate in an accelerated instruction program due to the nature of the student's medical condition, the student's admission, review, and dismissal committee, if the student receives special education services under Subchapter A, Chapter 29, or the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), if the student does not receive special education services under Subchapter A, Chapter 29, may determine that the student will be provided the accelerated instruction when the student returns to campus from the homebound setting. If the student's medical condition prevents the student from returning to campus during the current school year, the school district is not required to provide the accelerated instruction to the student during the subsequent school year.

(i-1) The accelerated instruction plan developed by a student's admission, review, and dismissal committee under Subsection (i) is not considered to be part of the student's individualized education program and is not subject to the requirements of Section 29.005 or 20 U.S.C. Section 1414(d) relating to the scheduling and conducting of an admission, review, and dismissal committee meeting. A parent of a student with an individualized education program who intends to contest the content or implementation of the plan must follow the grievance policy adopted under Subsection (f-3).

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representatives K. Bell, VanDeaver, K. King, Allison, Dutton, Huberty, Buckley, Lozano, and M. González offered the following amendment to **CSHB 233**:

Amend **CSHB 233** (house committee printing) on page 3, between lines 5 and 6, by adding the following appropriately lettered subsection and renumbering subsequent subsections accordingly:

( ) A parent or guardian of a student who is provided supplemental instruction under Section (a-1)(2) by the school district may modify the supplemental instruction requirements for the parent's or guardian's particular student, including by lessening or removing certain requirements described by Subsection (a-4), by submitting a request for the modification to the district. A district may not encourage or otherwise direct a parent or guardian to act under

this subsection in a manner that allows the district to avoid providing the parent's or guardian's student with a benefit from supplemental instruction included in the required instruction under Subsection (a-4).

Amendment No. 2 was adopted.

**CSHB 233**, as amended, was passed to engrossment.

**HB 200 ON SECOND READING**  
**(by Landgraf)**

**HB 200**, A bill to be entitled An Act relating to the prohibition on the transportation, storage, and disposal of high-level radioactive waste in certain areas.

Representative Landgraf moved to postpone consideration of **HB 200** until 10 a.m. Sunday, September 26.

The motion prevailed.

**ADJOURNMENT**

Without objection, the chair announced that the house would stand adjourned until 4:35 p.m. today.

The house accordingly, at 4:24 p.m., adjourned until 4:35 p.m. today.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HR 162** (By Davis), Congratulating James McCarley on his retirement from McCarley Consultants.

To Resolutions Calendars.

**HR 163** (By Vasut), In memory of Anthony Standley of Oyster Creek.

To Resolutions Calendars.

**HR 164** (By Paul), Congratulating the Clear Lake High School Lake Robotics team on its success at the 2021 Live Remote VEX Robotics World Championship.

To Resolutions Calendars.

**HR 165** (By Paul), Congratulating the Clear Brook High School Astrobots robotics team on its success at the 2021 Live Remote VEX Robotics World Championship.

To Resolutions Calendars.



**HR 166** (By Paul), Congratulating the Westbrook Intermediate School Flaming Phoenix robotics team on its success at the 2021 Live Remote VEX Robotics World Championship.

To Resolutions Calendars.

**HR 167** (By Paul), Congratulating the Westbrook Intermediate Rock-it-Bots robotics team on its success at the 2021 Live Remote VEX Robotics World Championship.

To Resolutions Calendars.

**HR 168** (By Paul), Congratulating the North Pointe Elementary School ROCK-IT-BOTS robotics team on its success at the 2021 Live Remote VEX Robotics World Championship.

To Resolutions Calendars.

**HR 169** (By Goldman), Congratulating Vincent Hancock of Benbrook on winning a gold medal in skeet shooting at the Summer Olympic Games in Tokyo.

To Resolutions Calendars.

**HR 170** (By Goldman), Congratulating Jose A. "Joe" Orobio on his retirement from the Texas Comptroller of Public Accounts.

To Resolutions Calendars.

**HR 171** (By Paddie), In memory of Michael Luther Walker of Jefferson.

To Resolutions Calendars.

**HR 172** (By Shine), In memory of Sergeant Christopher Ray Wilson of the Texas Parks and Wildlife Department.

To Resolutions Calendars.

**HR 173** (By A. Johnson), Commending David Leebron for his service as President of Rice University and extending sincere best wishes for the future.

To Resolutions Calendars.

**HR 174** (By Jetton), Congratulating Irfan Motiwala on his 50th birthday.

To Resolutions Calendars.

**HR 175** (By Crockett), Congratulating the Reverend Albert Kinder Haynes Sr. of Bethany Missionary Baptist Church in Dallas on his half century of service in the ministry.

To Resolutions Calendars.

**HR 176** (By Crockett), Paying tribute to Officer Mitchell Aaron Penton of the Dallas Police Department and commemorating his posthumous receipt of the Star of Texas Award.

To Resolutions Calendars.

**HR 177** (By Dutton), In memory of William Walter Davis Jr. of Houston.

To Resolutions Calendars.

**HR 178** (By A. Johnson), Commending Walton-Gray Martin for his service as a legislative aid and extending sincerest best wishes for continued success.

To Resolutions Calendars.

**HR 179** (By Zwiener), Commending the Central Texas Veterans Service Organization Alliance for its service during the COVID-19 pandemic and the February 2021 winter storm.

To Resolutions Calendars.

**HR 180** (By Zwiener), Commemorating National Hispanic-Serving Institutions Week in September 2021.

To Resolutions Calendars.

**HR 181** (By Zwiener), Commemorating the reopening of the Calaboose African American History Museum in San Marcos.

To Resolutions Calendars.

**HR 182** (By A. Johnson), Commending Robert Charles Gonzalez for his service as deputy legislative director and extending sincerest best wishes for continued success.

To Resolutions Calendars.

**HR 183** (By Zwiener), In memory of Sharon Ann Thompson of Kyle.

To Resolutions Calendars.

**HR 184** (By A. Johnson), Commending Jacob Pesikoff for his service as a legislative intern and extending sincerest best wishes for continued success.

To Resolutions Calendars.

**HR 185** (By A. Johnson), Commending Caitlin Rowley for her service as a legislative aide and extending sincerest best wishes for continued success.

To Resolutions Calendars.

**HR 186** (By Jetton), Congratulating Jose Flores on his service with the Fort Bend County Constable's Office, Precinct 3.

To Resolutions Calendars.

**HR 187** (By Paddie), In memory of Michael Shane Capps of Carthage.

To Resolutions Calendars.

**HR 188** (By J. González), In memory of Kate Garrison of Collin County.

To Resolutions Calendars.

**HR 189** (By Ordaz Perez), In memory of Ralph T. Cloud of El Paso.

To Resolutions Calendars.

**HR 190** (By Button), Commemorating the 2021 Garland Labor Day Parade.

To Resolutions Calendars.

**HR 191** (By Neave), Honoring the Brotherhood for the Fallen.

To Resolutions Calendars.

**HR 192** (By Lambert), Commending Natura Resources, LLC, Abilene Christian University, and NEXTRA for their work on the proposed molten salt research reactor at Abilene Christian University.

To Resolutions Calendars.

**HR 193** (By Crockett), Honoring Nicholas Granados of the Dallas Fire-Rescue Department on his receipt of a 2021 Star of Texas Award.  
To Resolutions Calendars.

**HR 194** (By Crockett), Congratulating Mable L. Armstrong on her 80th birthday.  
To Resolutions Calendars.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 1**

**HB 9, HCR 9, HCR 10, HCR 11, HCR 12**

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Thursday, September 2, 2021

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 91** Bettencourt

Relating to a temporary reduction in the maximum compressed tax rate of a school district and the form of the ballot proposition to be used in an election to approve a tax rate adopted by a school district that exceeds the district's voter-approval tax rate; making an appropriation.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

