

# HOUSE JOURNAL

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EIGHTY-SEVENTH LEGISLATURE, THIRD CALLED SESSION

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## PROCEEDINGS

FIFTH DAY (CONTINUED) — THURSDAY, OCTOBER 14, 2021

The house met at 10:20 a.m. and was called to order by the speaker.

The invocation was offered by Representative Harrison as follows:

Heavenly Father, thank you so much for this morning, Lord, a new morning and a new day to experience your blessings and grace in our life both materially and spiritually. Lord, I'm very well aware, as I'm sure everybody is, that we are, on our own, deserving of neither. Thank you for letting us live in a state and in a nation, Lord, that allows us to peaceably gather and assemble and not just to do so but to do so in your name in a way where we can freely exercise our faith in public. Please let us as a body and as a chamber do everything we can to protect those freedoms.

Lord, thank you very much that you allow us the opportunity to serve our fellow man. Please allow us and guide us to do so with your wisdom and perhaps more importantly with your grace and with comity and with respect and appreciation even for those with whom we may disagree. Lord, from your scriptures we learn that you stand up and you tear down governments. So I know, Lord, that we are all here, each of us, at your direction. Please allow us to execute our responsibilities wisely. And we know that at the end of the day, while we have requests and wants and desires both individually and as a body, Lord, please let us recall that above all else we should seek that it be your will that we effectuate as a group. In your holy name we pray. Amen.

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

## **LEAVES OF ABSENCE GRANTED**

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

Harless on motion of Raney.

Herrero on motion of Hunter.

Smithee on motion of Shine.

The following member was granted leave of absence for today and tomorrow because of important business in the district:

Guerra on motion of Raney.

**SB 8 - COMMITTEE ON CALENDARS RULE ADOPTED**

Representative Burrows moved to adopt the following rule governing floor consideration for **SB 8**:

Section 1. This rule for floor consideration of **SB 8** is proposed by the Committee on Calendars, pursuant to House Rule 3, Section 4(2). The rule will be effective if it is approved by the house, in accordance with House Rule 6, Section 16(f).

Section 2. All original amendments that will be offered during second reading consideration of the bill must be filed with the chief clerk by 9 a.m. on Friday, October 15.

Section 3. (a) During second and third reading consideration of the bill, any amendment that adds or increases an item of appropriation in the bill made from the Coronavirus Relief Fund No. 325 is not in order unless the amendment contains an equal or greater reduction in one or more items of appropriation in the bill from the Coronavirus Relief Fund No. 325.

(b) The provisions of this section do not apply to an amendment that makes an adjustment in an item of appropriation solely to correct a technical clerical error.

The Committee on Calendars rule was adopted.

**HB 160 - COMMITTEE ON CALENDARS RULE ADOPTED**

Representative Burrows moved to adopt the following rule governing floor consideration for **HB 160**:

Section 1. This rule for floor consideration of **HB 160** is proposed by the Committee on Calendars, pursuant to House Rule 3, Section 4(2). The rule will be effective if it is approved by the house, in accordance with House Rule 6, Section 16(f).

Section 2. All original amendments that will be offered during second reading consideration of the bill must be filed with the chief clerk by 9 a.m. on Friday, October 15.

Section 3. (a) During second and third reading consideration of the bill, any amendment that adds or increases an item of appropriation in the bill made from the Coronavirus Relief Fund No. 325 is not in order unless the amendment contains an equal or greater reduction in one or more items of appropriation in the bill from the Coronavirus Relief Fund No. 325.

(b) The provisions of this section do not apply to an amendment that makes an adjustment in an item of appropriation solely to correct a technical clerical error.

The Committee on Calendars rule was adopted.

**HB 161 - COMMITTEE ON CALENDARS RULE ADOPTED**

Representative Burrows moved to adopt the following rule governing floor consideration for **HB 161**:

Section 1. This rule for floor consideration of **HB 161** is proposed by the Committee on Calendars, pursuant to House Rule 3, Section 4(2). The rule will be effective if it is approved by the house, in accordance with House Rule 6, Section 16(f).

Section 2. All original amendments that will be offered during second reading consideration of the bill must be filed with the chief clerk by 9 a.m. on Friday, October 15.

Section 3. (a) During second and third reading consideration of the bill, any amendment that adds or increases an item of appropriation in the bill made from the Coronavirus Relief Fund No. 325 is not in order unless the amendment contains an equal or greater reduction in one or more items of appropriation in the bill from the Coronavirus Relief Fund No. 325.

(b) The provisions of this section do not apply to an amendment that makes an adjustment in an item of appropriation solely to correct a technical clerical error.

The Committee on Calendars rule was adopted.

#### **SB 1 - COMMITTEE ON CALENDARS RULE ADOPTED**

Representative Burrows moved to adopt the following rule governing floor consideration for **SB 1**:

Section 1. This rule for floor consideration of **SB 1** is proposed by the Committee on Calendars, pursuant to House Rule 3, Section 4(2). The rule will be effective if it is approved by the house, in accordance with House Rule 6, Section 16(f).

Section 2. During second and third reading consideration of the bill, no amendment is in order that increases the amount of the appropriation contained in the text of the committee substitute.

The Committee on Calendars rule was adopted.

#### **SB 6 - COMMITTEE ON CALENDARS RULE ADOPTED**

Representative Burrows moved to adopt the following rule governing floor consideration for **SB 6**:

Section 1. This rule for floor consideration of **SB 6** is proposed by the Committee on Calendars, pursuant to House Rule 3, Section 4(2). The rule will be effective if it is approved by the house, in accordance with House Rule 6, Section 16(f).

Section 2. For each original amendment that will be offered during second reading consideration of the bill, the amendment elements required by Section 3(a) must be submitted to the chief clerk by 11 a.m. on Saturday, October 16.

Section 3. (a) No proposed amendment, amendment to the amendment, or substitute amendment changing any district is eligible for consideration on any reading unless the amendment includes:

(1) a reference to the plan number assigned by the redistricting computer system operated by the Texas Legislative Council; and

(2) the following required amendment elements that have been prepared by TLC and submitted or made available electronically to the chief clerk:

(A) a general written description of the proposed changes, including district names and the names of counties affected, if the amendment does not propose a statewide substitute plan;

(B) maps prepared by TLC indicating changes made by the amendment; and

(C) standard reports prepared by TLC that indicate population, voter data, and incumbent locations for the districts affected by the amendment.

(b) No proposed amendment, amendment to the amendment, or substitute amendment changing any district is eligible for consideration on any reading if adoption of the amendment would result in:

(1) any district composed of non-contiguous territory; or

(2) any unassigned territory or districts with overlapping territory in the overall redistricting plan under consideration.

The Committee on Calendars rule was adopted.

### **LEAVES OF ABSENCE GRANTED**

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

Hernandez on motion of A. Johnson.

The following member was granted leave of absence for today because of important business in the district:

Beckley on motion of Ramos.

(Guillen in the chair)

### **CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**HCR 14** (by Craddick), Congratulating Dr. Jonathan J. Sanford on his inauguration as the 10th president of the University of Dallas.

**HR 35** (by C. Turner), Commemorating the dedication of the Sue Phillips Community Lounge at the East Library and Recreation Center in Arlington.

**HR 36** (by Martinez), Congratulating Ofelia Garcia on her 100th birthday.

**HR 37** (by Paddie), Congratulating Sidney Harrist of Atlanta ISD on being named the 2021 Superintendent of the Year for the Region 8 Education Service Center.

**HR 39** (by Dominguez), Congratulating Pastor Victor Alvarez on his retirement from Iglesia Bautista Fundamental in Brownsville.

**HR 43** (by Crockett), Congratulating Loraine Swift Christian of Dallas on her 100th birthday.

**HR 45** (by Dominguez), Congratulating Pastor Victor Alvarez on his retirement from Iglesia Bautista Fundamental in Brownsville.

**HR 46** (by P. King), Congratulating Aledo Middle School Honor Winds ensemble on being invited to perform at the 2021 Midwest Band and Orchestra Clinic.

**HR 47** (by Jetton), Congratulating Kevin Raines on his election as mayor of Rosenberg.

**HR 48** (by Murr), Honoring Caroline Runge for her service to the Menard County Underground Water District and the Menard County Water Control and Improvement District.

**HR 51** (by K. Bell), Commemorating the centennial of the Terrell Lions Club.

**HR 52** (by K. Bell), Congratulating Dr. Coy Holcombe on his retirement as superintendent of Eustace ISD.

**HR 54** (by White), Congratulating Charles and Pam Wright of Newton County on their 55th wedding anniversary.

**HR 55** (by White), Commemorating the 100th anniversary of Peaceful Rest Baptist Church in Jasper.

**HR 56** (by Morrison), Honoring Claud B. Jacobs for his outstanding record of community service.

**HR 60** (by P. King), Congratulating the Aledo Independent School District Board of Trustees on its selection as the 2021 Outstanding School Board by the Texas Association of School Administrators.

**HR 62** (by White), Congratulating Dennis M. Allen on his retirement from the Hardin County Sheriff's Office.

**HR 66** (by Ordaz Perez), Congratulating America Jones of El Paso on being named to the 2021 list of Latino Leaders Worth Watching by Profiles in Diversity Journal.

**HR 67** (by Slaton), Commemorating the groundbreaking ceremony of the new Ruth Cherry Elementary School campus in the Royse City Independent School District.

**HR 68** (by Paddie), Commending Becky Wilbanks for her service as Cass County judge.

**HR 69** (by Schofield), Commemorating the dedication of the Martha Lopez Aki ECI Project TYKE facility in Katy ISD.

**HR 72** (by Jetton), Honoring Satish Seth for his achievements as a professional engineer.

**HR 74** (by Fierro), Congratulating Robert R. Rojas Elementary School in Socorro ISD on receiving the 2021-2022 Texas Purple Star Campus Designation from the Texas Education Agency.

**HR 75** (by Fierro), Congratulating Desert Wind School in Socorro ISD on receiving the 2021-2022 Texas Purple Star Campus Designation from the Texas Education Agency.

**HR 76** (by Fierro), Congratulating Jane A. Hambric School in Socorro ISD on receiving the 2021-2022 Texas Purple Star Campus Designation from the Texas Education Agency.

**HR 77** (by Fierro), Congratulating Horizon Heights Elementary School in Socorro ISD on receiving the 2021-2022 Texas Purple Star Campus Designation from the Texas Education Agency.

**HR 78** (by Fierro), Congratulating Eastlake High School in Socorro ISD on receiving the 2021-2022 Texas Purple Star Campus Designation from the Texas Education Agency.

**HR 84** (by K. Bell), Commemorating the induction of the Graham Ranch of Henderson County into the Family Land Heritage Program.

**HR 87** (by Cook), Congratulating Todd Tonore of Mansfield on his 60th birthday.

**HR 88** (by Jetton), Commending the members of the Fort Bend City Council for their contributions to their community.

**HR 89** (by Jetton), Recognizing October 2021 as Hindu Heritage Month.

**HR 90** (by Jetton), Congratulating Logos Preparatory Academy in Sugar Land on being named a 2021 National Blue Ribbon School.

**HR 92** (by Holland), Congratulating Monte Dean Cluck on his receipt of the 2020 National Golden Spur Award.

**HR 93** (by Harris), Commending the Traces of Texas online photography project.

**HR 94** (by Zwiener), Congratulating Stephanie Goodman on her retirement as deputy commissioner for public affairs with the Texas Department of Insurance.

**HR 95** (by Cason), Commending members of the Bedford Fire Department for rendering aid to Louisianans in the wake of Hurricane Ida.

**HR 98** (by Shine), Congratulating Earl Nottingham on his recognition as a Distinguished Alumnus of Temple ISD by the Temple Education Foundation.

**HR 99** (by Shine), Congratulating Amanda Coots on her recognition as a Distinguished Alumna of Temple ISD by the Temple Education Foundation.

**HR 100** (by C. Turner), Commemorating the Children First Counseling Center's annual Little Lunch of HOPE.

**HR 101** (by C. Turner), Congratulating the Lake Ridge High School Wind Symphony on its selection as a 2021 National Winner in the Foundation for Music Education Mark of Excellence contest.

**HR 102** (by C. Turner), Congratulating head volleyball coach Judith McGill of Timberview High School in Arlington on her 600th career win.

**HR 103** (by C. Turner), Commemorating the Fiestas Patrias celebration hosted by Hispanic Heritage Ambassadors DFW and the City of Grand Prairie.

**HR 104** (by C. Turner), Commemorating the annual memorial ceremony for fallen officers of the Arlington Police Department.

**HR 105** (by C. Turner), Recognizing the Lunar New Year celebration hosted by the United States Pan Asian American Chamber of Commerce Education Foundation-Southwest Region.

**HR 106** (by C. Turner), Commemorating the annual Mount Olive Baptist Church Unity in the Community event.

**HR 107** (by C. Turner), Commemorating the Unity Fundraiser Banquet hosted by the Grand Prairie Unity Coalition.

**HR 108** (by C. Turner), Commemorating the annual Grand Prairie Police Memorial Service.

**HR 109** (by C. Turner), Commemorating the HL RadioTV 106.5 FM and 30.6 TV annual Lunar New Year celebration in Arlington.

**HR 110** (by C. Turner), Commemorating Grand Prairie's Cinco de Mayo Parade and Celebration.

**HR 111** (by C. Turner), Recognizing the Asian Business EXPO hosted by the United States Pan Asian American Chamber of Commerce Education Foundation - Southwest Region.

**HR 112** (by C. Turner), Commemorating the NAACP Grand Prairie Freedom Fund Scholarship Gala.

**HR 113** (by C. Turner), Commemorating the annual Grand Prairie Martin Luther King Jr. Day parade.

**HR 114** (by C. Turner), Commemorating Arlington's Dr. Martin Luther King, Jr. Advancing the Dream celebration.

**HR 115** (by C. Turner), Commemorating the Tarrant County Asian American Chamber of Commerce's annual Eggroll Festival.

**HR 116** (by C. Turner), Commemorating the Arlington ISD Back to School Kickoff.

**HR 117** (by C. Turner), Commemorating the Arlington Independent School District's annual Operation Graduation initiative.

**HR 118** (by C. Turner), Recognizing the annual Arlington Independence Day Parade.

**HR 119** (by C. Turner), Commemorating the annual Mansfield ISD Back-to-School Bash.

**HR 120** (by C. Turner), Honoring Asia Times Square in Grand Prairie on its annual Mid-Autumn Festival.

**HR 121** (by C. Turner), Recognizing the annual Dr. Martin Luther King, Jr. Scholarship Breakfast hosted by the Nu Pi Lambda Chapter of Alpha Phi Alpha.

**HR 122** (by C. Turner), Commemorating the annual Arlington Holiday Lights Parade.

**HR 123** (by C. Turner), Honoring Asia Times Square in Grand Prairie for its annual Lunar New Year celebration.

**HR 124** (by C. Turner), Congratulating Henry F. Lewczyk Jr. on his retirement as senior vice president of the Greater Arlington Chamber of Commerce.

The resolutions were adopted.

### **LEAVE OF ABSENCE GRANTED**

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

T. King on motion of Geren.

### **CONGRATULATORY AND MEMORIAL CALENDAR (consideration continued)**

The following memorial resolutions were laid before the house:

**HR 32** (by Goldman), In memory of Ed Schollmaier of Fort Worth.

**HR 33** (by Frullo and Burrows), In memory of John Gordon Wilkerson Jr. of Lubbock.

**HR 34** (by C. Turner), In memory of Patricia Harlow Pangburn of Irving.

**HR 38** (by Wilson), Expressing sympathy for the families who lost their dogs in the fire at the Ponderosa Pet Resort in Georgetown.

**HR 40** (by Spiller), In memory of Charlotte Ann Rogers Sorrel.

**HR 41** (by Herrero and Hunter), In memory of former state representative Frances Tarlton "Sissy" Farenthold.

**HR 42** (by Guillen), In memory of Tejano musician Noe "Gipper" Nieto Jr. of San Perlita.

**HR 44** (by Shine), In memory of Arthur John Polchinski Jr. of Temple.

**HR 49** (by Slaton), In memory of Roland Dwaine "Sonny" Plaster of Canton.

**HR 50** (by K. Bell), In memory of Dr. Darrell Wayne "Doc" Kinnard of Mabank.

**HR 53** (by Huberty), In memory of Bryan Edward Shea of Humble.

**HR 57** (by Lucio), In memory of the Most Reverend Raymundo J. Peña, bishop emeritus of the Catholic Diocese of Brownsville.



**HR 58** (by Martinez), In memory of Donna ISD police chief Daniel Lowell Walden.

**HR 59** (by Ramos), In memory of Tonna Nan Taylor Duke.

**HR 63** (by Oliverson), In memory of Hugo Enrique Guevara of the Cy-Fair Fire Department.

**HR 64** (by Martinez), In memory of Bobby Lee Lackey of Weslaco.

**HR 65** (by Ordaz Perez), In memory of Linda Gutierrez of El Paso.

**HR 70** (by White), In memory of Cole Edward Overstreet of Livingston.

**HR 71** (by Morales Shaw), In memory of Kathryn Morales.

**HR 73** (by Burns, Stucky, Murr, Smith, and Darby), In memory of Kori Freeman Crow of Austin.

**HR 79** (by Slaton), In memory of Robert L. Borth of Wills Point.

**HR 80** (by K. King), In memory of George W. Arrington of Canadian.

**HR 81** (by K. King), In memory of Al' Louise Suthers Ramp of Canadian.

**HR 82** (by K. King), In memory of Wanda Jo Rankin of Canadian.

**HR 83** (by K. King), In memory of James Melton Purser Jr. of Canadian.

**HR 85** (by Patterson), In memory of Williamson County Constable Kevin Stofle.

**HR 86** (by Cook), In memory of Philip M. Loveless of Arlington.

**HR 91** (by Holland), In memory of James Edward Robert Chilton III.

**HR 96** (by White), In memory of Yancy Williams of Livingston.

**HR 97** (by Herrero), In memory of Angelita Perez Garza of Corpus Christi.

The resolutions were unanimously adopted by a rising vote.

(Speaker in the chair)

### **LEAVE OF ABSENCE GRANTED**

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

Longoria on motion of Ashby.

### **GENERAL STATE CALENDAR HOUSE BILLS SECOND READING**

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

#### **HB 25 ON SECOND READING (by Swanson, Klick, Hefner, Morrison, Noble, et al.)**

**HB 25**, A bill to be entitled An Act relating to requiring public school students to compete in interscholastic athletic competitions based on biological sex.

### LEAVES OF ABSENCE GRANTED

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

Martinez on motion of Ordaz Perez.

Muñoz on motion of Raymond.

### HB 25 - (consideration continued)

#### Amendment No. 1

Representative M. González offered the following amendment to **HB 25**:

Amend **HB 25** (house committee report) on page 1 by striking line 4.

#### AMENDMENT NO. 1 - REMARKS

REPRESENTATIVE M. GONZÁLEZ: Members, this is the traditional striking the enacting clause amendment. I think it's important that we ask ourselves: What are we doing here? So many times from this microphone and from the back microphone, so many of us have said we are here to protect children. We are here to advance an environment where they are safe and healthy. So if we are true to these words, I have to ask: What are we doing here? Because we do know that this bill does create harm to some children. So when we say we don't want to create harm, do we mean all kids or just some kids?

We do know—and there are facts—that when we advance legislation like this, that when we continue to support rhetoric that encourages hate, discrimination, and bullying of transgender and intersex youth, there are negative implications. According to the CDC, 43.9 percent of trans youth considered suicide just in the past 12 months, comparably to cis students which is only 16.3. Members, 43.9 percent—that is nearly half of our trans youth who have considered suicide. Is this what we are here for? 29.7 percent have attempted suicide, comparably to cis students at 7.3 percent. Should 29 percent—29 percent—of our trans youth attempt to commit suicide? Or should we be doing the opposite and creating an environment and resources that they need to make sure that they are not going down this path? 49.9 percent have reported being bullied at schools, either at the school and/or electronically in the last year. We passed legislation two years ago and four years ago saying that bullying was bad. I'm asking you right now: Are we only okay for some students to not be bullied or all students? 34.6 percent in the last 12 months skipped school out of safety concerns—safety concerns.

I'm asking us to live our values in this moment. I'm asking us to say if we stand here and if we try to advance public policies for kids that say we want to protect them, that say we want them to do well in school, that say we want them to be healthy and we know that this bill does the opposite, then what are we doing here? Legislative attacks on LGBTQIA+ people, especially trans and intersex kids, have led to increased suicidal thoughts, negative impacts on mental health, bullying, and discrimination. Is that our job as legislators? The Trevor Project data has said that since we've been trying to advance this bill over the last year, there has been an increase of over 150 percent from youth citing that these

attacks are contributing to them being in crisis—10,800 crisis contacts from Texas youth, 36 percent from trans and nonbinary youth. Ninety-four percent of LGBT youth report that recent politics have negatively impacted their mental health. Members, we come up here and advocate for all of us to put more resources in mental health. If you care about mental health, and I know you do, then do the simple thing and not advance this piece of harmful legislation.

I think what's even more concerning in this moment is that we know that there are actual harms and that is reported. But we actually also know that this is a nonissue—that there is no issue with transgender and intersex students playing sports. We also know that trans students do not dominate sports or take athletic opportunities from their cisgender counterparts. No trans athlete has taken an opportunity or scholarship from another athlete. And lastly, there has not been a single issue filed with UIL—while there have been inquiries, no actual complaint.

This bill has one target: trans and intersex youth. And knowing that this bill has a target to hurt and can hurt innocent children and the domino effect is to hurt all Texans, why are we even having this debate? I ask y'all, when will this end? When will Texas be accepting and inclusive of our LGBTQIA families and community members? When will we stand for all children and not some? When will we make sure that we are advancing public policy for the safety and the health of marginalized and vulnerable students? When will we make sure that children are not used as political pawns? That we wrap our arms around them and say we love you, we see you, and we will never hurt you?

Members, we don't need this bill. In fact, we should be doing the opposite. I implore you to vote for this amendment so we can end this debate and do no more harm to children.

REPRESENTATIVE J.E. JOHNSON: Representative González, thank you for your articulate comments. But I want to go back and highlight just a few of the points. This bill is not addressing any situation in Texas where there has been a single complaint of unfair competition to the UIL league. Is that correct?

M. GONZÁLEZ: That is correct.

J.E. JOHNSON: We're not aware of a single competitive scholarship where a woman was denied because of competition against a transgender athlete. Is that correct?

M. GONZÁLEZ: That is correct.

J.E. JOHNSON: We're not aware of a single team competition where the team did not succeed because the other team included transgender athletes in their participation. Is that correct?

M. GONZÁLEZ: That is correct.

J.E. JOHNSON: What we are aware of, though, is that because the Texas Legislature has been pursuing these bills, a 150 percent increase in suicide has occurred in the LGBTQ community, predominantly of transgender kids, because their government does not care about them. Is that right?

M. GONZÁLEZ: That is right, and I think that's why this moment is so critical. We could reverse that number by voting for this amendment and saying we're not putting you—kids—in the middle of this anymore.

J.E. JOHNSON: So what we know, though, is we have facts where competition has not been affected but children's lives are affected. Is that correct?

M. GONZÁLEZ: Yes, and the most dire consequence is life or death.

J.E. JOHNSON: And this body throughout this legislative cycle has consistently argued and debated various legislative priorities based on the sanctity of human life. Isn't that right?

M. GONZÁLEZ: That is very accurate.

J.E. JOHNSON: But in this particular case they're willing to put human life at risk for our transgender kids who are committing suicide and threatening suicide at unparalleled numbers because of legislation like this when we cannot point to a single competitive example in sports where this is meaningful. Isn't that right?

M. GONZÁLEZ: That is right and it makes me wonder. Members, we are not overexaggerating about the impact of this piece of legislation and the words that we use. Kids have literally created harm and called and asked for help. Are we answering that call?

J.E. JOHNSON: And The Trevor Project, they've received complaints not just from urban areas but from areas all over the State of Texas. Isn't that right?

M. GONZÁLEZ: Yes.

J.E. JOHNSON: This is a situation. These families have come, have poured out their hearts defending their children in the testimony of these hearings, but yet it's being ignored by this body and members of the committee that vote this bill out.

M. GONZÁLEZ: Completely. And in fact, if we look at the numbers, how should our democracy work? Thousands of families have come and said, "This piece of legislation is hurting my child." Nobody on the opposite side has had any impact. So why are we okay with advancing legislation where thousands of folks, families, have come and said this is harmful? Do we not hear those voices?

J.E. JOHNSON: Right, but we're obviously not hearing those voices, are we?

M. GONZÁLEZ: And we should.

J.E. JOHNSON: Right. There seems to be a lot of misinformation concerning the hormone blockers of young transgender kids and how it affects. Can you please describe a little bit of that for the record?

M. GONZÁLEZ: I think this is really an important point because all of the medical associations have actually said how this piece of legislation isn't necessary. So for example, one of the most compelling pieces of testimony—actual facts again, members—that we heard in Public Education during the second special session when this bill came up was from a doctor. She said that the ways in which we talk about gender affirming care or do gender affirming care have actually no physical impact on a high schooler's or junior

high student's ability physically. And so because of the way we do gender affirming care in Texas, what we're talking about is not accurate and we're creating, actually, a lot of misinformation.

REPRESENTATIVE SWANSON: I think anyone who's listening realizes this is striking the enacting clause so it basically kills the whole bill, and I would not have brought this bill if I didn't feel like it was important for us to protect our girls here in Texas. We're talking hundreds of thousands of girls right now and all the ones following them. And again, I wanted to reiterate that all this bill does is codify what UIL is already doing. They voted—90 percent of their school districts—voted in agreement to put the rule in place that they are using. And the only thing this changes is they considered requiring it be that it was the birth certificate with the sex designated, if correctly, at or near the time of birth. But they didn't feel like they had the legal ability to decide which birth certificate to take, and so they said that they need and want guidance from the legislature. That came out several times in the different hearings, that they are asking for that guidance, and we are the elected Texas Legislature and we need to step up and provide that guidance. So I respectfully ask that you vote no on this amendment.

J.E. JOHNSON: Representative Swanson, do you know how many individuals die by suicide in our country?

SWANSON: I'm sorry. There was talking behind me there. I don't have an exact number. Every suicide is tragic. I firmly believe that every single person here and every single person in Texas is created by God and they're very special. They're created in the image of God. Every single life is important and we need to do—we should never have bullying. We should always be kind to others. Certainly I and many others experienced some—

J.E. JOHNSON: But Representative—

SWANSON: —really ugly teasing growing up, and I believe that we need to help counseling and we need to just—

J.E. JOHNSON: Representative, let me just—

SWANSON: We need to support everyone.

J.E. JOHNSON: The problem, though, is it seems disingenuous when you say that every life is valued and we shouldn't bully our kids when you're offering legislation and you're continuing to pursue legislation that clearly, unequivocally, and statistically has demonstrated a 150 percent increase in suicide and even a trifold of that of bullying of young kids when there's not one single demonstrable example of how this bill will affect competition in sports or one single demonstrative example of where a transgender athlete has negatively affected the ability of cisgender students to compete.

SWANSON: Okay, now, I understand that there were statements made in the hearing earlier and I take it your implication is that by us talking we are causing more suicides. And so I would be happy for us to just take the vote now and not have any other talking about this.

J.E. JOHNSON: Well, that's very convenient, but unfortunately, this community deserves the debate on this issue because this is very significant to the lives of thousands of Texas children and their parents and their families. Did you know that suicide is the second leading cause of death among young people, especially with LGBTQ youth being four times more likely to seriously consider suicide, to make a plan for suicide, and attempt suicide than their peers? Are you aware of that?

SWANSON: I am greatly concerned about the mental health of every single student in our schools and every person. And I'm very concerned also about the mental health of our girls who are unfairly and will be unfairly, if we don't pass this, made to compete against biological males. And in many sports, that endangers their safety, but it also makes it where they have absolutely no opportunity. They know that it's already set. The results are already set before they even start. How about the girl who's a state champion—

J.E. JOHNSON: Representative, I want to ask you—

SWANSON: She's a state champion and she never—she knows that it's all rigged against her and she can never get anywhere.

J.E. JOHNSON: Representative, how can you say that girls are being unfairly positioned in competition in the State of Texas such to justify this bill when there has not been a single—not one single—complaint to the UIL about transgender athletes being able to compete? There's not one single complaint. So how can you come before this body and the people of the State of Texas and argue that there's this chronic problem of unfair competition when we don't even have a single complaint?

SWANSON: It is totally incorrect that the schools and UIL are not getting reports, getting lots of questions. Again, I would urge you to go back and watch the UIL deputy director, Jamey Harrison, who said they had had a tremendous uptick in the number of calls. In fact, on that day when we said it, he had had calls about three different biological—these were calls from schools asking, what do we do? We need guidance. We have three different biological males—and these were different school districts—who are wanting to compete against the girls. They need the guidance and UIL is asking us to provide that guidance and to codify it.

J.E. JOHNSON: So how do you justify—you know, The Trevor Project is a very well-respected organization that tracks crises for LGBTQ youth. They have tracked a 150 percent increase of suicide risk of LGBT youth in Texas during the pendency of the debate of the legislation that you're pursuing. How do you reconcile that and how do you justify that risk to yourself?

SWANSON: Again, we would not need to be having these discussions. In fact, who of us even thought something like this would be necessary? The UIL deputy director said that this wasn't a thing before 2016. They never dreamed they'd need a rule, that it just started coming up, and it is only because of people

insisting on the right to take away the places and the safety of our girls that we are having to have this discussion so that we can protect all of those girls in Texas.

J.E. JOHNSON: Well, Representative Swanson, I'm very disappointed that you're continuing to pursue this kind of legislation in light of the extreme health risk to our young people of Texas without any serious or significant documentation that transgender participation in sports has any significant outcome on competitive sports. This is very disappointing, and I hope and encourage the body to vote in favor of Dr. González's amendment.

REPRESENTATIVE ZWIENER: As I'm reading your legislation: "The purpose of this Act is to further the governmental interest of ensuring that sufficient interscholastic athletic opportunities remain available for girls to remedy past discrimination on the basis of sex." Is that correct?

SWANSON: Correct.

ZWIENER: Well, I think that's a laudable goal. I have a lot of questions about why this—

SWANSON: I'm sorry. I missed a word. You think that's a lot of what?

ZWIENER: I think that is a laudable goal, but I have a lot of questions about why this is the way you are addressing that problem. Are you aware that the primary threats that currently exist for girls in women's sports include sexual assault and harassment from people in positions of power over them, lack of opportunities at the K-12 level, pay gaps for professional athletes, and sexual harassment, including stereotypes where young women may be accused of being masculine for playing athletics?

SWANSON: I appreciate that question, Representative Zwiener. I firmly believe that the things you're talking about are for a different bill, that this bill does not address that, and I would love to see professional athletes be able to be paid that. In fact, Representative Johnson and I—Ann Johnson, I guess I should say, since we have more than one—got into a discussion in committee, and she and I decided that we would do our part to help professional sports and college girls' sports by going and attending some games together, and we're going to invite all the other women.

ZWIENER: Well, this bill is about UIL, correct?

SWANSON: It is.

ZWIENER: You represent Klein ISD, correct?

SWANSON: Among other districts, yes.

ZWIENER: Yes, so in Klein ISD there's a participation gap of 15.5 percent—48.3 percent of students in Klein ISD are girls, however, only 32.8 percent of school sport participants are girls. That seems like a significant gap. Could you explain to me how transgender girls wanting to play athletics have created that gap?

SWANSON: That's not in this bill. What I will say to you is if we don't fix—

ZWIENER: So transgender girls have not created that gap?

SWANSON: Excuse me. Can I finish my sentence?

### **LEAVE OF ABSENCE GRANTED**

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

Hunter on motion of Burrows.

### **HB 25 - (consideration continued)**

REPRESENTATIVE A. JOHNSON: I don't know how old I was but I remember sitting on my parents' bed, at the edge of it, and I was looking up an old—what then was new—television that was a big box. It was up on top of an armoire. I was in the room by myself, and I remember seeing a gentleman who was incredibly flamboyant and didn't look like anybody I had ever met. I later learned that that was Harvey Milk. But there was another woman who spoke and she looked like all the ladies that I saw on Sundays when I went to church. And she said that that flamboyant man was going to go to hell. She said that she was there to save children, and I took it that she was talking to me. She said that women who liked other women would go to hell—that they were a danger to society. And I knew I was one of them and that there was something wrong with me, that I was not okay.

I later remember riding in the car with my mom down Broadway. I grew up by the airport. I was old enough that I didn't have a seat belt on. And I absolutely loved my mother—still love her. We were about halfway down the road and I probably had about 10 minutes before we got home. And I thought, I need to talk to my mama about the lady I saw on TV. And I thought as a young child that if I said anything, I would not be loved. That was the moment I went in the closet.

I have talked to many of you on the other side of the aisle and I will say this. I have been here for a short period of time, but I genuinely do love many of you and I know that you love me back. And I know that we disagree on policy, but you have said, "kids don't know." And I'm telling you I knew. Kids know. It took 30 years and a cancer diagnosis and believing that I was about to lose the life I had in realizing I had never really known love, even of myself. The closet includes a lot of dark corners.

And so I am the one this morning in a committee that asked the mother of David, who had committed suicide, if she would ever want us as a body to do anything that would cause a child to harm themselves. I am the one that asked. And if I offended anybody on that committee or anybody watching, I apologize. And I think that you will sense potentially throughout this day that my colleagues that have suffered the same closet, the same feeling of harm and hate and that we do not belong in this world, much less our own body, that we will probably be incredibly raw and rough today. We say that to say I promise you having this conversation, much less this legislation, will cause harm to our transgender children.



I grew up in the '70s. And when I run into folks, even those that are wearing pink to say I am here to protect girls' sports and they say, you don't remember me; and I say, yes, I do, you're so-and-so's daughter, we grew up at the same time; and I say, when I was growing up I was a lesbian and I never told anybody because it wasn't okay; and they say, well, that was wrong back then—I'm asking you to consider that what we're doing right now is wrong today. And you can stop it. If you vote for this amendment, we can all stop it right now. So I'm asking you on behalf of the little Anns who are watching. You are loved. You are like the sunrise and sunset. You are brilliant and different from day and night, as one of our ministers said. And we just don't understand or know you yet, but you are loved. And I ask that you vote for this amendment on behalf of all of them.

ZWIENER: Representative Johnson, I'm going to phrase this as a question. Do you know that I and every single one of my colleagues standing behind you today love you and appreciate you sharing your story?

A. JOHNSON: I do, and I will tell you I wish I had said something to my mother in that car. I know now what those kids and parents should be proud of today and that I let conversations like this keep me from talking to my parents. My parents didn't have the chance to help me because I heard from somebody else on the TV. I will tell you that when I did finally come out to my parents, my mom was very emotional. My dad happened to walk in the door at the same time, and he had a pack of stuff in his hands. I said, "Dad, I'm gay." And he put the stuff down. He walked over, gave me a big hug, and said, "I love you." Took three steps back, picked up the pack, and said, "now, can we talk about the phone bill?" I think about what my life might have been like if I had not been closeted.

ZWIENER: You mentioned growing up in the '70s. I grew up in the '90s and the early 2000s, and I've got a sister four years younger than me. When I was in high school, there weren't a lot of kids out in school. Five years later when she was in high school, there were kids who were out in high school. And I think sometimes we all forget how quickly so many things in the world have changed. You mentioned that that woman you knew as a child said, "that was wrong then." What do you think we should do with this moment where we as a body have a chance to be on the right side of history, to do the thing that is right, to protect these kids that maybe not all of us understand but that we all know we should love? What should we be doing with this moment?

A. JOHNSON: I have often thought that if we could shut the doors, if we could shed the labels, that we could accomplish amazing things. And I know many of you and your heart. You know me. You know my wife. I know your heart. And I would ask that you vote on your heart and not the political risk that might come with making a very courageous decision.

ZWIENER: Thank you for how you've asked members for courage. Thank you for speaking for this great amendment from Representative González. And I certainly hope the body stands with you on this today.

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Sherman on motion of Collier.

### HB 25 - (consideration continued)

M. GONZÁLEZ: This amendment is only asking us to be consistent with who we say we are and what we believe. So I want to read you something from one of my dear friends, Chairman James Frank, who I helped with **HB 547**. These are his words, and I love him very much. "Members, these are not outsiders to your community. They are your neighbors. They are your local taxpayers. They are the sons and daughters of your military. They are your voters. In all cases, they are just kids that want an opportunity to be included." That was about **HB 547**, allowing home-schooled kids to play. So if we believe those words and we want all kids to have an opportunity to be included, we should vote for this amendment. Because the consequence of passing this piece of legislation is the opposite.

And the thing is, we have really good examples of what inclusion looks like. In fact, 15 states and Washington, D.C. currently have trans-inclusive state athletic association guidance and years of open participation by transgender students in these places and have produced no evidence of any harm to cisgender people. Meanwhile, sports provide opportunities to learn leadership, teamwork, self-esteem, discipline, and so many other benefits to the holistic development of children. And those benefits should be available to all young people regardless of their gender identity. We have research that shows benefits. We have research that shows we could have inclusivity with no harm. We have research that shows this public policy does harm.

And so all I'm asking for us to do today and in this amendment is to be consistent. So if you have ever come up to this mic and said, I want children to be safe, I want children to be healthy, I want children to be happy, I want children to not be bullied, I want children to never have to think about committing suicide, ask yourself in this moment, were you only talking about some kids or were you talking about all kids? Because if we don't have a problem here today, members, are you really okay with putting some kids at risk? Is that what we are doing? Is that our job?

I don't need to say more words on the harms of this bill. You know the facts. You know the numbers. I'm asking you to be the political leaders I know so well. I have been fortunate to serve in this body for a decade of my life. I became an adult in this space. And what I have seen and what I've admired are the moments of political courage. I get it. For some of y'all, this is a difficult vote to explain back home. But do our politics, do these positions—are they worth putting children, a 14-year-old kid, at risk? None of us should want this seat more than we want their lives.

I have seen time and time again members like Speaker Straus who said, I will not advance the bathroom bill because I don't want one drop of blood on my hands. I have seen my mentor, Chairman Byron Cook, get up here and fight

against harmful amendments that made him have very difficult conversations back home. I have seen political courage from so many folks time and time again on this floor. And so what I'm asking you to do in this moment is to think of children and find the courage for them because that is ultimately our job—to protect and honor all kids. So I ask you, I implore you, to vote for this amendment and stay consistent with what this house has said it always has believed in.

ZWIENER: Representative González, I so appreciate you bringing this amendment. You had the privilege of serving in this building in 2017 before I arrived, and you alluded to the fight over the bathroom bill. That bill is not law at this time, correct?

M. GONZÁLEZ: That is accurate. And I think it's important for members to know that to the community this is the bathroom bill 3.0, a bill that was not needed then and a bill that is not needed now.

ZWIENER: When that bill was being discussed, we had these tactics of saying that if this bill wasn't passed, that we would have terrifying things happen to little girls. Have any of those things come to pass because of the lack of passage of the bathroom bill?

M. GONZÁLEZ: None of that. And that's why I think it's important for us to examine our hearts. Should we be moved by fear or should we be moved by courage? Should we be moved by children if, again, there's no problem but just fear? Fear should not be something that we allow to harm kids.

ZWIENER: Again we are seeing this rhetoric that if this bill doesn't pass, bad things will happen for girls. But there is not a single case of a Texas girl or a Texas girls' team losing the ability to participate in sports because of transgender girls participating in sports. Is that correct? In UIL?

M. GONZÁLEZ: That is accurate and, again, in UIL. Members, we're not talking about college or professional sports. We're talking about children—a 13-year-old, a 14-year-old. We're talking about kids.

ZWIENER: And I think what I find so frustrating, and I want to know if you share this with me, is that in 2017, we saw this case made. There are real problems. There are places and there are times when little girls are not safe, both trans girls and cis girls. There are not enough opportunities for girls to play athletics in Texas. Those things are true, but in both cases it is not transgender youth or adults who are to blame for that. Is that correct?

M. GONZÁLEZ: That is completely accurate. So if we are talking about protecting girls in sports, then let's protect all girls in sports, right? So let's protect our trans girls and our cisgender girls and let's really create an inclusive environment for all children.

ZWIENER: So am I correct that you'd be ready to stand with me and Representative Swanson and fight for better funding for athletics in middle school and high school for all girls in athletics? Is that correct?

M. GONZÁLEZ: I would gladly stand up here and as vice-chairman of Appropriations feel I could be strategic in helping us accomplish those goals for funding for inclusive sports for all girls and all children.

ZWIENER: I was a high school athlete myself. I know why athletics are important. I certainly never would have won any medals, but the point was to learn about teamwork, to learn about persistence, to learn about doing something difficult and growing from that. Doesn't every single student need that experience if it's something they want? Is there any reason we should be cutting that option off to our transgender youth who need connection, if anything, more than other students?

M. GONZÁLEZ: Why do we have sports? We have sports so kids can learn how to be in teams, how to be leaders. We don't have school sports just to have athletic competitions. This is about holistic student development. So we're saying that some kids should not have that opportunity. Your vote today will say some kids should not be able to participate in a developmental activity, especially considering they are at high risk and will need that developmental opportunity more than anyone. And what's so frustrating is we have great examples of inclusivity. We could be passing legislation to encourage healthy and safe standards for all. In fact, we're doing the opposite.

ZWIENER: One of the beautiful things about team sports in particular is it brings people who are different together in support of a common goal. It brings people together to work alongside each other and learn about each other and sometimes fosters friendships that may have not occurred otherwise. So I hope that your amendment will be successful. I hope that we will not put up artificial divisions in athletics yet again. We have had those exist in the past. I hope we will step into the future with your amendment as you and Representative Johnson have requested us to do so.

M. GONZÁLEZ: Members, I implore you to vote for this amendment for all children.

A record vote was requested by Representative Ramos.

Amendment No. 1 failed of adoption by (Record 62): 46 Yeas, 68 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Campos; Cole; Coleman; Collier; Davis; Deshotel; Dutton; Fierro; González, J.; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Lopez; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Walle; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Cason; Clardy; Cook; Cyrier; Darby; Dean; Frank; Gates; Geren; Goldman; Guillen; Harris; Harrison; Hefner; Holland; Huberty; Hull; Jetton; Klick; Krause; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble;

Oliverson; Patterson; Paul; Price; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Beckley; Guerra; Harless; Hernandez; Herrero; Hunter; King, T.; Longoria; Martinez; Muñoz; Sherman; Smithee.

Absent — Canales; Capriglione; Cortez; Craddick; Crockett; Dominguez; Frullo; Gervin-Hawkins; Kacal; King, K.; King, P.; Kuempel; Larson; Lucio; Morales Shaw; Paddie; Parker; Raney; Stephenson; Thierry; Vo; Wu.

### STATEMENTS OF VOTE

When Record No. 62 was taken, I was in the house but away from my desk.  
I would have voted no.

Capriglione

When Record No. 62 was taken, I was in the house but away from my desk.  
I would have voted yes.

Cortez

When Record No. 62 was taken, I was in the house but away from my desk.  
I would have voted no.

Craddick

When Record No. 62 was taken, I was in the house but away from my desk.  
I would have voted no.

Frullo

When Record No. 62 was taken, I was in the house but away from my desk.  
I would have voted yes.

Gervin-Hawkins

When Record No. 62 was taken, I was in the house but away from my desk.  
I would have voted no.

Kacal

When Record No. 62 was taken, I was in the house but away from my desk.  
I would have voted no.

K. King

When Record No. 62 was taken, I was in the house but away from my desk.  
I would have voted no.

P. King

When Record No. 62 was taken, I was in the house but away from my desk.  
I would have voted no.

Kuempel

When Record No. 62 was taken, I was in the house but away from my desk.  
I would have voted no.

Parker

When Record No. 62 was taken, I was in the house but away from my desk.  
I would have voted no.

Raney

### **REMARKS ORDERED PRINTED**

Representative Zwiener moved to print all remarks on Amendment No. 1 on **HB 25**.

The motion prevailed.

### **LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of important business in the district:

Thierry on motion of Collier.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Leach on motion of Schaefer.

### **HB 25 - (consideration continued)**

#### **Amendment No. 2**

Representative Slaton offered the following amendment to **HB 25**:

Amend **HB 25** (house committee report) on page 2, line 4, between the underlined period and "a", by inserting the following appropriately lettered subsection and relettering subsequent subsections and cross-references to those subsections accordingly:

( ) In this section, "biological sex" means the physical condition of being male or female as determined by the sex organs, chromosomes, and endogenous profile of the individual at birth.

### **LEAVE OF ABSENCE GRANTED**

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

Vo on motion of C. Turner.

### **HB 25 - (consideration continued)**

A record vote was requested by Representative Ramos.

Amendment No. 2 was adopted by (Record 63): 79 Yeas, 50 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; Frank; Frullo; Gates; Geren; Goldman;

Guillen; Harris; Harrison; Hefner; Holland; Huberty; Hull; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Raymond; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Allen; Anchia; Bernal; Bowers; Bucy; Campos; Canales; Cole; Coleman; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Lopez; Lucio; Martinez Fischer; Minjarez; Moody; Morales, C.; Morales Shaw; Neave; Ortega; Perez; Ramos; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Beckley; Guerra; Harless; Hernandez; Herrero; Hunter; King, T.; Leach; Longoria; Martinez; Muñoz; Sherman; Smithee; Thierry; Vo.

Absent — Larson; Meza; Morales, E.; Ordaz Perez.

### STATEMENT OF VOTE

When Record No. 63 was taken, I was in the house but away from my desk. I would have voted no.

Meza

### Amendment No. 3

Representative J.E. Johnson offered the following amendment to **HB 25**:

Amend **HB 25** (house committee report) as follows:

(1) On page 2, line 4, strike "BIOLOGICAL SEX" and substitute "GENDER".

(2) Strike "biological sex" and substitute "gender" in each of the following places it appears:

- (A) page 2, line 9;
- (B) page 2, line 22;
- (C) page 2, line 23; and
- (D) page 3, line 1.

(Geren in the chair)

A record vote was requested by Representative Ramos.

Amendment No. 3 failed of adoption by (Record 64): 52 Yeas, 78 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Campos; Canales; Cole; Coleman; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Lopez; Lucio; Martinez Fischer;

Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Neave; Ordaz Perez; Ortega; Perez; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Walle; 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; Goldman; Guillen; Harris; Harrison; Hefner; Holland; Huberty; Hull; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Raymond; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

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

Absent, Excused — Beckley; Guerra; Harless; Hernandez; Herrero; Hunter; King, T.; Leach; Longoria; Martinez; Muñoz; Sherman; Smithee; Thierry; Vo.

Absent — Larson; Ramos.

#### **Amendment No. 4**

Representative Minjarez offered the following amendment to **HB 25**:

Amend **HB 25** (house committee report) on page 2, line 4, between "SEX," and "(a)", by inserting the following appropriately lettered subsection and relettering subsequent subsections of the section and cross-references to those subsections accordingly:

( ) This section applies only to a student's participation in an interscholastic athletic competition. This section does not apply to a student's participation in a team practice or an intramural competition, regardless of whether the team or competition is designated for the biological sex opposite to the student's.

#### **Amendment No. 4 - Point of Order**

Representative Cain raised a point of order against further consideration of Amendment No. 4 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. 4 - REMARKS**

REPRESENTATIVE ZWIENER: I'm a little perplexed by why we're treating women athletes like fragile flowers. I would like to know what do you see as the benefits of participating in athletics?

REPRESENTATIVE SWANSON: Thank you for that question, Representative Zwiener. Certainly that's come up many times and in hearings. It can lead to teamwork. It can help people feel included. It is strategy, leadership, and certainly the ability to compete, to win. Girls have a right to win in their own sports, and we have no business allowing anyone to take that right today. We also have scholarships.



ZWIENER: Representative Minjarez's amendment, as I read it, has no effect on interscholastic competition. Correct?

SWANSON: There are safety factors.

ZWIENER: It would just allow trans students to have the opportunity to get some of those teamwork and persistence activities and have an opportunity to participate and have those relationships on a team. Correct?

SWANSON: This bill's not about intramural sports, and we definitely still have safety factors involved.

ZWIENER: If this bill isn't about intramural sports, what's the concern with this amendment that would potentially allow students to participate in practice or in, say, the junior varsity teams playing each other once a year? What is the concern specifically with this amendment?

SWANSON: The bill is not about that and I'm going to respectfully request that people vote this amendment down.

ZWIENER: So just so I understand so we can be clear, this amendment has nothing to do with competition, with spots on the varsity team, with the opportunity to get scholarships. Is that correct?

SWANSON: This bill has nothing to do with intramurals. This bill does have to do with safety.

ZWIENER: I'm sorry. I'm asking about the amendment that we're discussing. Does this amendment affect the ability in any way of cis girls who are playing athletics to receive scholarships or get a spot on a team?

SWANSON: I don't recognize that term "cisgender." A lot of people use it, but I'm a woman. I think that we don't want to get into using that term.

ZWIENER: Regardless, could you answer the question?

SWANSON: I think the bill stands alone. I think that this could cause problems. I think girls need to be protected and have safety measures.

ZWIENER: Representative Swanson, do you think I'm a fragile flower who's afraid of who I face on a field?

SWANSON: I don't know about you but I would not want to be in a contact sport with James Frank and Travis Clardy.

ZWIENER: Well, Representative Swanson, I hope we get to play soccer with them at some point, and soccer is a contact sport. But that's another matter entirely. What I will say is, Representative Swanson, are you aware that injuries occur in all sports regardless of who is playing them?

SWANSON: Certainly my layout included measures about the differences and the injuries and there are many, many researches.

ZWIENER: Do you have any documentation of injuries caused by trans girls participating in team sports at the UIL level in Texas?

SWANSON: Mostly we have not had problems yet because UIL was wise enough to put the current rule in place.

ZWIENER: So we don't currently have a problem.

SWANSON: We are codifying the current UIL rules.

ZWIENER: That is inaccurate. We are actually going beyond the UIL rules by tying the birth certificate to time of birth. But are you aware of any problems of cisgender girls being injured by trans youth athletes at the high school level?

SWANSON: I know your question, as I understand it, involves whether any biological females are being injured in sports by biological males. I do choose to use the scientific terms and they provide clarity. And currently we have the issue that the UIL has put in a very, very wise rule. Ninety percent of school districts—

ZWIENER: So you are unaware of any circumstances that have led to injuries?

SWANSON: I'm sorry. I was still talking.

ZWIENER: That is the question.

SWANSON: I was trying to finish when you interrupted me. The UIL has had a very wise rule. And they asked us and it came out in the hearing—several times they indicated they wanted us to provide leadership and clarify what birth certificates they could use.

ZWIENER: So let's discuss track and field. And again, you completely avoided answering my question because there are no circumstances you are aware of where trans girls have resulted in the injury of cisgender girls. But this bill does not just apply to contact sports like football or soccer or lacrosse. This bill also applies to noncontact sports. In fact, one of the examples you have cited many times involves track and field. What is the harm of a trans girl participating in track and field practice with cisgender girls? What is the harm of that?

SWANSON: Again, this bill is about protecting girls in UIL sports.

ZWIENER: What hurts cisgender girls by having a transgender girl participate in track practice with them? Are they tainted just by exposure in your view? I mean, Representative Swanson, the reason I am asking this is because this bill seems designed by many of us to try and tell trans people they should not exist. There is no measurable harm you can cite. Representative Minjarez's amendment does not do any harm to your stated purpose for this bill and yet you are still opposing it. So please tell me how this actually hurts cisgender girls. Because it feels like trans girls are being used as a scare tactic and cisgender girls are being used as an excuse to attack trans people.

SWANSON: Thank you for that question. Again, much of this is repetition, but practices should reflect real competitions. How can you have a real competition? The girls would end up not being able to play their proper positions if they're not allowed to have practices that reflect the competition.

ZWIENER: So practice can be one avenue for students to have an opportunity to develop teamwork, leadership, persistence, all of those great benefits which is why we have sports as part of K-12 education, and you would deny trans girls the

option to even do that. What are their choices under your bill, then? Are their choices not to participate at all or to go back into the closet? Is that the goal with this, to force trans youth back into the closet?

SWANSON: Again, the bill is about participating by biological sex. So in no way do we stop anyone from playing sports. We're just saying that they need to play by their biological sex.

ZWIENER: But Representative Swanson, you have made this about fairness again and again and again. Practice has nothing to do with fairness to access to competition. So what conclusion can we reach other than that this is blatant animus against transgender youth?

### REMARKS ORDERED PRINTED

Representative Zwiener moved to print remarks between Representative Swanson and Representative Zwiener on Amendment No. 4 on **HB 25**.

The motion prevailed.

A record vote was requested by Representative Ramos.

Amendment No. 4 failed of adoption by (Record 65): 55 Yeas, 71 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Campos; Canales; Cole; Coleman; Collier; Cortez; Crockett; Davis; Dean; Deshotel; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Lopez; Lucio; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Neave; Ordaz Perez; Ortega; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Shine; Talarico; Thompson, S.; Turner, C.; Turner, J.; Walle; Wu; Zwiener.

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

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

Absent, Excused — Beckley; Guerra; Harless; Hernandez; Herrero; Hunter; King, T.; Leach; Longoria; Martinez; Muñoz; Sherman; Smithee; Thierry; Vo.

Absent — Button; Dominguez; Huberty; Larson; Murphy; Toth.

### STATEMENTS OF VOTE

When Record No. 65 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 65 was taken, I was in the house but away from my desk. I would have voted no.

Toth

### **Amendment No. 5**

Representative Minjarez offered the following amendment to **HB 25**:

Amend **HB 25** (house committee report) on page 2 as follows:

(1) On line 4, strike "provided by Subsection (b)" and substitute "otherwise provided by this section".

(2) Between lines 15 and 16, insert the following appropriately lettered subsection and reletter subsequent subsections and cross-references to those subsections accordingly:

( ) Subsection (a) does not apply to an interscholastic athletic team that:

(1) is sponsored or authorized by a school district or open-enrollment charter school; and

(2) represents a high school campus that does not provide students the opportunity to participate in a Gender and Sexuality Alliance (GSA) club or other student organization that is designed to provide support for lesbian, gay, bisexual, transgender, or queer students.

(3) On lines 16 and 17, strike "described by Subsection (a)" and substitute "to which Subsection (a) applies".

### **Amendment No. 5 - Point of Order**

Representative Vasut raised a point of order against further consideration of Amendment No. 5 under Rule 11, Section 2, of the House Rules. The point of order was sustained and the speaker submitted the following ruling:

#### **RULING BY THE SPEAKER**

on Amendment No. 5 to House Bill 25

Announced in the House on October 14, 2021

(Geren in the chair)

Representative Vasut raises a point of order against further consideration of the Minjarez Amendment under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane.

The subject of the bill is requiring public school students to compete on teams in certain interscholastic athletic competitions that are aligned with their biological sex.

The Minjarez Amendment would create an exception to the bill's requirements for teams representing a high school that does not provide all of its students certain extracurricular activities related to a student's sexual orientation or gender identity.

The amendment addresses a class of students that is broader than the class of students covered by the bill. Thus, the amendment is not germane. 86 H. Jour. 1648 (2019).

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

The ruling precluded further consideration of Amendment No. 5.

**Amendment No. 6**

Representative Bucy offered the following amendment to **HB 25**:

Amend **HB 25** (house committee report) on page 2 as follows:

(1) On line 12, strike "or".

(2) On line 15, between "record" and the underlined period, insert the following:

; or

(3) a letter from the student's health care provider stating that the student has undergone appropriate clinical treatment for gender transition

A record vote was requested by Representative Ramos.

Amendment No. 6 failed of adoption by (Record 66): 53 Yeas, 76 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Campos; Canales; Cole; Coleman; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Lopez; Lucio; Martinez Fischer; Meza; Minjarez; Morales, C.; Morales, E.; Morales Shaw; Neave; Ordaz Perez; Ortega; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Walle; 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; Goldman; Guillen; Harris; Hefner; Holland; Huberty; Hull; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; 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; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

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

Absent, Excused — Beckley; Guerra; Harless; Hernandez; Herrero; Hunter; King, T.; Leach; Longoria; Martinez; Muñoz; Sherman; Smithee; Thierry; Vo.

Absent — Harrison; Larson; Moody.

**STATEMENTS OF VOTE**

When Record No. 66 was taken, I was in the house but away from my desk. I would have voted no.

Harrison

When Record No. 66 was taken, my vote failed to register. I would have voted yes.

Moody

**Amendment No. 7**

Representative Cole offered the following amendment to **HB 25**:

Amend **HB 25** (house committee report) as follows:

(1) On page 2, line 24, strike "was".

(2) On page 2, line 25, between "(1)" and "entered", insert "was".

(3) On page 2, line 26, strike "or".

(4) On page 2, line 27, between "(2)" and "modified", insert "was".

(5) On page 3, line 1, between "sex" and the underlined period, insert the following:

; or

(3) is supported by a letter from the student's physician

A record vote was requested by Representative Ramos.

Amendment No. 7 failed of adoption by (Record 67): 53 Yeas, 77 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Campos; Canales; Cole; Coleman; Collier; Cortez; Crockett; Davis; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Lopez; Lucio; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Neave; Ordaz Perez; Ortega; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Walle; 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; Goldman; Guillen; Harris; Harrison; Hefner; Holland; Huberty; Hull; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; 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; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

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

Absent, Excused — Beckley; Guerra; Harless; Hernandez; Herrero; Hunter; King, T.; Leach; Longoria; Martinez; Muñoz; Sherman; Smithee; Thierry; Vo.

Absent — Deshotel; Larson.

**HB 25 - POINT OF ORDER**

Representative J. Turner raised a point of order against further consideration of **HB 25** under Article III, Section 40, of the Texas Constitution on the grounds that the subject matter of the bill is not included in the governor's proclamation. The point of order was withdrawn.

**Amendment No. 8**

Representative Tinderholt offered the following amendment to **HB 25**:

Amend **HB 25** (house committee report) by striking page 2, line 27, through page 3, line 1, and substituting the following:

(2) modified to correct any type of scrivener or clerical error in the student's biological sex.

A record vote was requested by Representative Ramos.

Amendment No. 8 was adopted by (Record 68): 80 Yeas, 48 Nays, 2 Present, not voting.

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

Nays — Allen; Anchia; Bernal; Bowers; Bucy; Campos; Canales; Cole; Coleman; Collier; Cortez; Crockett; Davis; Deshotel; Dutton; Fierro; Gervin-Hawkins; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Lopez; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales Shaw; Neave; Ortega; Perez; Ramos; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Walle; Wu; Zwiener.

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

Absent, Excused — Beckley; Guerra; Harless; Hernandez; Herrero; Hunter; King, T.; Leach; Longoria; Martinez; Muñoz; Sherman; Smithee; Thierry; Vo.

Absent — Button; Dominguez; Larson; Lucio.

**STATEMENT OF VOTE**

When Record No. 68 was taken, I was shown voting yes. I intended to vote no.

J. González

**HB 25 - POINT OF ORDER**

Representative Zwiener raised a point of order against further consideration of **HB 25** under Article III, Section 40, of the Texas Constitution on the grounds that the governor's proclamation does not properly designate a subject on which legislation may be considered.

(Speaker in the chair)

The point of order was withdrawn.

**HR 33 - NAMES ADDED**

On motion of Representative Geren, the names of all the members of the house were added to **HR 33** as signers thereof.

**HB 25 - (consideration continued)****Amendment No. 9**

Representative Talarico offered the following amendment to **HB 25**:

Amend **HB 25** (house committee report) as follows:

(1) On page 2, strike lines 10 through 15, and substitute "correctly stated on the student's official birth certificate or another government record.".

(2) Strike page 2, line 21, through page 3, line 1, and reletter subsequent subsections accordingly.

A record vote was requested by Representative Ramos.

Amendment No. 9 failed of adoption by (Record 69): 51 Yeas, 78 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Campos; Canales; Cole; Coleman; Collier; Cortez; Crockett; Davis; Dominguez; Dutton; Fierro; González, J.; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Lopez; Lucio; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Neave; Ordaz Perez; Ortega; Perez; Ramos; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Walle; 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; Gervin-Hawkins; Goldman; Guillen; Harris; Hefner; Holland; Huberty; Hull; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; 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; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Beckley; Guerra; Harless; Hernandez; Herrero; Hunter; King, T.; Leach; Longoria; Martinez; Muñoz; Sherman; Smithee; Thierry; Vo.

Absent — Deshotel; Harrison; Larson; Raymond.

**STATEMENTS OF VOTE**

When Record No. 69 was taken, I was shown voting no. I intended to vote yes.

Gervin-Hawkins



When Record No. 69 was taken, my vote failed to register. I would have voted no.

Harrison

### **Amendment No. 10**

Representative Hinojosa offered the following amendment to **HB 25**:

Amend **HB 25** (house committee report) as follows:

(1) On page 2, strike lines 4 through 15 and substitute the following:

ON BIOLOGICAL SEX. (a) This section applies only to a school district or open-enrollment charter school for which the board of trustees or the governing body has adopted by supermajority vote a policy prohibiting a student enrolled in the district or school from competing in an interscholastic athletic competition sponsored or authorized by the district or school that is designated for the biological sex opposite to the student's biological sex as correctly stated on:

(1) the student's official birth certificate, as described by Subsection (d); or

(2) if the student's official birth certificate described by Subdivision (1) is unobtainable, another government record.

(b) Except as provided by Subsection (c), an interscholastic athletic team sponsored or authorized by a school district or open-enrollment charter school to which this section applies may not allow a student to compete on the team in an interscholastic athletic competition sponsored or authorized by the district or school in violation of the policy adopted as described by Subsection (a).

(2) On page 2, line 16, strike "(b)" and substitute "(c)".

(3) On page 2, line 17, strike "(a)" and substitute "(b)".

(4) On page 2, line 21, strike "(c)" and substitute "(d)".

(5) Reletter subsequent subsections accordingly.

A record vote was requested by Representative Ramos.

Amendment No. 10 failed of adoption by (Record 70): 52 Yeas, 78 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Campos; Canales; Cole; Coleman; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Lopez; Lucio; Martinez Fischer; Meza; Minjarez; Morales, C.; Morales, E.; Morales Shaw; Neave; Ordaz Perez; Ortega; Perez; Ramos; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Walle; 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; Guillen; Harris; Harrison; Hefner; Holland; Huberty; Hull; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; 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; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Beckley; Guerra; Harless; Hernandez; Herrero; Hunter; King, T.; Leach; Longoria; Martinez; Muñoz; Sherman; Smithee; Thierry; Vo.

Absent — Larson; Moody; Raymond.

### STATEMENT OF VOTE

When Record No. 70 was taken, I was in the house but away from my desk. I would have voted yes.

Moody

### Amendment No. 11

Representative C. Turner offered the following amendment to **HB 25**:

Amend **HB 25** (house committee report) as follows:

(1) On page 1, line 16, between "competition" and "sponsored", insert "in which the student would compete and be scored or evaluated on an individual basis as a member of that team that is".

(2) On page 1, line 17, between "school" and "that", insert "and".

A record vote was requested by Representative Ramos.

Amendment No. 11 failed of adoption by (Record 71): 52 Yeas, 78 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Campos; Canales; Cole; Coleman; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Lopez; Lucio; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Neave; Ordaz Perez; Ortega; Perez; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Walle; 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; Guillen; Harris; Harrison; Hefner; Holland; Huberty; Hull; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; 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; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Beckley; Guerra; Harless; Hernandez; Herrero; Hunter; King, T.; Leach; Longoria; Martinez; Muñoz; Sherman; Smithee; Thierry; Vo.

Absent — Larson; Ramos; Raymond.

**Amendment No. 12**

Representative J.E. Johnson offered the following amendment to **HB 25**:

Amend **HB 25** (house committee report) on page 2 by striking lines 16 through 20 and substituting the following appropriately lettered subsection:

( ) An interscholastic athletic team described by Subsection (a) may allow a student who would otherwise not be allowed to compete in an interscholastic athletic competition that is designated for male students under Subsection (a) to compete in the competition if the student:

(1) is female and a corresponding interscholastic athletic competition designated for female students is not offered or available; or

(2) identifies as a transgender male.

Amendment No. 12 was withdrawn.

**Amendment No. 13**

Representative Goodwin offered the following amendment to **HB 25**:

Amend **HB 25** (house committee report) by striking SECTIONS 1 and 2 of the bill (page 1, lines 5-24) and renumbering subsequent SECTIONS of the bill accordingly.

A record vote was requested by Representative Ramos.

Amendment No. 13 failed of adoption by (Record 72): 54 Yeas, 78 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Campos; Canales; Cole; Coleman; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Lopez; Lucio; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Neave; Ordaz Perez; Ortega; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Walle; 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; Guillen; Harris; Harrison; Hefner; Holland; Huberty; Hull; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; 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; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Beckley; Guerra; Harless; Hernandez; Herrero; Hunter; King, T.; Leach; Longoria; Martinez; Muñoz; Sherman; Smithee; Thierry; Vo.

Absent — Larson.

**Amendment No. 14**

Representative Goodwin offered the following amendment to **HB 25**:

Amend **HB 25** (house committee report) as follows:

(1) On page 2, line 4, between the underlined period and "(a)", insert the following appropriately lettered subsection and reletter subsequent subsections and cross-references to those subsections accordingly:

( ) This section applies only to a school district or open-enrollment charter school that employs at least one licensed professional counselor, as defined by Section 503.002, Occupations Code, at each campus in the district or school.

(2) On page 2, line 6, between "school" and "may", insert "to which this section applies".

(3) On page 3, line 7, between "school" and "that", insert "to which Section 33.0834, Education Code, as added by this Act, applies".

A record vote was requested by Representative Ramos.

Amendment No. 14 failed of adoption by (Record 73): 55 Yeas, 77 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Campos; Canales; Cole; Coleman; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Larson; Lopez; Lucio; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Neave; Ordaz Perez; Ortega; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Walle; 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; Guillen; Harris; Harrison; Hefner; Holland; Huberty; Hull; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; 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; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Beckley; Guerra; Harless; Hernandez; Herrero; Hunter; King, T.; Leach; Longoria; Martinez; Muñoz; Sherman; Smithee; Thierry; Vo.

Absent — Toth.

**STATEMENT OF VOTE**

When Record No. 73 was taken, I was in the house but away from my desk. I would have voted no.

Toth

**Amendment No. 15**

Representative Zwiener offered the following amendment to **HB 25**:

Amend **HB 25** (house committee report) as follows:

(1) On page 2, line 4, between the underlined period and "(a)", insert the following appropriately lettered subsection and reletter subsequent subsections and cross-references to those subsections accordingly:

( ) This section applies only to a school district or open-enrollment charter school that certifies to the University Interscholastic League that each teacher and coach employed by the district or school has received training on sexual harassment and sexual assault prevention.

(2) On page 2, line 6, between "school" and "may", insert "to which this section applies".

(3) On page 3, line 7, between "school" and "that", insert "to which Section 33.0834, Education Code, as added by this Act, applies".

**Amendment No. 15 - Point of Order**

Representative Vasut raised a point of order against further consideration of Amendment No. 15 under Rule 11, Section 2, of the House Rules.

(Harris in the chair)

The point of order was sustained and the speaker submitted the following ruling:

**RULING BY THE SPEAKER**

on Amendment No. 15 to House Bill 25

Announced in the House on October 14, 2021

(Harris in the chair)

Representative Vasut raises a point of order against further consideration of the Zwiener Amendment under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane.

The subject of the bill is requiring public school students to compete on teams in certain interscholastic athletic competitions that are aligned with their biological sex.

The Zwiener Amendment would condition the bill's application to a school district or open-enrollment charter school that certifies that its teachers and coaches have received certain sexual harassment and sexual assault prevention training.

The amendment is limited neither to the class of students covered by the bill nor to the class of activities covered by the bill. Thus, the amendment is not germane. See 87 H. Jour. 3d C.S. 146 (2021).

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

The ruling precluded further consideration of Amendment No. 15.

**Amendment No. 16**

Representative Israel offered the following amendment to **HB 25**:

Amend **HB 25** (house committee printing) by striking page 2, lines 16 through 20, and substituting the following appropriately lettered subsection:

( ) An interscholastic athletic team described by Subsection (a) may allow:

(1) a female student to compete in an interscholastic athletic competition that is designated for male students if a corresponding interscholastic athletic competition designated for female students is not offered or available; or

(2) a student to compete in an interscholastic athletic competition that is designated for the sex opposite to the student's sex as provided by Subsection (a) if the team's coach approves the student's participation in the competition.

A record vote was requested by Representative Ramos.

Amendment No. 16 failed of adoption by (Record 74): 52 Yeas, 78 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Campos; Canales; Cole; Coleman; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; González, J.; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Lopez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Neave; Ordaz Perez; Ortega; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Walle; 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; Gervin-Hawkins; Goldman; Guillen; Harrison; Hefner; Holland; Huberty; Hull; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leman; Lozano; Metcalf; Meyer; Middleton; Minjarez; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

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

Absent, Excused — Beckley; Guerra; Harless; Hernandez; Herrero; Hunter; King, T.; Leach; Longoria; Martinez; Muñoz; Sherman; Smithee; Thierry; Vo.

Absent — Larson; Lucio.

**STATEMENTS OF VOTE**

When Record No. 74 was taken, I was shown voting no. I intended to vote yes.

Gervin-Hawkins

When Record No. 74 was taken, I was shown voting no. I intended to vote yes.

Minjarez

When Record No. 74 was taken, I was shown voting yes. I intended to vote no.

Raney

### **Amendment No. 17**

Representative Rosenthal offered the following amendment to **HB 25**:

Amend **HB 25** (house committee printing) by striking page 2, lines 16 through 20, and substituting the following appropriately lettered subsection:

( ) An interscholastic athletic team described by Subsection (a) may allow:

(1) a female student to compete in an interscholastic athletic competition that is designated for male students if a corresponding interscholastic athletic competition designated for female students is not offered or available; or

(2) a student to compete in an interscholastic athletic competition that is designated for the sex opposite to the student's sex as provided by Subsection (a) if the principal of the school district or open-enrollment charter school that sponsors or authorizes the competition approves the student's participation in the competition.

### **HB 25 - POINT OF ORDER**

Representative Anchia raised a point of order against further consideration of **HB 25** under Rule 4, Section 18, of the House Rules on the grounds that the committee minutes did not accurately recite the authority under which the committee assembled. The point of order was withdrawn.

A record vote was requested by Representative Ramos.

Amendment No. 17 failed of adoption by (Record 75): 53 Yeas, 77 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Campos; Canales; Cole; Coleman; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.E.; Lopez; Lucio; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Neave; Ordaz Perez; Ortega; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Walle; 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; Guillen; Harrison; Hefner; Holland; Huberty; Hull; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; 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; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

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

Absent, Excused — Beckley; Guerra; Harless; Hernandez; Herrero; Hunter; King, T.; Leach; Longoria; Martinez; Muñoz; Sherman; Smithee; Thierry; Vo.

Absent — Johnson, J.D.; Larson.

### HB 25 - POINT OF ORDER

Representative Anchia raised a point of order against further consideration of **HB 25** under Rule 4, Section 18, of the House Rules on the grounds that the committee minutes did not accurately recite the authority under which the committee assembled. The point of order was withdrawn.

### Amendment No. 18

Representative Rosenthal offered the following amendment to **HB 25**:

Amend **HB 25** (house committee printing) by striking page 2, lines 16 through 20, and substituting the following appropriately lettered subsection:

( ) An interscholastic athletic team described by Subsection (a) may allow:

(1) a female student to compete in an interscholastic athletic competition that is designated for male students if a corresponding interscholastic athletic competition designated for female students is not offered or available; or

(2) a student to compete in an interscholastic athletic competition that is designated for the sex opposite to the student's sex as provided by Subsection (a) if the board of trustees of the school district or the governing body of the open-enrollment charter school that sponsors or authorizes the competition approves the student's participation in the competition.

A record vote was requested by Representative Ramos.

Amendment No. 18 failed of adoption by (Record 76): 52 Yeas, 77 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Campos; Cole; Coleman; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Lopez; Lucio; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Neave; Ordaz Perez; Ortega; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Walle; 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; Guillen; Harrison; Hefner; Holland; Huberty; Hull; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; 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; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.



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

Absent, Excused — Beckley; Guerra; Harless; Hernandez; Herrero; Hunter; King, T.; Leach; Longoria; Martinez; Muñoz; Sherman; Smithee; Thierry; Vo.

Absent — Canales; Larson; Rose.

### STATEMENT OF VOTE

When Record No. 76 was taken, my vote failed to register. I would have voted yes.

Rose

### Amendment No. 19

Representative Morales Shaw offered the following amendment to **HB 25**:

Amend **HB 25** (house committee report) as follows:

(1) On page 2, line 4, between the underlined period and "(a)", insert the following appropriately lettered subsection and reletter subsequent subsections and cross-references to those subsections accordingly:

( ) This section applies only to a school district or open-enrollment charter school that conducts anti-bullying training with a focus on preventing bullying against transgender students for all teachers, coaches, and other staff employed by the district or school.

(2) On page 2, line 6, between "school" and "may", insert "to which this section applies".

(3) On page 3, line 7, between "school" and "that", insert "to which Section 33.0834, Education Code, as added by this Act, applies".

### Amendment No. 19 - Point of Order

Representative Cain raised a point of order against further consideration of Amendment No. 19 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane. The point of order was withdrawn.

Amendment No. 19 was withdrawn.

### HB 25 - POINT OF ORDER

Representative Moody raised a point of order against further consideration of **HB 25** under Rule 4, Section 32(c), of the House Rules on the grounds that the bill analysis is materially misleading. The point of order was withdrawn.

(Speaker in the chair)

### HB 25 - POINT OF ORDER

Representative Hinojosa raised a point of order against further consideration of **HB 25** under Rule 1, Section 4, of the House Rules.

(Harris in the chair)

The point of order was overruled and the speaker submitted the following ruling:

**RULING BY THE SPEAKER**

on House Bill 25

Announced in the House on October 14, 2021

(Harris in the chair)

Representative Hinojosa raises a point of order against further consideration of **HB 25** under Rule 1, Section 4, of the House Rules on the grounds that the bill was improperly referred to more than one committee.

Ms. Hinojosa argues that **HB 25** is identical to **HB 10** because both would enact the same statutory language. Because they both do this, she argues that they are the same bill and were required to be referred to the same committee.

**HB 25** is a distinct bill and was referred to only one committee. Under the plain language of the rule, the referral was entirely proper. The referral of **HB 10**, which is a separate and distinct bill, is irrelevant.

Accordingly, the point of order is respectfully overruled.

**Amendment No. 20**

Representative Hinojosa offered the following amendment to **HB 25**:

Amend **HB 25** (house committee printing) as follows:

(1) On page 2, line 4, between "(b)" and the underlined comma, insert "and subject to Subsection (b-1)".

(2) On page 2, between lines 20 and 21, insert the following:

(b-1) An interscholastic athletic team described by Subsection (a) must allow a student to compete in an interscholastic athletic competition that is designated for the sex opposite to the student's sex as provided by Subsection (a) if the student suffers from depression or anxiety or is at risk of suicide and the student's parent or guardian notifies the school district or open-enrollment charter school that authorizes or sponsors the interscholastic athletic team that prohibiting the student from participating in the interscholastic athletic competition would worsen or exacerbate the student's depression or anxiety or increase the student's risk of suicide.

A record vote was requested by Representative Ramos.

Amendment No. 20 failed of adoption by (Record 77): 52 Yeas, 78 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Campos; Canales; Cole; Coleman; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.E.; Lopez; Lucio; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Neave; Ordaz Perez; Ortega; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Walle; 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; Guillen; Harrison; Hefner; Holland; Huberty; Hull; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; 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; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

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

Absent, Excused — Beckley; Guerra; Harless; Hernandez; Herrero; Hunter; King, T.; Leach; Longoria; Martinez; Muñoz; Sherman; Smithee; Thierry; Vo.

Absent — Johnson, J.D.; Larson.

### **Amendment No. 21**

Representative Dutton offered the following amendment to **HB 25**:

Amend **HB 25** (house committee printing) on page 3, between lines 1 and 2, by inserting the following appropriately lettered subsection and relettering subsequent subsections accordingly:

( ) Notwithstanding Subsection (c), a student's biological sex as stated on the student's official birth certificate is final and considered to have been correctly stated.

A record vote was requested by Representative Ramos.

Amendment No. 21 failed of adoption by (Record 78): 54 Yeas, 77 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Campos; Canales; Cole; Coleman; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Lopez; Lucio; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Neave; Ordaz Perez; Ortega; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Walle; 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; Guillen; Harrison; Hefner; Holland; Huberty; Hull; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; 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; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

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

Absent, Excused — Beckley; Guerra; Harless; Hernandez; Herrero; Hunter; King, T.; Leach; Longoria; Martinez; Muñoz; Sherman; Smithee; Thierry; Vo.

Absent — Larson.

### **Amendment No. 22**

Representative Howard offered the following amendment to **HB 25**:

Amend **HB 25** (house committee report) on page 3, at the end of line 4, by inserting the following:

The rules must ensure compliance with state and federal law regarding the confidentiality of student medical information, including Chapter 181, Health and Safety Code, and the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.).

### **AMENDMENT NO. 22 - REMARKS**

REPRESENTATIVE SLATON: Mr. Oliverson, would you please just clarify. So if this amendment gets on, it doesn't change the possibility of someone submitting a birth certificate or a chromosome test if there was ever a dispute. It's just once they have the information, they can't disclose it. Can you clarify that, please?

REPRESENTATIVE OLIVERSON: So what HIPAA does—and also if you're looking at the amendment very carefully, you'd notice that there's a Texas chapter of code, which is Chapter 181, which is basically the Texas statute that mirrors HIPAA—is it doesn't prevent you from transmitting information. It also doesn't prevent you from having access to the information to do your job. It just reminds you and requires you to safeguard that information and not release it to somebody that doesn't have the need to know the information. So the answer to your question is it would not.

### **REMARKS ORDERED PRINTED**

Representative Toth moved to print remarks between Representative Oliverson and Representative Slaton on Amendment No. 22 on **HB 25**.

The motion prevailed.

A record vote was requested by Representative Ramos.

Amendment No. 22 was adopted by (Record 79): 121 Yeas, 8 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guillen; Harrison; Hefner; Hinojosa; Holland; Howard; Huberty; Hull; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leman; Lopez; Lozano; Lucio; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Murphy; Murr; Neave;

Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Price; Ramos; Raney; Raymond; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stephenson; Stucky; Swanson; Talarico; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Walle; Wu; Zwiener.

Nays — Biedermann; Cain; Cason; Tinderholt; Toth; Vasut; White; Wilson.

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

Absent, Excused — Beckley; Guerra; Harless; Hernandez; Herrero; Hunter; King, T.; Leach; Longoria; Martinez; Muñoz; Sherman; Smithee; Thierry; Vo.

Absent — Larson; Perez; Reynolds.

### STATEMENT OF VOTE

When Record No. 79 was taken, I was shown voting yes. I intended to vote no.

Middleton

(Speaker in the chair)

### HB 25 - REMARKS

REPRESENTATIVE SCHAEFER: I just want to clarify a couple of points from the Book of Genesis. After the account of creation, where it gets to the point of where man is created, this is what it says: So God created man in his own image, in the image of God he created him; male and female he created them. And Jesus himself in Matthew 19:4 says: Haven't you read, he replied, that at the beginning the creator made them male and female, and said, for this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh? So they are no longer two but one. Therefore what God has joined together, let man not separate.

Make no mistake. God has a design. God has a design for the family, for us as individuals. He says clearly in his word, the creator of the universe created us male and female and the purpose was to create the family unit. And the reason we leave our father and mother and are joined to a man or a woman is to multiply and to serve God. The Book of Genesis was invoked on this house floor, and it's a good source. But we must make sure we understand what it says. And when God speaks, members, that is the final authority.

### REMARKS ORDERED PRINTED

Representative Slaton moved to print remarks by Representative Schaefer on **HB 25**.

The motion prevailed.

A record vote was requested by Representative Ramos.

**HB 25**, as amended, was passed to engrossment by (Record 80): 76 Yeas, 54 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; Dean; Frank; Frullo; Gates; Goldman; Guillen; Harris; Harrison; Hefner; Holland; Huberty; Hull; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; 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; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Allen; Anchia; Bernal; Bowers; Bucy; Campos; Canales; Cole; Coleman; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Lopez; Lucio; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Neave; Ordaz Perez; Ortega; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Beckley; Guerra; Harless; Hernandez; Herrero; Hunter; King, T.; Leach; Longoria; Martinez; Muñoz; Sherman; Smithee; Thierry; Vo.

Absent — Darby; Geren; Larson.

### **STATEMENT OF VOTE**

When Record No. 80 was taken, I was excused because of important business in the district. I would have voted yes.

Harless

### **ADJOURNMENT**

Representative Goldman moved that the house adjourn until 9:10 p.m. today.

The motion prevailed.

The house accordingly, at 9:05 p.m., adjourned until 9:10 p.m. today.