

By: González of El Paso

H.B. No. 258

A BILL TO BE ENTITLED

AN ACT

relating to the public school finance system.

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

SECTION 1. Sections 29.918(a) and (b), Education Code, are amended to read as follows:

(a) Notwithstanding Section [~~39.234~~ or] 42.152, a school district or open-enrollment charter school with a high dropout rate, as determined by the commissioner, must submit a plan to the commissioner describing the manner in which the district or charter school intends to use the compensatory education allotment under Section 42.152 [~~and the high school allotment under Section 42.160~~] for developing and implementing research-based strategies for dropout prevention. The district or charter school shall submit the plan not later than December 1 of each school year preceding the school year in which the district or charter school will receive the compensatory education allotment [~~or high school allotment~~] to which the plan applies.

(b) A school district or open-enrollment charter school to which this section applies may not spend or obligate more than 25 percent of the district's or charter school's compensatory education allotment [~~or high school allotment~~] unless the commissioner approves the plan submitted under Subsection (a). The commissioner shall complete an initial review of the district's or charter school's plan not later than March 1 of the school year

1 preceding the school year in which the district or charter school
2 will receive the compensatory education allotment [~~or high school~~
3 ~~allotment~~] to which the plan applies.

4 SECTION 2. Section 39.0233(a), Education Code, as amended
5 by H.B. 2223, Acts of the 85th Legislature, Regular Session, 2017,
6 is amended to read as follows:

7 (a) The agency, in coordination with the Texas Higher
8 Education Coordinating Board, shall adopt a series of questions to
9 be included in an end-of-course assessment instrument administered
10 under Section 39.023(c) to be used for purposes of Subchapter F-1,
11 Chapter 51. The questions adopted under this subsection must be
12 developed in a manner consistent with any college readiness
13 standards adopted under [~~Section 39.233 and~~] Subchapter F-1,
14 Chapter 51.

15 SECTION 3. Section 41.002(a), Education Code, is amended to
16 read as follows:

17 (a) A school district may not have a wealth per student that
18 exceeds:

19 (1) the wealth per student that generates the amount
20 of maintenance and operations tax revenue per weighted student
21 available to a district with maintenance and operations tax revenue
22 per cent of tax effort equal to the maximum amount provided per cent
23 under Section 42.101(a) or (b), for the district's maintenance and
24 operations tax effort equal to or less than the rate equal to the
25 sum of the product of the state compression percentage, as
26 determined under Section 42.2516, multiplied by the maintenance and
27 operations tax rate adopted by the district for the 2005 tax year

1 and any additional tax effort included in calculating the
2 district's compressed tax rate under Section 42.101(a-1);

3 (2) the greater of the wealth per student that
4 generates the amount of maintenance and operations tax revenue per
5 weighted student available to the Austin Independent School
6 District or a district at the 95th percentile in wealth per student,
7 as determined by the commissioner in cooperation with the
8 Legislative Budget Board, for the first six cents by which the
9 district's maintenance and operations tax rate exceeds the rate
10 equal to the sum of the product of the state compression percentage,
11 as determined under Section 42.2516, multiplied by the maintenance
12 and operations tax rate adopted by the district for the 2005 tax
13 year and any additional tax effort included in calculating the
14 district's compressed tax rate under Section 42.101(a-1), subject
15 to Section 41.093(b-1); or

16 (3) the wealth per student specified under Subdivision
17 (1) [~~\$319,500~~], for the district's maintenance and operations tax
18 effort that exceeds the amount of tax effort described by
19 Subdivision (2).

20 SECTION 4. Effective September 1, 2018, Section 41.002(a),
21 Education Code, is amended to read as follows:

22 (a) A school district may not have a wealth per student that
23 exceeds:

24 (1) the wealth per student that generates the amount
25 of maintenance and operations tax revenue per weighted student
26 available to a district with maintenance and operations tax revenue
27 per cent of tax effort equal to the maximum amount provided per cent

1 under Section 42.101(a), (a-3), or (b), for the district's
2 maintenance and operations tax effort equal to or less than the rate
3 equal to the sum of the product of the state compression percentage,
4 as determined under Section 42.2516, multiplied by the maintenance
5 and operations tax rate adopted by the district for the 2005 tax
6 year and any additional tax effort included in calculating the
7 district's compressed tax rate under Section 42.101(a-1);

8 (2) the greater of the wealth per student that
9 generates the amount of maintenance and operations tax revenue per
10 weighted student available to the Austin Independent School
11 District or a district at the 95th percentile in wealth per student,
12 as determined by the commissioner in cooperation with the
13 Legislative Budget Board, for the first six cents by which the
14 district's maintenance and operations tax rate exceeds the rate
15 equal to the sum of the product of the state compression percentage,
16 as determined under Section 42.2516, multiplied by the maintenance
17 and operations tax rate adopted by the district for the 2005 tax
18 year and any additional tax effort included in calculating the
19 district's compressed tax rate under Section 42.101(a-1), subject
20 to Section 41.093(b-1); or

21 (3) the wealth per student specified under Subdivision
22 (1) [\$319,500], for the district's maintenance and operations tax
23 effort that exceeds the amount of tax effort described by
24 Subdivision (2).

25 SECTION 5. Section 41.093(b-1), Education Code, is amended
26 to read as follows:

27 (b-1) If the guaranteed level of state and local funds per

1 weighted student per cent of tax effort under Section
2 42.302(a-1)(1) for which state funds are appropriated for a school
3 year is an amount at least equal to the greater of the amount of
4 revenue per weighted student per cent of tax effort available to the
5 Austin Independent School District or the amount available to a
6 district at the 95th percentile in wealth per student, as
7 determined by the commissioner in cooperation with the Legislative
8 Budget Board, the commissioner, in computing the amounts described
9 by Subsections (a)(1) and (2) and determining the cost of an
10 attendance credit, shall exclude maintenance and operations tax
11 revenue resulting from the tax rate described by Section
12 41.002(a)(2).

13 SECTION 6. Section 41.099(a), Education Code, is amended to
14 read as follows:

15 (a) Section [~~Sections 41.002(e),~~] 41.094 applies [~~41.097,~~
16 ~~and 41.098 apply~~] only to a district that:

17 (1) executes an agreement to purchase all attendance
18 credits necessary to reduce the district's wealth per student to
19 the equalized wealth level;

20 (2) executes an agreement to purchase attendance
21 credits and an agreement under Subchapter E to contract for the
22 education of nonresident students who transfer to and are educated
23 in the district but who are not charged tuition; or

24 (3) executes an agreement under Subchapter E to
25 contract for the education of nonresident students:

26 (A) to an extent that does not provide more than
27 10 percent of the reduction in wealth per student required for the

1 district to achieve a wealth per student that is equal to or less
2 than the equalized wealth level; and

3 (B) under which all revenue paid by the district
4 to other districts, in excess of the reduction in state aid that
5 results from counting the weighted average daily attendance of the
6 students served in the contracting district, is required to be used
7 for funding a consortium of at least three districts in a county
8 with a population of less than 40,000 that is formed to support a
9 technology initiative.

10 SECTION 7. Subchapter A, Chapter 42, Education Code, is
11 amended by adding Sections 42.010 and 42.011 to read as follows:

12 Sec. 42.010. COMPREHENSIVE REVIEW OF PUBLIC SCHOOL FINANCE
13 WEIGHTS, ALLOTMENTS, AND ADJUSTMENTS. (a) The agency shall
14 conduct a comprehensive review of weights, allotments, and
15 adjustments under the public school finance system, including all
16 current weights, allotments, and adjustments provided under this
17 chapter and any additional weights, allotments, and adjustments
18 that the agency determines may be appropriate. The review must
19 determine the effectiveness of existing weights, allotments, and
20 adjustments in fulfilling the mission of the public education
21 system stated in Section 4.001(a) and furthering the state policy
22 stated in Section 42.001. At a minimum, the review must determine
23 how closely and appropriately each of the following elements
24 reflects and provides financing for costs beyond the control of
25 school districts:

26 (1) adjustments for costs related to the geographic
27 variation in known resource costs and costs of education,

1 controlling for the impact of unequalized wealth and hold-harmless
2 provisions, and properly reflecting the impact of high
3 concentrations of poverty on the compensation that school districts
4 must pay to attract and retain teachers of comparable or
5 appropriate quality;

6 (2) adjustments for costs related to the size and
7 diseconomies of scale of school districts;

8 (3) adjustments for costs related to the varying
9 instructional needs and characteristics of students and the extent
10 to which the adjustments provide each student with access to
11 programs and services that are appropriate to the student's
12 educational needs;

13 (4) other factors, in addition to economic status,
14 that correlate to student at-risk status and the need for
15 compensatory education, and the degree to which those factors
16 correspond to additional educational costs; and

17 (5) the manner in which the cost adjustments are
18 applied to and affect the overall school finance system.

19 (b) The review of the adjustments described in Subsection
20 (a)(1) must:

21 (1) address all uncontrollable costs that can
22 reasonably be quantified;

23 (2) consider the qualifications, experience, and
24 turnover rate of personnel and the impact of those factors on
25 student achievement in considering the adequacy and comparability
26 of salaries;

27 (3) properly address the impact of factors that have a

1 large impact on certain types of school districts, such as extreme
2 isolation, regardless of general state impact;

3 (4) include only factors for which a rational economic
4 argument can be made;

5 (5) be carefully constructed to make sure that a cost
6 factor does not significantly affect more than one variable; and

7 (6) not be artificially adjusted to meet predetermined
8 outcomes and must not use arbitrary limits.

9 (c) In determining whether any additional weights,
10 allotments, and adjustments are appropriate under the public school
11 finance system, as required by Subsection (a), the agency shall
12 include consideration of an additional weight for educational
13 services provided to students in prekindergarten on a half-day
14 basis and on a full-day basis.

15 (d) The agency may contract with one or more consultants if
16 necessary to enable the agency to perform its duties under this
17 section.

18 (e) The Legislative Budget Board, the comptroller, the
19 state auditor, and any other state agency, official, or personnel
20 shall cooperate with the agency in carrying out its duties under
21 this section.

22 (f) Not later than December 1, 2018, the agency shall
23 provide a report that:

24 (1) states the findings of the review conducted under
25 this section; and

26 (2) includes recommendations for updated weights,
27 allotments, and adjustments and any other statutory changes

1 considered appropriate by the agency.

2 (g) This section expires January 1, 2019.

3 Sec. 42.011. STUDY OF LEGISLATION ON SCHOOL FUNDING. (a)
4 After each legislative session, the commissioner shall conduct a
5 study assessing the manner in which any statute enacted or amended
6 during that legislative session affects the equalized wealth level
7 of a school district under Chapter 41 or the Foundation School
8 Program under this chapter and whether the standard of neutrality
9 described under Section 42.001(b) is maintained.

10 (b) The study under this section must:

11 (1) include an analysis of the effects of legislation
12 on each school district in the state; and

13 (2) indicate how a school district compares to other
14 districts with respect to:

15 (A) property wealth per weighted student;

16 (B) revenue per weighted student;

17 (C) tax effort; and

18 (D) revenue per cent of tax effort.

19 (c) The commissioner shall issue a report on the study's
20 findings to the governor, the lieutenant governor, the speaker of
21 the house of representatives, and the legislature. The
22 commissioner shall make the report available to the public on the
23 agency's Internet website.

24 SECTION 8. Section 42.101(a), Education Code, is amended to
25 read as follows:

26 (a) For each student in average daily attendance, not
27 including the time students spend each day in special education

1 programs in an instructional arrangement other than mainstream or
2 career and technology education programs, for which an additional
3 allotment is made under Subchapter C, a district is entitled to an
4 allotment equal to the lesser of \$5,440 [~~\$4,765~~] or the amount that
5 results from the following formula:

6
$$A = \underline{\$5,440} [\del{\$4,765}] \times (\text{DCR}/\text{MCR})$$

7 where:

8 "A" is the allotment to which a district is entitled;

9 "DCR" is the district's compressed tax rate, which is the
10 product of the state compression percentage, as determined under
11 Section 42.2516, multiplied by the maintenance and operations tax
12 rate adopted by the district for the 2005 tax year; and

13 "MCR" is the state maximum compressed tax rate, which is the
14 product of the state compression percentage, as determined under
15 Section 42.2516, multiplied by \$1.50.

16 SECTION 9. Effective September 1, 2018, Section 42.101,
17 Education Code, is amended by amending Subsection (a) and adding
18 Subsection (a-3) to read as follows:

19 (a) Subject to adjustment under Subsection (a-3), for [~~Per~~]
20 each student in average daily attendance, not including the time
21 students spend each day in special education programs in an
22 instructional arrangement other than mainstream or career and
23 technology education programs, for which an additional allotment is
24 made under Subchapter C, a district is entitled to an allotment
25 equal to the lesser of \$5,840 [~~\$4,765~~] or the amount that results
26 from the following formula:

1 A = \$5,840 [~~\$4,765~~] X (DCR/MCR)

2 where:

3 "A" is the allotment to which a district is entitled;

4 "DCR" is the district's compressed tax rate, which is the
5 product of the state compression percentage, as determined under
6 Section 42.2516, multiplied by the maintenance and operations tax
7 rate adopted by the district for the 2005 tax year; and

8 "MCR" is the state maximum compressed tax rate, which is the
9 product of the state compression percentage, as determined under
10 Section 42.2516, multiplied by \$1.50.

11 (a-3) Beginning with the 2019-2020 school year, the basic
12 allotment provided to a district under Subsection (a) or (b) is
13 adjusted annually to increase the allotment by the greater of:

14 (1) one percent of the amount of the allotment for the
15 preceding school year; or

16 (2) the amount that results from applying the
17 inflation rate, as determined by the comptroller on the basis of
18 changes in the United States Bureau of Labor Statistics Consumer
19 Price Index for All Urban Consumers, to the allotment for the
20 preceding school year.

21 SECTION 10. Sections 42.152(a) and (c), Education Code, are
22 amended to read as follows:

23 (a) For each student who is educationally disadvantaged or
24 who is a student who does not have a disability and resides in a
25 residential placement facility in a district in which the student's
26 parent or legal guardian does not reside, a district is entitled to
27 an annual allotment equal to the adjusted basic allotment

1 multiplied by 0.25 [~~0.2~~], and by 2.41 for each full-time equivalent
2 student who is in a compensatory, intensive, or accelerated
3 instruction [~~remedial and support~~] program under Section 29.081
4 because the student is pregnant.

5 (c) Funds allocated under this section shall be used to fund
6 supplemental programs and services designed to eliminate any
7 disparity in performance on assessment instruments administered
8 under Subchapter B, Chapter 39, or disparity in the rates of high
9 school completion between students at risk of dropping out of
10 school, as defined by Section 29.081, and all other students.
11 Specifically, the funds, other than an indirect cost allotment
12 established under State Board of Education rule, which may not
13 exceed 25 [~~45~~] percent, may be used to meet the costs of providing a
14 compensatory, intensive, or accelerated instruction program under
15 Section 29.081 or a disciplinary alternative education program
16 established under Section 37.008, to pay the costs associated with
17 placing students in a juvenile justice alternative education
18 program established under Section 37.011, or to support a program
19 eligible under Title I of the Elementary and Secondary Education
20 Act of 1965, as provided by Pub. L. No. 103-382 and its subsequent
21 amendments, and by federal regulations implementing that Act, at a
22 campus at which at least 40 percent of the students are
23 educationally disadvantaged. In meeting the costs of providing a
24 compensatory, intensive, or accelerated instruction program under
25 Section 29.081, a district's compensatory education allotment
26 shall be used for costs supplementary to the regular education
27 program, such as costs for program and student evaluation,

1 instructional materials and equipment and other supplies required
2 for quality instruction, supplemental staff expenses, salary for
3 teachers of at-risk students, smaller class size, and
4 individualized instruction. A home-rule school district or an
5 open-enrollment charter school must use funds allocated under
6 Subsection (a) for a purpose authorized in this subsection but is
7 not otherwise subject to Subchapter C, Chapter 29. For purposes of
8 this subsection, a program specifically designed to serve students
9 at risk of dropping out of school, as defined by Section 29.081, is
10 considered to be a program supplemental to the regular education
11 program, and a district may use its compensatory education
12 allotment for such a program.

13 SECTION 11. Sections 42.153(a) and (b), Education Code, are
14 amended to read as follows:

15 (a) For each student in average daily attendance in a
16 bilingual education or special language program under Subchapter B,
17 Chapter 29, a district is entitled to an annual allotment equal to
18 the adjusted basic allotment multiplied by 0.25 [~~0.1~~].

19 (b) Funds allocated under this section, other than an
20 indirect cost allotment established under State Board of Education
21 rule, which may not exceed 25 percent, must be used in providing
22 bilingual education or special language programs under Subchapter
23 B, Chapter 29, and must be accounted for under existing agency
24 reporting and auditing procedures.

25 SECTION 12. Section 42.251(b), Education Code, is amended
26 to read as follows:

27 (b) The program shall be financed by:

1 (1) ad valorem tax revenue generated by an equalized
2 uniform school district effort;

3 (2) ad valorem tax revenue generated by local school
4 district effort in excess of the equalized uniform school district
5 effort; and

6 (3) [~~state available school funds distributed in~~
7 ~~accordance with law; and~~

8 [~~(4)~~] state funds appropriated for the purposes of
9 public school education and allocated to each district in an amount
10 sufficient to finance the cost of each district's Foundation School
11 Program not covered by other funds specified in this subsection.

12 SECTION 13. Sections 42.253(a) and (c), Education Code, are
13 amended to read as follows:

14 (a) For each school year the commissioner shall determine:

15 (1) the amount of money to which a school district is
16 entitled under Subchapters B and C;

17 (2) the amount of money to which a school district is
18 entitled under Subchapter F;

19 (3) [~~the amount of money allocated to the district~~
20 ~~from the available school fund;~~

21 [~~(4)~~] the amount of each district's tier one local
22 share under Section 42.252; and

23 (4) [~~(5)~~] the amount of each district's tier two local
24 share under Section 42.302.

25 (c) Each school district is entitled to an amount equal to
26 the difference for that district between the sum of Subsections
27 (a)(1) and (a)(2) and the sum of Subsections (a)(3) and [~~(4)~~] (a)(4) [~~(5)~~]

1 ~~and (a)(5)]~~.

2 SECTION 14. Sections 42.302(a) and (a-1), Education Code,
3 are amended to read as follows:

4 (a) Each school district is guaranteed a specified amount
5 per weighted student in state and local funds for each cent of tax
6 effort over that required for the district's local fund assignment
7 up to the maximum level specified in this subchapter. The amount
8 of state support, subject only to the maximum amount under Section
9 42.303, is determined by the formula:

$$10 \quad \text{GYA} = (\text{GL} \times \text{WADA} \times \text{DTR} \times 100) - \text{LR}$$

11 where:

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

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

18 "WADA" is the number of students in weighted average daily
19 attendance, which is calculated by dividing the sum of the school
20 district's allotments under Subchapters B and C, less any allotment
21 to the district for transportation, any allotment under Section
22 42.158 [~~or 42.160~~], and 50 percent of the adjustment under Section
23 42.102, by the basic allotment for the applicable year;

24 "DTR" is the district enrichment tax rate of the school
25 district, which is determined by subtracting the amounts specified
26 by Subsection (b) from the total amount of maintenance and
27 operations taxes collected by the school district for the

1 applicable school year and dividing the difference by the quotient
2 of the district's taxable value of property as determined under
3 Subchapter M, Chapter 403, Government Code, or, if applicable,
4 under Section 42.2521, divided by 100; and

5 "LR" is the local revenue, which is determined by multiplying
6 "DTR" by the quotient of the district's taxable value of property as
7 determined under Subchapter M, Chapter 403, Government Code, or, if
8 applicable, under Section 42.2521, divided by 100.

9 (a-1) For purposes of Subsection (a), the dollar amount
10 guaranteed level of state and local funds per weighted student per
11 cent of tax effort ("GL") for a school district is:

12 (1) the greater of the amount of district tax revenue
13 per weighted student per cent of tax effort that would be available
14 to the Austin Independent School District or the amount that would
15 be available to a district at the 95th percentile in wealth per
16 student, as determined by the commissioner in cooperation with the
17 Legislative Budget Board, if the reduction of the limitation on tax
18 increases as provided by Section 11.26(a-1), (a-2), or (a-3), Tax
19 Code, did not apply, [~~or the amount of district tax revenue per~~
20 ~~weighted student per cent of tax effort used for purposes of this~~
21 ~~subdivision in the preceding school year,~~] for the first six cents
22 by which the district's maintenance and operations tax rate exceeds
23 the rate equal to the sum of the product of the state compression
24 percentage, as determined under Section 42.2516, multiplied by the
25 maintenance and operations tax rate adopted by the district for the
26 2005 tax year and any additional tax effort included in calculating
27 the district's compressed tax rate under Section 42.101(a-1); and

1 (2) the amount of district tax revenue per weighted
2 student per cent of tax effort available to a district with
3 maintenance and operations tax revenue per cent of tax effort equal
4 to the maximum amount provided per cent under Section 42.101(a) or
5 (b) [\$31.95], for the district's maintenance and operations tax
6 effort that exceeds the amount of tax effort described by
7 Subdivision (1).

8 SECTION 15. Effective September 1, 2018, Section
9 42.302(a-1), Education Code, is amended to read as follows:

10 (a-1) For purposes of Subsection (a), the dollar amount
11 guaranteed level of state and local funds per weighted student per
12 cent of tax effort ("GL") for a school district is:

13 (1) the greater of the amount of district tax revenue
14 per weighted student per cent of tax effort that would be available
15 to the Austin Independent School District or the amount that would
16 be available to a district at the 95th percentile in wealth per
17 student, as determined by the commissioner in cooperation with the
18 Legislative Budget Board, if the reduction of the limitation on tax
19 increases as provided by Section 11.26(a-1), (a-2), or (a-3), Tax
20 Code, did not apply, [~~or the amount of district tax revenue per~~
21 ~~weighted student per cent of tax effort used for purposes of this~~
22 ~~subdivision in the preceding school year,~~] for the first six cents
23 by which the district's maintenance and operations tax rate exceeds
24 the rate equal to the sum of the product of the state compression
25 percentage, as determined under Section 42.2516, multiplied by the
26 maintenance and operations tax rate adopted by the district for the
27 2005 tax year and any additional tax effort included in calculating

1 the district's compressed tax rate under Section 42.101(a-1); and
2 (2) the amount of district tax revenue per weighted
3 student per cent of tax effort available to a district with
4 maintenance and operations tax revenue per cent of tax effort equal
5 to the maximum amount provided per cent under Section 42.101(a),
6 (a-3), or (b) [~~\$31.95~~], for the district's maintenance and
7 operations tax effort that exceeds the amount of tax effort
8 described by Subdivision (1).

9 SECTION 16. Section 43.001, Education Code, is amended by
10 amending Subsection (c) and adding Subsection (c-1) to read as
11 follows:

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

19 (c-1) The amount provided to a school district as a result
20 of the annual apportionment of the available school fund in
21 accordance with Subsection (b) is in addition to amounts to which
22 the district is entitled under Chapter 42.

23 SECTION 17. Section 45.259(d), Education Code, is amended
24 to read as follows:

25 (d) If money appropriated for the Foundation School Program
26 is used for purposes of this subchapter and as a result there is
27 insufficient money to fully fund the Foundation School Program, the

1 commissioner shall, to the extent necessary, reduce each school
2 district's foundation school fund allocations[~~, other than any~~
3 ~~portion appropriated from the available school fund,~~] in the same
4 manner provided by Section 42.253(h) for a case in which school
5 district entitlements exceed the amount appropriated. The
6 following fiscal year, a district's entitlement under Section
7 42.253 is increased by an amount equal to the reduction under this
8 subsection.

9 SECTION 18. The following provisions of the Education Code
10 are repealed:

- 11 (1) Section 29.097(g);
- 12 (2) Section 29.098(e);
- 13 (3) Sections 29.203(b), (c), and (g);
- 14 (4) Section 39.233;
- 15 (5) Section 39.234;
- 16 (6) Sections 41.002(e), (f), and (g);
- 17 (7) Section 41.097;
- 18 (8) Section 41.098;
- 19 (9) Section 42.157;
- 20 (10) Section 42.160; and
- 21 (11) Section 42.4101.

22 SECTION 19. Except as otherwise provided by this Act:

23 (1) this Act takes effect September 1, 2017, if this
24 Act receives a vote of two-thirds of all the members elected to each
25 house, as provided by Section 39, Article III, Texas Constitution;
26 and

27 (2) if this Act does not receive the vote necessary for

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1 effect on that date, this Act takes effect on the 91st day after the
2 last day of the legislative session.