

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIRST DAY

(Continued)

(Wednesday, January 13, 2021)

AFTER RECESS

The Senate met at 2:09 p.m. and was called to order by the President.

Senator Perry offered the invocation as follows:

Our heavenly Father, we thank You for the God that You are. We thank You for loving us in spite of ourselves. We live in crazy times, where our yes means no and our no means yes and up is down and down is up. We see chaos and confusion all around us and that's by our own doings. For You are a God of order and certainty, You're a God of love, and You're the only moral law giver. There's a source of all truth. I pray for this Chamber as we start and embark on the next 139 days that we seek Your truth and Your will and Your way. I pray for the wisdom of Solomon, the patience of Job, the courage of Daniel, and the willingness to listen to each other at the levels that serve our constituents the best. We've seen hatred in this country at a level that we haven't seen before, and that's the divisive nature of Satan. And we recognize our adversaries, not with us as individuals, but with him alone. We just ask that, it's always said that people look to Texas, I just pray that when they look to Texas, they see You clearly. We love You, Lord. We need You, Lord. And for those that don't know You, we have an obligation to show You. Protect us in our actions each and every day that they're God honoring and that we thank You for Your son, Jesus Christ. And all people said, Amen.

SENATE NOTIFIED

The Chief Clerk of the House of Representatives appeared at the Bar of the Senate and notified the President and Members of the Senate that the House was organized and ready to transact business.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, January 13, 2021 - 1

The Honorable President of the Senate

Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SCR 2 Whitmire Sponsor: Geren
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 13, 2021, and ending on Tuesday, January 26, 2021.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 1
(Caucus Report)

Senator Whitmire offered the following resolution:

BE IT RESOLVED BY THE SENATE OF THE STATE OF TEXAS:

SECTION 1. CAUCUS REPORT. At a caucus held in the offices of the senate attended by 31 members of the senate, the caucus made the recommendations for the operation of the senate contained in this resolution.

SECTION 2. SENATE OFFICERS. (a) Senate officers for the 87th Legislature are:

- (1) Secretary of the Senate—Patsy Spaw;
- (2) Calendar Clerk—Tracy Ortiz;
- (3) Doorkeeper—Austin Osborn;
- (4) Enrolling Clerk—Patience Worrel;
- (5) Journal Clerk—Lourdes Litchfield; and
- (6) Sergeant-at-arms—Rick DeLeon.

(b) Officers named in this section serve at the will of the senate.

SECTION 3. PARLIAMENTARIAN AND ASSISTANT PARLIAMENTARIAN. The parliamentarian, Karina Davis, and the assistant parliamentarian, Colby Beuck, are named by the lieutenant governor and serve at the will of the lieutenant governor. They are senate officers.

SECTION 4. EMPLOYEES. (a) The lieutenant governor may employ staff for the office of the lieutenant governor at salaries set by the lieutenant governor.

(b) Each senator may employ staff for the senator's office at salaries set by the senator.

(c) The chair of each committee may employ staff of the chair's selection as needed by the committee. A committee employee shall be compensated in amounts similar to the compensation paid to persons in similar senate positions.

(d) The secretary of the senate may employ other staff necessary for the operation of the senate at salaries approved by the administration committee.

(e) The lieutenant governor, the secretary of the senate, and each senator may use the assistance of any assistant sergeant-at-arms or other available senate employee for any and all services needed in and about the senate.

(f) In this resolution, "senate employee" includes an employee of the lieutenant governor, the secretary of the senate, a senator, a senate committee, and any other person compensated from funds appropriated for the operation of the senate.

SECTION 5. DUTIES OF ADMINISTRATION COMMITTEE. (a) In addition to the duties of the administration committee expressly imposed by this resolution, the committee shall take actions necessary to ensure that the administrative operations of the senate comply with applicable law and are conducted effectively and efficiently.

(b) The committee shall establish appropriate and necessary controls over contracts, inventory, and property management.

(c) The committee may delegate any of its responsibilities to the committee chair or to the secretary of the senate to be performed under the general supervision of the committee.

(d) Policies adopted by the administration committee must be consistent with the provisions of this resolution. To the extent of a conflict between a policy and this resolution, this resolution prevails.

(e) Policies adopted by the administration committee are subject to the will of the senate, and a majority of the senate may reject or modify any policy adopted by the committee.

SECTION 6. EMPLOYMENT AND PERSONNEL POLICIES. (a) The administration committee may adopt and enforce personnel and employment policies governing senate employees.

(b) The administration committee may not adopt a policy that limits the salary of an employee of the lieutenant governor, a senator, or a senate committee, except that the administration committee may require approval by that committee of any senate committee employee salary that is proposed to exceed \$5,000 a month.

SECTION 7. MEMBER'S EMPLOYEE LEAVE POLICY. (a) An employee of a senator accrues vacation leave, compensatory leave, or sick leave in accordance with policies adopted by the senator consistent with the requirements of this section.

(b) An employee may accrue vacation leave, compensatory leave, or sick leave only if the employee files a monthly time record with the senate human resources office. Time records are due not later than the 10th day of the following month.

(c) Compensatory time must be used not later than the last day of the 24th month following the month in which the time was accrued.

(d) An employee is not entitled to compensation for accrued but unused compensatory time.

SECTION 8. OUTSIDE EMPLOYMENT. An employee of the senate may not be employed by and receive compensation from any other person during the term of senate employment without the permission of the employee's senate employer.

SECTION 9. WORK HOURS. An employee shall report to work at the time, and work for the number of hours, set by the employee's senate employer.

SECTION 10. LIMIT ON MONTHLY STAFF SALARY AND TRAVEL EXPENSES. (a) The total amount of staff salaries and intrastate staff travel expenses for each senator may not exceed \$41,000 per month.

(b) This monthly amount accrues on the first day of the month and may not be expended prior to the month in which it accrues, but any unexpended portion for a month may be carried forward from one month to the next and expended until the end of the fiscal year.

(c) An unexpended amount remaining at the end of the fiscal year, not to exceed \$12,000, may be carried forward to the next fiscal year. The total balance of unexpended funds accumulated may not exceed \$12,000 at the end of any fiscal biennium.

SECTION 11. SENATORS' EXPENSE REIMBURSEMENT AND PER DIEM. (a) The secretary of the senate shall provide for the reimbursement of the expenses of each senator and the payment of each senator's per diem in accordance with law, this resolution, and the rules of the Texas Ethics Commission.

(b) The per diem rate to be paid to each senator for the 87th Legislature is \$221.

SECTION 12. OTHER SENATE EXPENSES. (a) The lieutenant governor, the secretary of the senate, and each senator may incur expenses for carrying out official duties, including expenses for items such as subscriptions, stationery, postage, and telecommunications.

(b) Expenses under this section shall be paid from the contingent expense fund of the senate.

SECTION 13. PAYMENT OF SALARIES AND EXPENSES. (a) Salaries and expenses authorized by this resolution shall be paid from the contingent expense fund as provided by this section.

(b) Vouchers for payment of any expense, including salaries and travel expenses, must be signed by the chair of the administration committee and the secretary of the senate.

(c) The administration committee shall adopt policies regarding the presentation of timely, properly completed, and signed vouchers.

SECTION 14. DESIGNATION FOR ATTENDANCE AT MEETINGS AND FUNCTIONS. (a) The administration committee shall designate a senator or any employee to attend an official meeting of a national governmental organization during a session of the 87th Legislature. The person designated is entitled to reimbursement for actual and necessary expenses.

(b) The lieutenant governor may designate a senator to represent the senate at ceremonies and ceremonial functions. The necessary expenses of the senator and necessary staff for this purpose shall be paid pursuant to a budget adopted by the administration committee.

SECTION 15. ELECTRONIC RECORDING BY MEMBER PROHIBITED. No member of the senate may electronically record a private conversation held within the brass rail on the senate floor during a legislative session without the knowledge and consent of all participants in the conversation.

SECTION 16. JOURNAL. The secretary of the senate shall provide for the printing of not more than 250 copies of the daily journal. Of that number:

(1) 140 shall be furnished to the house of representatives;

(2) four shall be furnished to the Texas State Library and Archives Commission;

(3) four shall be furnished to the Legislative Reference Library; and

(4) the remainder shall be apportioned among the senators and the lieutenant governor.

SECTION 17. PROCEDURES RELATED TO COVID-19. (a) Public seating in the gallery will be limited to ensure social distancing in accordance with COVID-19 guidelines. A wristband demonstrating a negative COVID-19 test is required for entry to the gallery.

(b) No personal data will be collected from persons who are tested to enter the Capitol. However, aggregate data indicating the number of persons tested each day and the number of positive tests shall be available to the members of the senate.

(c) Each senator may have one staff member on the floor at a time while the senate is in session. No additional staff for committees will be allowed, except that the chair of the Administration Committee may allow additional staff for members handling extraordinary matters.

(d) To enter the senate floor or attend a committee hearing, a member must have had a negative COVID-19 test result that day.

(e) Members' staff must be tested the first day of the week they enter the Capitol. All senate staff must be tested before accessing the Senate Chamber or attending a committee hearing.

(f) All central staff must be tested twice each week and a record must be kept to ensure that the testing schedule is being followed. Any central staff who will be working in the Senate Chamber or might come to the Senate Chamber when the senate is in session must be tested that day. If the senate meets daily, the staff person must be tested daily; otherwise, they may follow the twice weekly testing schedule. Any central staff who routinely have daily contact with members' offices (post office staff, messengers, kitchen staff, etc.) must be tested daily.

(g) A person who demonstrates proof of vaccination against COVID-19 shall be treated for all purposes the same as a person who has tested negative for COVID-19 and shall be entitled to a wristband.

(h) A member of the senate shall determine whether to require a wristband demonstrating a negative COVID-19 test for entry into the member's office.

(i) While on the floor, members of the senate shall wear masks except when alone at their desks.

(j) Members and employees of the senate shall wear masks whenever they are in a common area of the Sam Houston Building.

(k) A member of the public is required to have a wristband demonstrating a negative COVID-19 test to enter a committee hearing.

(l) During a committee hearing, committee members shall wear masks to and from the committee dais but are not required to wear masks while seated at the dais.

(m) A committee member may designate an employee to sit behind the member on the dais during a committee hearing if:

- (1) the employee is comfortable with sitting in close quarters on the dais;
- (2) the employee has tested negative for COVID-19 on the day of the committee hearing;
- (3) the employee is wearing an N95 or KN95 mask; and
- (4) the committee hearing room will physically accommodate staff seating.

(n) The senate leadership will confer with leadership of the house of representatives to determine procedures for members of each house visiting the other house's chamber. Should the house of representatives approve a less secure standard of COVID-19 procedures than the senate, the senate may take appropriate measures to address that issue.

(o) A member or an employee of the senate who tests positive for COVID-19 shall promptly leave the Capitol Complex. The member or employee may return 10 days after the date of the positive result if the person's symptoms are lessening and the person has had no fever for the previous 24 hours before the return date. The member or employee may return to the Capitol seven days after the date of the positive result if the person receives a negative result at that time.

SR 1 was read and was adopted by the following vote: Yeas 31, Nays 0.

**OATH OF OFFICE ADMINISTERED
TO OFFICERS OF THE SENATE**

The President directed the officers of the Senate to proceed to the Bar of the Senate.

The President administered the Constitutional Oath of Office to the officers as follows:

I, _____, do solemnly swear, that I will faithfully execute the duties of the office of _____ of the Senate of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

PRESENTATION OF GAVEL

The President presented an honorary gavel to President Pro Tempore Brian Birdwell.

RECESS

On motion of Senator Whitmire, the Senate at 2:23 p.m. recessed until 3:30 p.m. today.

AFTER RECESS

The Senate met at 4:13 p.m. and was called to order by the President.

SENATE RESOLUTION 4

Senator Huffman offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, That the following rules of procedure shall be observed by the Senate for the consideration of redistricting during the 87th Legislature:

SECTION 1. REDISTRICTING COMMITTEE. (a) The Special Committee on Redistricting is composed of members appointed by the President. The President shall designate the chair and vice-chair from the total membership of the committee.

(b) Bills and resolutions relating to the composition of legislative, congressional, and state board of education districts shall be referred to the committee by the President. Senate rules governing a motion to refer or commit are applicable, except that the special committee takes precedence over a standing committee when several motions are made.

(c) The committee shall have the same authority and powers granted to standing committees by Senate rules and by applicable statutes. Where applicable the rules governing standing committees of the Senate apply to the committee's proceedings. In case of any conflict, the procedures herein shall prevail over a conflicting Senate or committee rule.

SECTION 2. REGIONAL HEARINGS; VIDEOCONFERENCE TESTIMONY. (a) The committee shall hold regional hearings to solicit public input on redistricting, including local communities of interest.

(b) The committee may meet to conduct a regional hearing in any location in this state that the chair determines appropriate to encourage participation from all areas of the state. The committee may allow the use of two-way videoconferencing to facilitate testimony from the general public during a regional hearing held in the Capitol.

(c) A witness testifying by videoconference must be clearly visible and audible to the committee members. A committee member questioning a witness by videoconference must be clearly visible and audible to the witness and the committee members.

(d) A witness testifying by videoconference must submit a witness affirmation form before testifying.

(e) The chair may provide procedures for the orderly participation of witnesses and may reasonably limit the time for registration of witnesses, the order of appearance, and the time allotted for each witness in order to provide all witnesses the opportunity to be heard in a timely manner.

(f) The committee may not consider or take formal action on a specific bill, resolution, or other nonprocedural matter during a regional hearing, except for the adoption of permanent rules at an initial meeting held in the Capitol.

SECTION 3. PUBLIC NOTICE OF MEETINGS. (a) The chair shall give public notice at least 72 hours in advance of a meeting for a regional hearing during the regular session or in the interim between sessions, and 48 hours in advance during a called session.

(b) The chair shall give public notice at least 48 hours in advance of a meeting for a public hearing on a bill or resolution.

(c) Public notice of the time and place of a meeting shall be posted in a public place in the manner required by Senate rules.

SECTION 4. CONSIDERATION OF REDISTRICTING BILLS BY THE SENATE. (a) No proposed amendment, amendment to the amendment, or substitute amendment changing any district in a legislative, congressional, or state board of education redistricting bill is eligible for consideration on second or third reading unless 35 copies of an amendment packet prepared by the Texas Legislative Council (TLC) have been filed with the calendar clerk in accordance with this section.

(b) An amendment packet is not required to include a textual description of tracts, block groups, and block numbers, but must include:

(1) a general written description of the proposed changes, including district numbers if the amendment does not propose a statewide substitute plan, the names of counties or description of regions affected, and the plan number assigned by the redistricting computer system operated by TLC;

(2) one or more maps prepared by TLC indicating the changes made by the amendment; and

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

(c) The calendar clerk shall as soon as practicable make filed amendment packets available to the members of the Senate. The calendar clerk shall also work with TLC to provide a hyperlink for each amendment from the bill webpage on the public legislative information website to the appropriate plan in the public DistrictViewer application operated by TLC.

(d) An amendment packet for each original amendment that will be offered during second reading consideration of a legislative, congressional, or state board of education redistricting bill must be filed with the calendar clerk by 9 a.m. on the third calendar day after the day on which the bill has been reported favorably from a committee, not including Sundays.

(e) A bill with filed amendments subject to Subsection (d) is not eligible for consideration on second reading until 24 hours after amendment packets have been made available to members of the Senate.

(f) Subsections (d) and (e) do not apply after the 122nd day of the regular session, or to a bill that originates in the House of Representatives during a called session.

SECTION 5. AUTHORITY; CONFLICT OF RULES. The Senate adopts these redistricting rules and procedures under the authority of Article III, Section 11 of the Texas Constitution. All questions of procedure not provided for in this resolution shall be subject to the standing rules of the Senate. In case of any conflict, the procedures herein shall prevail over a conflicting Senate rule or procedure.

SR 4 was read.

Senator West offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **SR 4** as follows:

(1) on page 1, line 21, strike "may" and substitute "shall."

(2) on page 2, line 24, insert "to encourage participation from all areas of the State" after "appropriate."

(3) on page 2, line 26, strike "interested parties" and substitute "the general public."

WEST
ECKHARDT
HINOJOSA

MENÉNDEZ
MILES

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

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

Senator Huffman offered the following amendment to the resolution:

Floor Amendment No. 2

Amend **SR 4** as follows:

beginning at page 4, line 88, strike the entire text of subsection (f) and substitute "Subsections (d) and (e) do not apply after the 122nd day of the regular session, or to a bill that originates in the house of representatives during a called session."

HUFFMAN
ECKHARDT
HINOJOSA
MENÉNDEZ
MILES
WEST

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

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

SR 4 as amended was adopted by the following vote: Yeas 31, Nays 0.

REMARKS ORDERED PRINTED

On motion of Senator Nelson and by unanimous consent, the remarks by Senators Huffman, Hinojosa, Hall, and Lucio regarding **SR 4** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Huffman: Thank you, Mr. President and Members. Members, this is the resolution that will establish the Redistricting Committee and set out some of the basic procedures by which we will operate. As you all know, of course, the Legislature is charged with taking up this vitally important task and that will be our, one of our chores to do this session or into special sessions. This resolution is designed to address the unique nature of both redistricting and, of course, the ongoing COVID-19 pandemic and, most importantly, to ensure a fair and transparent process. Last fall I invited each of you to participate with me in a one-on-one visit, and we have done that with almost all the Senators, some, still have one to schedule. Some we've done through Zoom, some people want to do in person, but that has all been done. That was just the very first start in the process. Also, we sent this resolution out to you so that you'd have a chance to look at it prior to our presentation today. And that was done and then earlier today, after everyone had a chance to look at it, I was able to meet with a few of my Democratic colleagues and we had a very nice, healthy discussion about the resolution, and I'm happy to report we were able to come up with some compromises that I think make this a better resolution. So, I want to thank very much my colleagues who were willing to sit down with me and to work through this

process, because it is very important. You know that we had planned, of course, to hold several hearings during the interim. In fact, we had hotel rooms, we had, I'd made some of my flights, we were ready to go and we were going to travel the state and very excited about it, actually, to listen to the public about their concerns, about their areas, their communities of interest, so we could start this important process. And then the unspeakable happened, and we were hit by this horrific pandemic which has changed, you know, the course of many, all our lives and certainly, many of the people who we had hoped to hear from as we traveled the state. So, you know, we began to sit down, I sat with staff and thought what could we do to start engaging the public because we had hoped when we got here in January that this would be behind us, but it is not. And it doesn't look like it will be any time, you know, in the very near future anyway and certainly not before we need to take up our work. So, we came up with this idea of doing videoconferencing through, we call it Testimony, and to have a series of regional hearings, but to do it through videoconferencing. So, I worked with the Senate staff and with Lege Council to set up a way that this could be done. So, what we'll do and what we plan to do is to set up these hearings. They will be posted actually as soon as the Lieutenant Governor names the members of the Redistricting Committee. Then we will post and we'll start a series of these public hearings. We're hoping to start on Monday, January the 25th, and go through that week, and then there will be some others posted after that. And in those hearings we will try to do it, you know, on a regional basis so that we cover all areas of the state. Of course, the way it's going to be set up, there may be, of course, members of the public who get a little confused about what region we're on or not understand the process, but we intend to hear from every person who signs up and goes through the process, and we will have an allotted time for them to speak. So, that process will take place, and we'll be starting that shortly. I want to emphasize that this format, this videoconferencing, is just set up for regional hearings for the Redistricting Committee. What other issues are taken up would be a Senate decision for other committees. That has, this has nothing to do with that, it's not my intent to start any precedent whatsoever, and so that's not part of this discussion at all, nor is it relevant in my opinion. So, that was kind of the process, that's the beginning process. The resolution allows for regional hearings to be held throughout the state and if at some point in the future, you know, things change and we have the ability to do so then that's not saying that we won't, depending on the circumstances and the timing, be able to hold other hearings. But that's all a big question mark at this time. Again, the logistics of exactly how people will sign up will be put out for the public to have that information. It will be through the redistricting portal that we have, the redistricting website, and I would encourage you to reach out to all of your constituents, any other news sources that you have or contacts that you have, groups that you work with that are interested in the process, and ask them to let the public know about these hearings that we will be conducting because I think it's important that we have as much participation as possible. So, I look forward to hearing from the public and to hearing their important input as we go through the process. This will ensure that the public can safely participate, the Senators can safely participate. You will be able to ask questions of the public, if you choose to do so from here on the Senate floor, engage with them one-on-one with, all of that will be archived like any other Senate hearing and will be available for the

public to go back and look for if you can't be here. I'll also invite every Senator to participate. You may not be on the committee, but I welcome you at the committee. I will allow you to ask questions, and I welcome your input in this very important process, so I look forward to that. This resolution also addresses some of the timelines that will be relevant as we go through this process. Remember the regional hearings and so forth, this all, there is no proposed bill, so this all goes to hearings that we have long before there's, there is a proposed bill. And I will say now, there, there are no proposed maps at this time. There are no maps. So, that's what the regional hearings are about, but once we get to a point, and I don't know when that will be, but when we get to a point where we actually have a bill, the resolution establishes a timeline to ensure ample public notice of any hearings, bills, and proposed amendments. Regional hearings that we may have during that time must be posted at least 72 hours beforehand during the regular session, though through all this process. I intend to provide as much notice as possible, but, of course, in these, in the legislative process, where we have a limited time and where, you know, we only meet every other year, we have to have rules that establish timelines because we don't have unlimited time. So, we have to be prepared for these circumstances where we are subject to very short periods of time when we have to get our work done. Bill hearings must be posted at least 48 hours in advance, though again, we'll give them much notice as we can. Floor amendments must be proposed at least 24 hours before they are voted on and must be made publicly available as soon as possible after they are filed. I will point out that this resolution specifically states that after the 122nd day of session, that these, those provisions do not apply. I will have an amendment that will have, that I've worked with the Democrats on, that will apply to special session, and I'll just describe that when I get to the amendment process. Of course, our goal is to maximize the amount of notice, but as you know we have to carry out our constitutional redistricting duty under the applicable deadlines, we have to coordinate with House for the passage of bills, and so we never know exactly what situation that we may find ourselves as we end, get near the end of either, really, regular session or special session. Also, this resolution does something very important that I think is going to prove beneficial to the public, to the Members, and for any litigants later in the process who are checking our work. And it establishes a process to make the floor amendment packets as useful as possible by requiring inclusion of maps that show the proposed changes as well as Lege Council reports with data on the plan. Those of you who have participated in this process before may have been on the floor when an amendment was introduced, and I have a sample here if anyone wants to look at it, it's just a bunch of numbers. Right? It just doesn't look like anything. These new floor packets should be able to be, well, they, they have a map, so that in itself is extremely useful because you can look at it and see where we're talking about, and it will have some explanations on it about what is actually in the amendment, so because those amendments will be required to be laid out for a while and they also will be posted online. So, as soon as they are printed or published, then there will be a hyperlink on the website that will give the public access, and you and your staff or whoever wants it, access to the amendments with the map. So, it'll look like the floor amendment, and it will give them an opportunity to actually have a, you know, a rational and reasonable understanding of what the amendments are that are being proposed. And that's

something new, the first time this has been done in this process. So, Members, we've worked hard to try to, to make the process better. Unfortunately, again, we had the pandemic, so it's, we're kind of stumbling through this. I don't know what these regional videoconferencing testimony hearings will look like. It may be that they run very smoothly. I have every confidence that we'll make it work. I'm committed to making it work. I ask your patience, though, as we do the first one and maybe the second one to make the process work as smooth as possible. But I know the staff here and I want to thank Ms. Spaw and Karina and others who were willing to work with me to make this happen, and with the Lieutenant Governor, of course, as well for allowing us to make sure that we fulfill these critical, critical, very serious, important constitutional duties. I, you will see you have a, a couple of amendments on your desk, and I just want to mention them briefly. Again, as I told you, I met briefly or for a little while with some of my Democratic colleagues. They had a few little, some cleanup suggestions that were good suggestions, and I believe Senator Menéndez will be—you moved on me, Senator Menéndez, oh there you are—Senator Menéndez will be offering that amendment, will explain his amendment, and then the second one would actually be offered by me that's been signed on also with some of my Democratic colleagues and that addressed the issue of special session. As you all know there, there is a delay in the data, in the apportionment numbers to be delivered to the President of the United States. That delays the whole process, the numbers getting to the Census Bureau and then being able to prepare the numbers in the redistricting data in the format that we will need to do our work. Texas is a very rapidly growing state. The numbers are going to be different than what we had 10 years ago. We can start looking at the numbers through the American Community Survey numbers, which give us a statistical sampling of the growth in our great state. But until we have those hard numbers, we are making estimates. And so, we need the numbers to complete the data. Once we receive the data from the Census Bureau, we know that there will still be a few days while the Lege Council loads that information into the RedAppl system. It's a lot of data and it's not going to just suddenly be there in front of us. So, it's going to be a little bit of a process; therefore, will we get the numbers during regular session? I don't know, we're going to be prepared. If not, then we will perhaps be working on this in special session, of course, at the call of the Governor. So, there was some concern about how these rules might apply in special session, and I was able to reach a compromise with the Democrats in regards to how we will lay out those amendments. So, the same rule applies about these layout of the amendments in the regular session which would be, after the 122nd day it doesn't apply, and that's because, you know, we just frankly have enough time, or to a bill that originates in the House of Representative during a called session. The way we, why we did it that way is I can, a Senate bill I can control the time, I have control of the bill, I know when it's going to come, you know, before the Senate, I can work on it. A House bill, of course, I have no control as to when they may send that House bill to me, so it's, and to the Senate, so it's difficult to make concessions about specific rules. I will make this commitment that I will always work with every Member to give every Member as much access, as much time as I possibly can stretch out of the timeline that is before me as we try to get our work done. But we have to get, we have a constitutional duty. Remember if we do not get our, if we have the numbers during

regular session and we don't get the maps done or we run out of time, then the map drawing of the legislative maps goes to the Legislative Redistricting Board. So, we have great incentive as a body, if we want to vote and prepare our own maps to get our very important work done. So, these rules are designed to honor constitutional and statutory requirements, respect the Members and the public, but get the job done that we are required to do. And with that, I would move adoption of Senate Resolution No. 4.

President: Senator Hinojosa, for what purpose, you rise?

Senator Hinojosa: To ask Senator Huffman a couple of questions.

President: Do you yield, Senator?

Senator Huffman: Yes, I do.

Senator Hinojosa: First of all, thank you Madam Chair for working with us on some of the changes that we proposed from—

Senator Huffman: Yes, Sir.

Senator Hinojosa: —Senate Resolution 4. You know, we do this every 10 years and as you well know, it's one of the most important responsibilities that we have in this body to draw the Congressional seats, to draw the Senate seats, and to draw the Texas House of Representatives seats. What's important is that we have complete participation by the public, and why the concerns has come up, as you well know, we will be depending on estimates for drawing the maps at this point until we get the real numbers.

Senator Huffman: Yes, Sir.

Senator Hinojosa: And if I understand correctly, the numbers would not be available till sometime May, June, or end of summer.

Senator Huffman: I don't know, I don't know specifically and I wouldn't presume to, to guess or to say on the floor, make commitments to Members, because, you know, there's still some, we have a new administration taking over as we well know. There are some court cases still pending. There's statements that are coming out of the Census Bureau, some from the courts, but it appears to me a reasonable person would look at what is occurring today and believe that the numbers would not come until early summer. But don't hold me to that. That's—

Senator Hinojosa: Which—

Senator Huffman: —just from what I know today. Yeah.

Senator Hinojosa: —which lead, I lead, I'm sorry, go—

Senator Huffman: No—

Senator Hinojosa: —ahead.

Senator Huffman: —that's it. That's it.

Senator Hinojosa: I guess, which leads me to my next question. And that is, we're having all these regional hearings, getting input from the general public about how the different groups, interest groups, the different communities of interest, will there be any hearings after we receive the actual data and numbers from the Census Bureau?

Senator Huffman: I will make every effort to have as much public input as is possible once the data is received. I don't know the state of the pandemic at that time. I don't know when the numbers are coming. I don't know when the Governor would call a special session in relationship to when the numbers are received so there are many unknowns. But I can make this commitment to you that I will look at the calendar and do everything I can to get as much public input as humanly possible under the scenario that is handed to me.

Senator Hinojosa: And as you well know, this process is pretty challenging and even now more because of the pandemic that we find ourselves in. And while the issues for us, I mean, I guess this will, this will be my fifth time that I've been around on redistricting.

Senator Huffman: Wow.

Senator Hinojosa: And we make all the decisions and make all the records and then we end up in federal court for the next 10 years. So, it's really a challenging process and for us when we move forward, one, one of the main points that came up is transparency, notice to the Members so that we at least know what amendments we're considering taking up on a Senate floor. And that's important, and I think that's one of the changes that we requested on a 24-hour layout rule, so the Members could have a chance to look at the amendment and find out what impact it's having, what are the proposed changes of different minds—

Senator Huffman: Yes.

Senator Hinojosa: —because this is very important. It's representation of our voters and general public, so we made the change. And one of the things that came up is what we were not aware, or at least we were, tried to find out whether or not the rules would change once we had a special session because it—

Senator Huffman: Right.

Senator Hinojosa: —seems that we, ended up, will end up considering the redistricting bill during a special session and not during the regular session.

Senator Huffman: Right. And that's why I was willing to work with you with the Senate bill that or bills that originate in the Senate because I felt like I would have the time to be able to accommodate you. And, of course, I would say that any House bill that comes over, a bill that didn't originate in the Senate, is a bill that would have been debated on the House floor, been heard in committees, the amendment would already be amended. So, it would have been through a very public process already before it came to this Chamber. So, it's, to me it's a bit of a different situation.

Senator Hinojosa: And for us, while virtual hearings may be new in a sense for the Senate, we actually had that experience with the Commission on Judicial Selection—

Senator Huffman: Yes, we did.

Senator Hinojosa: –different regions of the state and it worked very well, very much. A lot of testimony from the Rio Grande Valley up to El Paso, up to Dallas, up to Houston, San Antonio, so it's really another way of, get the public to participate and have a say-so as to what they would like to see in terms of a community of interest and how they'd like to see some of the lines being drawn to get the representation that they deserve.

Senator Huffman: Right, and I think for our purposes for redistricting where we want to have the public input, it's required, and we have a very specific topic that we're talking about that it is appropriate under these specific circumstances.

Senator Hinojosa: Well, I look forward to all these challenges that we face with the Redistricting Committee, but as I said before, I'd been through several of those. They're not easy and most of the time we end up in federal court, unfortunately. Maybe someday we'll be able to have lines drawn that won't be challenged because we then end up hearing the voters elect the representatives and not the other way around. Thank you.

Senator Huffman: That's the goal.

President: Thank you, Senator Hinojosa. Senator Hall. Senator Menéndez, you had your light on. Okay, Senator Hall.

Senator Hall: Thank you, Mr. President.

President: Excuse me. Do you yield the floor?

Senator Huffman: Yes, I do. Thank you, Sir.

Senator Hall: Thank you, Mr. President, Madam Chair. First of all, I know we've had some discussion, and I want to thank you very much for your very hard work in addressing this very, very important subject, probably one of the most important we take up in this very difficult and trying time that we've been placed in, that, not of our choosing. But having to adapt and overcome is what we're having to do. And I recognize that we're having to do that, and I very much agree with the importance of transparency and our public participation. And so, recognizing with the unique circumstances we're in, that the videoconferencing that we will be doing for this is about the only way we can make that happen because this is a subject that truly affects the entire state, and lots of people have lots of interest in this. And—

Senator Huffman: Yes.

Senator Hall: –so, recognizing it is a unique circumstance that we find ourselves in, not necessarily of our making, but doing what we can to get through it. And I think I heard you say this earlier, but just in the tradition of the, I think, belts and suspenders, I just want to confirm that this is not setting a precedent and is not for either redistricting for future or for any other committee hearings or anything of that nature, this is to adapt the way we need to go. And I agree that this is what we need to, but it is for this circumstance and this circumstance only.

Senator Huffman: These rules were adopted specifically for, well, 2020, 2021. I do not believe we would've adopted these rules if we were not in the middle of a pandemic and had not been in a pandemic for the last few months when we should

have been doing our work. These are rules designed because of the COVID-19 pandemic, which has been extraordinary, and I don't know if we've ever had anything, not in my lifetime, but it, you know, modern history. So, that is why we are doing, we're thinking outside of the box to get our job done.

Senator Hall: That's good. And hopefully it's temporary and we will soon be out of this. But thank you very much, Madam Chair.

Senator Huffman: Well, we will all pray for that. Yes.

President: Senator Lucio, for what purpose?

Senator Lucio: Will Senator Huffman please yield?

President: Do you yield for a question?

Senator Huffman: Yes.

Senator Lucio: Thank you, Senator Huffman, Madam Chair. I want to share with you some of the experiences that we've had in the past, and it goes along the line of the questioning that Senator Hinojosa brought up. But, Senator Whitmire, I think this is your fifth redistricting. He leads the pack here, obviously, with five redistricting attempts, and, or, you know, experiences. Senator Zaffirini, myself, this is our fourth. Senator Nelson, Senator West, and others may be number three, and so on. And we share the same concern, obviously, all of us on both sides of the aisle, that public input is most important. And I know, knowing you and working with you, you know, over the years I know that that's going to be easy because you have an open door policy. I think it's incumbent on us to obviously understand that we have some work to do, much more work to do than other sessions because of COVID-19. Modern technology has afforded us an opportunity, and I've set up in my office here at the Capitol a Zoom-in corner so I can communicate with the people in my district and those that want to talk to me about redistricting as a Member of that committee with you, Madam Chair. And I think that all of us should do everything we can to bring you all the information that we obviously pick up and, or able to, to record, one way or another, whether in writing or video, so that you can be totally informed about how 31 districts feel about the redistricting process here in Texas.

Senator Huffman: Yes.

Senator Lucio: So, I feel confident that we will do the job that's required of us in this particular, with this most important particular issue because it's for the next 10 years, you know, what areas of Texas we will be representing. So, I just, I'm here to lend my support and share my experiences so that we obviously do not forget that the ultimate purpose or reason we're here is to make sure that every man, woman, and child get the fair representation that they deserve. So, I thank you for the organization that you put together already, and I'm sure that it's going to work—

Senator Huffman: Yes, Sir—

Senator Lucio: —knowing the process.

Senator Huffman: —and we want every voice to be heard. Thank you. Yes, Sir.

Senator Lucio: Thank you.

Senator Huffman: Thank you.

SENATE RESOLUTION 2

Senator Hughes offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, That the Rules of the Senate of the 86th Legislature, as amended, are adopted as the Temporary Rules of the Senate of the 87th Legislature with the following modifications:

SECTION 1. (a) Amend Rule 7.12(a) to read as follows:

Rule 7.12. (a) Every favorable committee report on a general or local bill made by a Senate committee shall be printed, unless the Senate on the same day it is reported or on the next legislative day shall order it not printed. Each committee report on a recodification ~~[local]~~ bill shall be printed, unless the committee making the report recommends that it not be printed, in which case the committee's recommendations shall be effective as an order of the Senate that the report be not printed. A list of all bills on committee report ordered not printed by the Senate or ordered not printed by committee recommendation shall be listed by number, author, and caption and distributed to each member at the close of each day's business. Copies of all committee reports printed shall be made available ~~[furnished]~~ to each member of the Senate on the same day the printed copies are delivered by the printer. No bill except ~~[local bills and]~~ bills ordered not printed by the Senate shall be considered by the Senate until a printed committee report has been available to each member of the Senate for at least 24 hours ~~[and is on the desk of each Senator]~~.

(b) Amend Rule 11.06 to read as follows:

RECOMMENDATIONS OF COMMITTEES

Rule 11.06. All reports of standing committees shall be advisory only, except that a recommendation in a report that a recodification bill ~~[which is a local bill]~~ be not printed shall be effective as an order of the Senate that the bill be not printed. A recommendation in a report that a general or local bill ~~[which is a general bill]~~ be not printed shall be advisory only, and the bill shall nevertheless be printed unless the Senate on the same day or the next legislative day orders the bill not printed, as provided in Rule 7.12.

SECTION 2. (a) Amend Rule 2.02(b) to read as follows:

Rule 2.02. (b) While the Senate is in session, the following persons shall be admitted to the floor of the Senate but are required to remain behind the brass rail:

(1) employees of the Senate and the House of Representatives when on official business;

(2) the Governor's executive staff;

(3) the President and Vice President of the United States;

(4) United States Senators and members of Congress;

(5) Governors of other states;

(6) Justices of the Supreme Court and Judges of the Court of Criminal Appeals; and

~~(7) the Secretary of State[; and]~~

~~[(8) duly accredited newspaper reporters and correspondents, radio commentators, and television camera operators and commentators who have complied with Rule 2.04].~~

(b) Amend Rule 2.03(a) to read as follows:

Rule 2.03. (a) No person [~~newspaper reporter, or other person whatsoever~~], whether a State officer or not, who is lobbying or working for or against any pending or prospective legislative measure, shall in any event be permitted upon the floor of the Senate when the Senate is in session.

(c) Amend Rule 2.04 to read as follows:

PRESS CORRESPONDENTS

Rule 2.04. While the Senate is in session, no person shall be admitted to the designated press area [~~floor of the Senate~~] or allowed its privileges as a press correspondent or radio commentator or television camera operator and commentator, unless said person is a regularly employed, salaried staff correspondent or reporter in the employ of a newspaper publishing general news, a press association serving newspapers, or a publication requiring telegraphic coverage or the person is a regularly employed, salaried employee of a duly licensed radio or television station.

Every newspaper reporter and correspondent and radio commentator and television camera operator and commentator, before being admitted to the Senate during its session, shall file with the Committee on Administration a written statement showing the paper or papers represented and certifying that no part of the person's salary or compensation is paid by any person, firm, corporation, or association except the paper or papers or radio station or television station represented.

SECTION 3. Amend Rule 11.02 to read as follows:

LIST OF STANDING COMMITTEES AND SUBCOMMITTEES

Rule 11.02. At the beginning of each regular session, the President shall appoint the following standing committees with the number of members indicated:

STANDING COMMITTEES

- (1) Committee on Administration (7 members)
- (2) [~~Committee on Agriculture (5 members)~~]
- [~~(3)~~] Committee on Business and Commerce (9 members)
- (3) [~~(4)~~] Committee on Criminal Justice (7 members)
- (4) [~~(5)~~] Committee on Education (11 members)
- (5) [~~(6)~~] Committee on Finance (15 members)
- (6) [~~(7)~~] Committee on Health and Human Services (9 members)
- (7) [~~(8)~~] Committee on Higher Education (9 members)
- (8) Committee on Jurisprudence (5 members)
- (9) Committee on Local Government (9 members) [~~Intergovernmental Relations (7 members)~~]
- (10) Committee on Natural Resources and Economic Development (9 members) [~~11 members~~]
- (11) Committee on Nominations (9 members) [~~7 members~~]
- (12) [~~Committee on Property Tax (5 members)~~]
- [~~(13)~~] Committee on State Affairs (9 members)
- (13) [~~(14)~~] Committee on Transportation (9 members)
- (14) [~~(15)~~] Committee on Veteran Affairs and Border Security (7 members)
- (15) [~~(16)~~] Committee on Water, Agriculture, and Rural Affairs (9 members) [~~7 members~~].

SECTION 4. (a) Amend Rule 4.07 to read as follows:

REFUSAL OF MEMBER CALLED TO ORDER TO BE SEATED

Rule 4.07. Whenever a member is called to order by the President of the Senate or by the presiding officer then in the chair in accordance with Rule 4.06 and such member fails to sit down and be in order but continues disorderly, it shall be the duty of the Sergeant-at-Arms and/or the Sergeant's assistants upon the direction of the presiding officer to require such recalcitrant member to take his or her seat and be in order. Any member who persists in disorderly conduct after being warned by the presiding officer may, by motion duly made and carried by five-ninths [~~three-fifths~~] vote of the members present, be required to purge himself or herself of such misconduct. Until such member has purged himself or herself of such misconduct, the member shall not be entitled to the privileges of the floor.

(b) Amend Rules 5.11(a) and (b) to read as follows:

(a) Any bill, resolution, or other measure may on any day be made a special order for a future time of the session by an affirmative vote of five-ninths [~~three-fifths~~] of the members present.

(b) A special order shall be considered at the time for which it is set and considered from day to day until disposed of, unless at the time so fixed there is pending business under a special order, but such pending business may be suspended by a five-ninths [~~three-fifths~~] vote of all the members present. If a special order is not reached or considered at the time fixed, it shall not lose its place as a special order. All special orders shall be subject to any Joint Rules and Rule 5.10.

(c) Amend Rule 5.13 to read as follows:

SUSPENSION OF THE REGULAR ORDER OF BUSINESS

Rule 5.13. No bill, joint resolution, or resolution affecting state policy may be considered out of its regular calendar order unless the regular order is suspended by a vote of five-ninths [~~three-fifths~~] of the members present.

(d) Amend Rule 6.08 to read as follows:

MOTIONS TO REFER OR COMMIT

Rule 6.08. Any bill, petition, or resolution may be referred from one committee or subcommittee to another committee or subcommittee if the motion is approved by the chairs of both committees involved and by a five-ninths [~~three-fifths~~] vote of the members present and voting. Any bill, petition, or resolution may be committed to any committee or subcommittee at any stage of the proceedings on such bill, petition, or resolution by a majority vote of the elected members of the Senate. A bill or joint resolution committed to a committee or subcommittee while on third reading shall be considered as on its second reading if reported favorably back to the Senate.

When several motions shall be made for reference of a subject to a committee, they shall have preference in the following order:

First: To a Committee of the Whole Senate

Second: To a standing committee

Third: To a standing subcommittee

Fourth: To a special committee.

(e) Amend Rule 8.02 to read as follows:

REFERRAL TO COMMITTEE

Rule 8.02. Petitions, concurrent and joint resolutions, and resolutions setting or defining legislative or state policy or amending the Senate Rules shall be referred to an appropriate standing committee when introduced and shall not be considered immediately unless the Senate so directs by a five-ninths [~~three-fifths~~] vote of the members present. The motion to consider such petition or resolution immediately is not debatable.

(f) Amend Rule 11.17(c) to read as follows:

(c) The sponsor of a bill or resolution for which a minority report is filed or a member signing the minority report must move to have the bill or resolution placed on the calendar within 10 calendar days after the date on which the committee's vote was taken. An affirmative vote of five-ninths [~~three-fifths~~] of the members present is required for the motion to carry. If the motion fails or is not made within the time allowed, the bill or resolution is dead and may not be considered again during the session.

(g) Amend Rule 12.10 to read as follows:

SECTION-BY-SECTION ANALYSIS

Rule 12.10. Each conference committee report, regardless of its subject matter, must have attached thereto a section-by-section analysis showing the disagreements which have been resolved by the conference committee. This analysis must show for each and every disagreement in parallel columns: (1) the substance of the House version; (2) the substance of the Senate version; and (3) the substance of the recommendation by the conference committee. No action shall be taken on any conference committee report in the absence of such analysis, except by an affirmative vote of five-ninths [~~three-fifths~~] of the members present, with the yeas and nays thereon to be recorded in the journal.

(h) Amend Rule 16.01 to read as follows:

DEFINITIONS

Rule 16.01. The terms "unanimous consent," "four-fifths of the members of the Senate," "four-fifths of the members present," "two-thirds of the members of the Senate," "two-thirds of the members present," "five-ninths [~~three-fifths~~] of the members present," "a majority of the members of the Senate," and "a majority of the members present" are defined as follows:

(1) "Unanimous consent" means the consent of all of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(2) "Four-fifths of the members of the Senate" means four-fifths of the 31 elected members of the Senate.

(3) "Four-fifths of the members present" means four-fifths of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(4) "Two-thirds of the members of the Senate" means two-thirds of the 31 elected members of the Senate.

(5) "Two-thirds of the members present" means two-thirds of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(6) "Five-ninths [~~Three-fifths~~] of the members present" means five-ninths [~~three-fifths~~] of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(7) "A majority of the members of the Senate" means a majority of the 31 elected members of the Senate.

(8) "A majority of the members present" means a majority of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(i) Amend Rule 16.07 to read as follows:

MATTERS REQUIRING VOTE OF
FIVE-NINTHS [~~THREE-FIFTHS~~] OF MEMBERS PRESENT

Rule 16.07. A vote of five-ninths [~~three-fifths~~] of the members present shall be required to:

- (1) suspend the floor privileges of a member of the Senate; Rule 4.07
- (2) excuse absentees; Rule 5.03
- (3) set a matter for special order; Rule 5.11
- (4) suspend the regular order of business; Rule 5.13
- (5) rerefer a bill to another committee; Rule 6.08
- (6) consider immediately petitions, concurrent and joint resolutions, or resolutions setting or defining legislative or state policy; Rule 8.02
- (7) place a minority report on the calendar; Rule 11.17
- (8) suspend the section-by-section analysis on conference committee reports; Rule 12.10

(9) suspend or rescind any rule of the Senate unless the rules specify a different majority. Rule 22.01.

(j) Amend Rule 22.01 to read as follows:

SENATE RULES

Rule 22.01. It shall require a vote of five-ninths [~~three-fifths~~] of the members present to suspend any rule of the Senate, unless the rules specify a different majority. A majority of the members of the Senate may amend the Rules of the Senate by adoption of a Senate Resolution amending the rules, which resolution has been referred to and reported from a committee as otherwise required by these rules. Rules 16.07 and 16.08.

SR 2 was read.

Question: Shall **SR 2** be adopted?

Senator Hughes requested and was given approval by the President to divide the question on the adoption of **SR 2** to take a separate vote on Section 4 of the resolution.

Question: Shall Section 4 of **SR 2** be adopted?

Section 4 of **SR 2** was adopted by the following vote: Yeas 18, Nays 13.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

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

Question: Shall the resolving clause and Sections 1, 2, and 3 of **SR 2** be adopted?

The resolving clause and Sections 1, 2, and 3 of **SR 2** were adopted by the following vote: Yeas 31, Nays 0.

The President announced that having considered all parts of the resolution, **SR 2** was adopted.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 2**.

CO-AUTHOR OF SENATE BILL 86

On motion of Senator Miles, Senator West will be shown as Co-author of **SB 86**.

CO-AUTHOR OF SENATE BILL 172

On motion of Senator Miles, Senator West will be shown as Co-author of **SB 172**.

RESOLUTION OF RECOGNITION

The following resolution was adopted by the Senate:

Memorial Resolution

SR 3 by West, In memory of Ruby Mae Washington.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 5:57 p.m. adjourned until 3:00 p.m. Tuesday, January 26, 2021.

APPENDIX

RESOLUTIONS ENROLLED

January 13, 2021

SCR 2, SR 1, SR 2, SR 3, SR 4