

# SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**THIRTY-SEVENTH DAY**

(Tuesday, May 11, 2021)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Absent-excused: Creighton.

The President announced that a quorum of the Senate was present.

Senator Nichols offered the invocation as follows:

Our most gracious heavenly Father, we praise You today for the privilege of being allowed to bring Your peace and Your justice to our state. We ask You to guide our thoughts and conversations toward Your divine will and bless our efforts for our fellow citizens whom we represent. We thank You for Your blessings on this body and acknowledge Your guidance for us. Grant us now this peace and wisdom. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

## LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Creighton was granted leave of absence for today on account of illness.

## ACKNOWLEDGMENT

Senator Perry acknowledged and offered a prayer for Concho County Sheriff's deputies, killed in the line of duty yesterday, Samuel Alexander Leonard and Stephen George Jones.

## SENATE RESOLUTION 353

Senator Gutierrez offered the following resolution:

WHEREAS, Members of the Department of Texas Veterans of Foreign Wars marked the 100th anniversary of their organization's founding on April 21, 2021; and

WHEREAS, In 1921, Texas VFW was chartered by the Veterans of Foreign Wars of the United States, a nonprofit organization that serves all veterans from the active, guard, and reserve forces; the Department of Texas initially included five existing VFW Posts in San Antonio, Dallas, Houston, Fort Worth, and Palestine, and a new post, in El Paso, was added soon thereafter; today, it encompasses more than 300 posts across the state; and

WHEREAS, Texas VFW fosters patriotism, supports active-duty military, and advocates for veterans and their families; the organization contributed to the creation of the Texas Veterans Commission and works closely with that agency regarding such matters as job training, employment and education benefits, and disability claims; and

WHEREAS, Since its inception, Texas VFW has contributed to the wider community by donating resources and volunteer hours to civic and charitable organizations; it funds college scholarships through the VFW Patriots Pen and Voice of Democracy initiatives, and it supports scouting, youth athletic teams, JROTC, and other programs for youngsters; moreover, it conducts a recognition program for teachers who encourage good citizenship; and

WHEREAS, Members of Texas VFW Posts have gone on to serve as presidents of the United States, governors of Texas, members of Congress, and members of the Texas Legislature; and

WHEREAS, Texans have long demonstrated their bravery and patriotism by answering their nation's call to duty, and over the course of a century, Texas VFW has provided the support that ensures our state's veterans are recognized and rewarded for their service; now, therefore, be it

RESOLVED, That the Senate of the 87th Texas Legislature hereby congratulate the Department of Texas Veterans of Foreign Wars on the 100th anniversary of its founding and honor its members for their contributions to their country and their communities; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Texas VFW as an expression of high regard by the Texas Senate.

**SR 353** was read.

On motion of Senator Buckingham and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Gutierrez, the resolution was adopted by a rising vote of the Senate.

### **GUESTS PRESENTED**

Senator Gutierrez, joined by Senators Springer, Campbell, Hinojosa, Lucio, Menéndez, Buckingham, and Bettencourt, was recognized and introduced to the Senate a delegation of veterans representing the Department of Texas Veterans of Foreign Wars, including Lynn Toomer, State Jr. Vice Commander; Dan West, State Adjutant/Quartermaster; Dick Shawver, State Commander; and Mitch Fuller, Director of Governmental and Public Affairs.

The Senate welcomed its guests.

**BILLS AND RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

**HB 533, HB 1622, HB 1699, HB 1905, HCR 87, HCR 88, HCR 100, HCR 102.**

**(Senator Bettencourt in Chair)**

**INTRODUCTION OF  
BILLS AND RESOLUTIONS POSTPONED**

The Presiding Officer announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

**SENATE BILL 346 WITH HOUSE AMENDMENT**

Senator Paxton called **SB 346** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Floor Amendment No. 1 on Third Reading**

Amend **SB 346** on third reading as follows:

- (1) On page 1, line 12, strike "eligible nonprofit organizations".
- (2) Strike page 1, line 24, through page 3, line 21.
- (3) Appropriately renumber remaining SECTIONS of the bill.

The amendment was read.

Senator Paxton moved to concur in the House amendment to **SB 346**.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Eckhardt, Gutierrez, Miles.

Absent-excused: Creighton.

**SENATE BILL 538 WITH HOUSE AMENDMENT**

Senator Blanco called **SB 538** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Floor Amendment No. 1**

Amend **SB 538** (house committee report) as follows:

(1) Strike SECTION 2 of the bill, amending Section 2157.182, Government Code (page 2, lines 2-15).

(2) Strike SECTION 3 of the bill, adding transition language for amended Section 2157.182, Government Code (page 2, lines 16-21) and renumber the remaining SECTION of the bill accordingly.

The amendment was read.

Senator Blanco moved to concur in the House amendment to **SB 538**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

### **CONCLUSION OF MORNING CALL**

The Presiding Officer at 11:48 a.m. announced the conclusion of morning call.

### **HOUSE BILL 2749 ON SECOND READING**

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2749** at this time on its second reading:

**HB 2749**, Relating to the enforcement of commercial motor vehicle safety standards in certain counties.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Creighton.

### **HOUSE BILL 2749 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2749** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

### **HOUSE BILL 317 ON SECOND READING**

On motion of Senator Miles and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 317** at this time on its second reading:

**HB 317**, Relating to prohibiting discrimination against living organ donors by certain insurers.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Creighton.

**HOUSE BILL 317 ON THIRD READING**

Senator Miles moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 317** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 2122 ON SECOND READING**

On motion of Senator Hughes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2122** at this time on its second reading:

**CSSB 2122**, Relating to itemized billing for health care services and supplies provided by health care providers.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Creighton.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2122 ON THIRD READING**

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2122** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**(President in Chair)**

**SENATE BILL 970 ON SECOND READING**

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 970** at this time on its second reading:

**SB 970**, Relating to the repeal of certain provisions related to health and human services.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Creighton.

### **SENATE BILL 970 ON THIRD READING**

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 970** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

### **HOUSE BILL 2586 ON SECOND READING**

On motion of Senator Hall and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2586** at this time on its second reading:

**HB 2586**, Relating to an annual audit of the independent organization certified for the ERCOT power region.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Creighton.

### **HOUSE BILL 2586 ON THIRD READING**

Senator Hall moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2586** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**(Senator Kolkhorst in Chair)**

### **HOUSE BILL 2494 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2494** at this time on its second reading:

**HB 2494**, Relating to the election of emergency services commissioners in certain emergency services districts.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Creighton.

#### **HOUSE BILL 2494 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2494** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

#### **COMMITTEE SUBSTITUTE HOUSE BILL 2533 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2533** at this time on its second reading:

**CSHB 2533**, Relating to the performance of a real property evaluation for use by certain financial institutions.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Creighton.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 2533 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2533** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

#### **SENATE BILL 2011 ON SECOND READING**

Senator Menéndez moved to suspend the regular order of business to take up for consideration **SB 2011** at this time on its second reading:

**SB 2011**, Relating to the criminal offense of interference with child custody and a peace officer's duties with respect to that offense; increasing a criminal penalty.

The motion prevailed.

Senator Seliger asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Menéndez offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 2011** (senate committee report) as follows:

(1) In the recital to SECTION 2 of the bill (page 1, line 47), strike "Subsections (c) and (d)" and substitute "Subsection (c)".

(2) In SECTION 2 of the bill, strike amended Section 25.03(d), Penal Code (page 2, lines 12 through 15).

The amendment to **SB 2011** 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 except as follows:

Absent-excused: Creighton.

**SB 2011** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Creighton.

**SENATE BILL 2011 ON THIRD READING**

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2011** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1254 ON SECOND READING**

Senator Hall moved to suspend the regular order of business to take up for consideration **CSSB 1254** at this time on its second reading:

**CSSB 1254**, Relating to an interstate compact on border security and immigration enforcement.

The motion prevailed by the following vote: Yeas 17, Nays 13.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, 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.

Absent-excused: Creighton.

The bill was read second time and was passed to engrossment by the following vote: Yeas 17, Nays 13. (Same as previous roll call)

### **HOUSE BILL 1759 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1759** at this time on its second reading:

**HB 1759**, Relating to the operation of vehicles and certain equipment at railroad grade crossings when on-track equipment is approaching.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Creighton.

### **HOUSE BILL 1759 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1759** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

### **COMMITTEE SUBSTITUTE**

### **HOUSE BILL 2723 ON SECOND READING**

On motion of Senator Bettencourt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2723** at this time on its second reading:

**CSHB 2723**, Relating to public notice of the availability on the Internet of property-tax-related information.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Creighton.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2723 ON THIRD READING**

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2723** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**HOUSE BILL 918 ON SECOND READING**

Senator Hughes moved to suspend the regular order of business to take up for consideration **HB 918** at this time on its second reading:

**HB 918**, Relating to a license to carry a handgun for certain young adults who are protected under certain court orders related to family violence.

The motion prevailed by the following vote: Yeas 18, Nays 12.

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

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

Absent-excused: Creighton.

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 918** (senate committee report) in SECTION 2 of the bill, by striking added Section 411.1735(c), Government Code (page 1, lines 52 through 55), and substituting the following:

(c) Notwithstanding Section 411.183, a license that bears a protective order designation under this section expires on the earlier of:

(1) the date on which the applicable court order described by Section 411.172(i)(1) is rescinded or expires; or

(2) the 22nd birthday of the license holder.

The amendment to **HB 918** 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 except as follows:

Absent-excused: Creighton.

**HB 918** as amended was passed to third reading by the following vote: Yeas 18, Nays 12.

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

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

Absent-excused: Creighton.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 1090 ON SECOND READING**

On motion of Senator Buckingham and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1090** at this time on its second reading:

**CSSB 1090**, Relating to certain regulations adopted by governmental entities regarding land use restrictions and building products, materials, or methods used in the construction or renovation of residential or commercial buildings.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Creighton.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 1090 ON THIRD READING**

Senator Buckingham moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1090** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE BILL 2243 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2243** at this time on its second reading:

**SB 2243**, Relating to approval for certain projects related to bridges over the Rio Grande.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 2243** (senate committee printing) in SECTION 1 of the bill, by striking added Section 201.612(h), Transportation Code (page 1, lines 24 through 33), and substituting the following:

(h) A political subdivision is not required to comply with Subsection (a) for a project that:

(1) is for the reconstruction, improvement, expansion, or maintenance of an existing bridge; and

(2) has received approval from the United States under 33 U.S.C. Chapter 11, Subchapter IV (33 U.S.C. Section 535 et seq.), authorizing the project.

The amendment to **SB 2243** 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 except as follows:

Absent-excused: Creighton.

**SB 2243** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Creighton.

**SENATE BILL 2243 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2243** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**HOUSE BILL 3067 ON SECOND READING**

On motion of Senator Buckingham and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3067** at this time on its second reading:

**HB 3067**, Relating to the designation of State Highway 195 as a portion of the national Purple Heart Trail.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Creighton.

### HOUSE BILL 3067 ON THIRD READING

Senator Buckingham moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3067** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

### SENATE BILL 994 ON SECOND READING

Senator Powell moved to suspend the regular order of business to take up for consideration **SB 994** at this time on its second reading:

**SB 994**, Relating to measures to facilitate the successful completion of degree and certificate programs by certain adult learners at public institutions of higher education.

The motion prevailed by the following vote: Yeas 19, Nays 11.

Yeas: Alvarado, Blanco, Buckingham, Campbell, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Nelson, Perry, Powell, Seliger, Taylor, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nichols, Paxton, Schwertner, Springer.

Absent-excused: Creighton.

The bill was read second time.

Senator Powell offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 994** (senate committee report) in SECTION 1 of the bill, in added Subchapter R, Chapter 61, Education Code, by striking added Section 61.807, Education Code (page 2, lines 43 through 45), and substituting the following:

Sec. 61.807. FEDERAL FUNDING. (a) The board may only use federal funding available for purposes of job training and reskilling, to the extent authorized by federal law, to implement this subchapter.

(b) The board may accept federal grants for purposes of this subchapter.

The amendment to **SB 994** 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 except as follows:

Absent-excused: Creighton.

**SB 994** as amended was passed to engrossment by the following vote: Yeas 18, Nays 12.

Yeas: Alvarado, Blanco, Campbell, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Nelson, Perry, Powell, Seliger, Taylor, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nichols, Paxton, Schwertner, Springer.

Absent-excused: Creighton.

**(President Pro Tempore Birdwell in Chair)**

**SENATE BILL 1338 WITH HOUSE AMENDMENT**

Senator Zaffirini called **SB 1338** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Floor Amendment No. 1 on Third Reading**

Amend **SB 1338** on third reading in SECTION 2 of the bill as follows:

(1) In added Section 212.172(b-1)(3), Local Government Code, after the underlined semicolon, strike "and".

(2) In added Section 212.172(b-1)(4), Local Government Code, strike the underlined period and substitute "; and".

(3) In added Section 212.172(b-1), Local Government Code, immediately following Subdivision (4), insert the following:

(5) a statement regarding the municipality's waiver of immunity to suit.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 1338**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

**SENATE BILL 295 WITH HOUSE AMENDMENTS**

Senator Perry called **SB 295** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Floor Amendment No. 1**

Amend **SB 295** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 98, Civil Practice and Remedies Code, is amended by adding Section 98.007 to read as follows:

Sec. 98.007. CONFIDENTIAL IDENTITY IN CERTAIN ACTIONS. (a) In this section, "confidential identity" means:

(1) the use of a pseudonym; and

(2) the absence of any other identifying information, including address, telephone number, and social security number.

(b) This section applies only to a civil action under this chapter against a defendant alleged to have engaged in conduct that constitutes an offense under Section 20A.02(3), (4), (7), or (8), Penal Code.

(c) Except as otherwise provided by this section, in an action to which this section applies, the court shall:

(1) make it known to the claimant as early as possible in the proceedings of the action that the claimant may use a confidential identity in relation to the action;

(2) allow a claimant to use a confidential identity in all petitions, filings, and other documents presented to the court;

(3) use the confidential identity in all of the court's proceedings and records relating to the action, including any appellate proceedings; and

(4) maintain the records relating to the action in a manner that protects the confidentiality of the claimant.

(d) In a suit to which this section applies, only the following persons are entitled to know the true identifying information about the claimant:

(1) the judge;

(2) a party to the action;

(3) the attorney representing a party to the action; and

(4) a person authorized by a written order of a court specific to that person.

(e) The court shall order that a person entitled to know the true identifying information under Subsection (d) may not divulge that information to anyone without a written order of the court. A court shall hold a person who violates the order in contempt.

(f) Notwithstanding Section 22.004, Government Code, the supreme court may not amend or adopt rules in conflict with this section.

(g) A claimant is not required to use a confidential identity as provided by this section.

SECTION \_\_\_\_ . Section 420.003(4), Government Code, is amended to read as follows:

(4) "Sexual assault" means any act or attempted act as described by Section 20A.02(a)(3), (4), (7), or (8), 21.02, 21.11, 22.011, 22.021, or 25.02, Penal Code.

### **Floor Amendment No. 1 on Third Reading**

Amend **SB 295** on third reading as follows:

(1) In amended Section 420.072(a)(5), Government Code, strike:

~~[(4) a person authorized to receive the disclosure as a result of written consent obtained under Section 420.073 or 420.0735;] or~~

(2) In amended Section 420.072(a)(6), Government Code, strike "[~~(5)~~]" and substitute the following:

~~[(4) a person authorized to receive the disclosure as a result of written consent obtained under Section 420.073 or 420.0735; or~~

~~[(5)]~~

(3) In amended Section 420.072(a)(6), Government Code, between "survivor" and the period, insert the following:

; or

(7) the communication or record is in the possession, custody, or control of the state and a court, after conducting an in camera review of the communication or record, determines the communication or record is exculpatory, provided that the disclosure is limited to the specific portion of the communication or record that was determined to be exculpatory in relation to a defendant in a criminal case

(4) Strike the SECTION of the bill repealing Section 420.074, Government Code, and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_ . Section 420.074, Government Code, is amended to read as follows:

Sec. 420.074. DISCLOSURE OF PRIVILEGED COMMUNICATIONS OR OTHER INFORMATION IN CRIMINAL PROCEEDING [SUBPOENA]. (a) Subject to the provisions [Notwithstanding any other provision] of this chapter, not later than the 30th day before the date of the trial, a defendant in a criminal proceeding may make a motion for disclosure of a communication or record that is privileged under this chapter. The motion must include a supporting affidavit showing reasonable grounds to believe the privileged communication or record contains exculpatory evidence.

(b) The defendant shall serve the motion on the attorney representing the state and the person who holds the privilege with regard to the communication or record at issue.

(c) The court shall order the privileged communication or record to be produced for the court under seal and shall examine the communication or record in camera if the court finds by a preponderance of the evidence that:

(1) there is a good-faith, specific, and reasonable basis for believing that the privileged communication or record is relevant, material, and exculpatory upon the issue of guilt for the offense charged; and

(2) the privileged communication or record would not be duplicative of other evidence or information available or already obtained by the defendant.

(d) The court [a person] shall disclose to the defendant and to the state only the evidence that the court finds to be exculpatory on the issue of guilt for the offense charged [a communication, a record, or evidence that is confidential under this chapter for use in a criminal investigation or proceeding in response to a subpoena issued in accordance with law].

The amendments were read.

Senator Perry moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 295** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Perry, Chair; Huffman, Nelson, Hughes, and Kolkhorst.



**SENATE RULE 7.07(b) SUSPENDED**  
**(Permission to Introduce)**  
**(Motion In Writing)**

Mr. President:

The following members hereby request to suspend Senate Rule 7.07(b) to permit the introduction of bills and resolutions as follows:

**SB 2255** by Alvarado, Relating to the establishment of a pilot program to provide telemedicine medical services to certain cancer patients receiving pain management services and supportive palliative care.

The Motion In Writing was read and prevailed without objection.

**SENATE BILL ON FIRST READING**

The following bill was introduced, read first time, and referred to the committee indicated:

**SB 2255** by Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hinojosa, Huffman, Hughes, Johnson, Lucio, Menéndez, Miles, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini

Relating to the establishment of a pilot program to provide telemedicine medical services to certain cancer patients receiving pain management services and supportive palliative care.

To Committee on Health and Human Services.

**HOUSE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution received from the House were read first time and referred to the committees indicated:

**HB 458** to Committee on State Affairs.

**HB 504** to Committee on Local Government.

**HB 700** to Committee on Health & Human Services.

**HB 1090** to Committee on Local Government.

**HB 1280** to Committee on State Affairs.

**HB 1646** to Committee on Business & Commerce.

**HB 1753** to Committee on Business & Commerce.

**HB 1906** to Committee on Jurisprudence.

**HB 2064** to Committee on State Affairs.

**HB 2301** to Committee on State Affairs.

**HB 2525** to Committee on Local Government.

**HB 2535** to Committee on Local Government.

**HB 2581** to Committee on Business & Commerce.

**HB 2728** to Committee on Administration.

**HB 2743** to Committee on Business & Commerce.

**HB 2807** to Committee on Transportation.

**HB 2954** to Committee on Education.

**HB 3073** to Committee on Business & Commerce.

**HB 3131** to Committee on Business & Commerce.

**HB 3134** to Committee on Finance.

**HB 3240** to Committee on Health & Human Services.

**HB 3459** to Committee on Finance.

**HB 3481** to Committee on Administration.

**HB 3607** to Committee on Administration.

**HB 3669** to Committee on Higher Education.

**HB 3915** to Committee on Business & Commerce.

**HB 4055** to Committee on Health & Human Services.

**HCR 50** to Committee on Administration.

### **SENATE RULES SUSPENDED**

#### **(Posting Rules)**

On motion of Senator Kolkhorst and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider the following bills tomorrow in the Senate Chamber: **HB 18, SCR 31**.

### **SENATE RULES SUSPENDED**

#### **(Posting Rules)**

On motion of Senator Taylor and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet today.

### **CO-AUTHORS OF SENATE BILL 117**

On motion of Senator Johnson, Senators Alvarado, Blanco, Eckhardt, Gutierrez, Lucio, Menéndez, Powell, West, Whitmire, and Zaffirini will be shown as Co-authors of **SB 117**.

### **CO-AUTHORS OF SENATE BILL 653**

On motion of Senator Springer, Senators Schwertner and West will be shown as Co-authors of **SB 653**.

### **CO-AUTHOR OF SENATE BILL 1479**

On motion of Senator Johnson, Senator Paxton will be shown as Co-author of **SB 1479**.

### **CO-AUTHOR OF SENATE BILL 1846**

On motion of Senator Miles, Senator Zaffirini will be shown as Co-author of **SB 1846**.

### **CO-AUTHORS OF SENATE BILL 2122**

On motion of Senator Hughes, Senators Bettencourt and Taylor will be shown as Co-authors of **SB 2122**.

### **CO-SPONSOR OF HOUSE BILL 5**

On motion of Senator Nichols, Senator Hughes will be shown as Co-sponsor of **HB 5**.

**CO-SPONSOR OF HOUSE BILL 54**

On motion of Senator Whitmire, Senator Zaffirini will be shown as Co-sponsor of **HB 54**.

**CO-SPONSOR OF HOUSE BILL 317**

On motion of Senator Miles, Senator Zaffirini will be shown as Co-sponsor of **HB 317**.

**CO-SPONSOR OF HOUSE BILL 569**

On motion of Senator West, Senator Zaffirini will be shown as Co-sponsor of **HB 569**.

**CO-SPONSOR OF HOUSE BILL 1925**

On motion of Senator Buckingham, Senator Bettencourt will be shown as Co-sponsor of **HB 1925**.

**CO-SPONSORS OF HOUSE BILL 2586**

On motion of Senator Hall, Senators Bettencourt and Zaffirini will be shown as Co-sponsors of **HB 2586**.

**CO-SPONSOR OF HOUSE BILL 3390**

On motion of Senator Paxton, Senator Zaffirini will be shown as Co-sponsor of **HB 3390**.

**CO-SPONSOR OF HOUSE BILL 3401**

On motion of Senator Blanco, Senator Zaffirini will be shown as Co-sponsor of **HB 3401**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 397** by Eckhardt, In memory of Roy Quillin Minton.

**Congratulatory Resolutions**

**SR 395** by Blanco, Commending Jacob Halter for achieving the rank of Eagle Scout.

**SR 398** by Schwertner, Recognizing Joe Ferreri for 70 years of membership in the American Legion.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 1:49 p.m. adjourned until 11:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

May 11, 2021

**NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — HB 636, HB 1680, HB 1799, HB 3794**

**FINANCE — SB 734, SB 2247, HB 1197, CSHB 1544, HB 2530, HB 3786, HB 3788, HB 3799, HJR 125**

**LOCAL GOVERNMENT — HB 2390, SB 608, HB 604, HB 871, SB 113, HB 2941, SB 1947, CSSB 2193**

**BUSINESS AND COMMERCE — SB 1471**

**HEALTH AND HUMAN SERVICES — CSSB 1914**

**WATER, AGRICULTURE AND RURAL AFFAIRS — HB 2004, HB 1904, HB 1606**

**EDUCATION — CSHB 699, CSSB 487**

### **BILLS AND RESOLUTIONS ENROLLED**

May 10, 2021

**SB 43, SB 44, SB 195, SB 315, SB 390, SB 511, SB 609, SB 633, SB 726, SB 730, SB 770, SB 780, SB 785, SB 788, SB 792, SB 813, SB 879, SB 885, SB 930, SB 1118, SB 1124, SB 1156, SB 1181, SB 1210, SB 1216, SB 1259, SB 1265, SB 1339, SB 1343, SB 1355, SB 1373, SB 1643, SB 1890, SB 1986, SB 1987, SB 2145, SB 2146, SB 2147, SB 2163, SB 2171, SB 2172, SB 2174, SB 2175, SB 2180, SB 2182, SB 2197, SB 2205, SB 2208, SB 2217, SCR 9, SCR 20, SCR 33, SCR 46, SCR 47, SR 382, SR 384, SR 385, SR 386, SR 387, SR 388, SR 389, SR 391**

### **BILLS ENGROSSED**

May 11, 2021

**SB 970, SB 1090, SB 2011, SB 2122, SB 2243**